

**SESSION LAWS**  
**OF THE**  
**STATE OF WYOMING**

**PASSED BY THE**  
**SIXTY-FIRST STATE LEGISLATURE**

**2011 GENERAL 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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.

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# TABLE OF CONTENTS

## TABLE OF CHAPTERS

CHAPTER	HB/SF		PAGE
1	HB0061	OMNIBUS WATER BILL-PLANNING.....	1
2	SF0110	SCHOOL FACILITIES COMMISSION- REORGANIZATION .....	3
3	SF0022	WIND ENERGY PROPERTY RIGHTS .....	16
4	HB0060	TAXATION OF OIL AND GAS FIELD SERVICES ..	19
5	HB0003	LIQUOR LICENSE TRANSFERS .....	19
6	HB0031	PARI-MUTUEL REGULATION.....	20
7	SF0028	STATE PARKS-VOLUNTEERS .....	22
8	SF0032	STATE PARKS-TRAILS.....	22
9	SF0031	OFF-ROAD VEHICLE DEFINITION.....	23
10	SF0002	STATE TREASURER REPORTS .....	23
11	HB0019	ASSIGNMENT OF RETIRED CIRCUIT COURT JUDGES .....	25
12	SF0011	CHINS-ADMINISTRATIVE CHANGE OF PLACEMENT.....	26
13	SF0041	FILM INDUSTRY FINANCIAL INCENTIVES PROGRAM.....	26
14	HB0115	CHARTER SCHOOLS-APPLICATION .....	27
15	SF0004	ELECTIONS-MILITARY AND OVERSEAS VOTERS .....	29
16	HB0030	EXECUTION OF JUDGMENT LIENS .....	30
17	HB0075	VICTIM NOTIFICATION AMENDMENTS.....	30
18	SF0005	STATE LANDS-IMPROVEMENTS .....	32
19	SF0006	ANIMAL DAMAGE MANAGEMENT BOARD- REPORTS .....	33
20	SF0074	WYOMING MARKET RESEARCH CENTER .....	33

21	HB0057	FERAL LIVESTOCK.....	34
22	HB0098	BAR AND GRILL LIQUOR LICENSES.....	35
23	SF0075	WORKFORCE HOUSING INFRASTRUCTURE FUNDS-REVERSION.....	36
24	SF0076	VOLUNTARY ENVIRONMENTAL AUDIT REPORT.....	37
25	HB0177	VIETNAM AND VETERANS WELCOME HOME AND THANK YOU DAY.....	37
26	SF0042	CHOICE LICENSE PLATES FOR DISABLED VETERANS.....	40
27	SF0043	TITLE 19-VETERANS' COMMISSION DUTIES.....	41
28	HB0076	GAME AND FISH-TURKEY PIONEER LICENSES.....	42
29	HB0114	INSURANCE PREMIUMS-FAILURE TO PAY.....	43
30	SF0017	PROBATION AND PAROLE-AMENDMENTS.....	44
31	SF0018	FEDERAL MOTOR CARRIER SAFETY ACT COMPLIANCE.....	50
32	SF0026	COUNTY ROADS-SPEED LIMITS AND LOCAL AUTHORITY TO ALTER.....	53
33	SF0027	PARI-MUTUEL COMMISSION-AMENDMENTS.....	54
34	SF0099	SALES TAX ON CERTAIN FOOD ITEMS.....	55
35	HB0066	WATER DEVELOPMENT PROJECTS-FUNDING..	57
36	HB0105	TEMPORARY MILITARY DUTY-CHILD CUSTODY AND VISITATION.....	58
37	HB0015	WEED AND PEST CONTROL.....	62
38	SF0020	ELECTION CODE-REVISIONS.....	66
39	SF0137	IGNITION INTERLOCK DEVICES.....	72
40	SF0135	UNIVERSITY OF WYOMING-FEDERAL MINERAL ROYALTIES.....	74
41	SF0077	COUNTY OFFICERS REMOVAL FROM OFFICE..	75

TABLE OF CONTENTS

vii

42	SF0063	GAME & FISH-DONATION OF HUNTING LICENSES.....	76
43	HB0133	SPECIAL LIMITED FISHING PERMITS .....	78
44	SF0021	PROPERTY TAX EXEMPTION FOR NONPROFIT MUSEUM .....	78
45	HB0062	WYOMING CONTROLLED SUBSTANCES ACT- AMENDMENTS.....	79
46	HB0079	ESTABLISHMENT OF PRIVATE ROADS.....	85
47	SF0024	STATE INVESTMENTS .....	86
48	HB0117	DATA PROCESSING SERVICES CENTERS-TAX EXEMPTIONS .....	87
49	SF0120	WORKFORCE SERVICES AND EMPLOYMENT REORGANIZATION .....	92
50	SF0116	OIL AND GAS ENHANCED RECOVERY- MICROBIAL CONVERSION .....	93
51	HB0156	GRAND TETON NATIONAL PARK-TRANSFER OF STATE LANDS.....	95
52	SF0092	NATURAL GAS STORAGE.....	97
53	SF0117	WYOMING RECLAMATION AND RESTORATION CENTER.....	97
54	HB0095	INVOLUNTARY COMMITMENT EXAMINERS ...	100
55	HB0004	DEPARTMENT OF INSURANCE- BACKGROUND CHECKS .....	101
56	HB0002	WYOMING HEALTH INSURANCE POOL-SUNSET.....	103
57	HB0123	CIRCUIT COURT SURETY BONDS-REPEAL .....	103
58	SF0068	SUMMARY PROBATE-AMENDMENTS .....	104
59	SF0067	GUARDIANSHIP AND WARDS-SEALED RECORDS .....	105
60	HB0009	DEPARTMENT OF INSURANCE-LICENSURE REVISIONS.....	105
61	SF0103	GILLETTE MADISON WATER PROJECT FINANCING.....	110

62	SF0108	REMOTE ELECTRONIC TERMINALS-FEES-2 ...	114
63	SF0081	OMNIBUS WATER BILL-CONSTRUCTION .....	114
64	SF0048	WILDLIFE AND NATURAL RESOURCE TRUST ACCOUNT BOARD .....	134
65	SF0094	LIABILITY FOR EMERGENCY EQUIPMENT DONATIONS .....	135
66	HB0069	PRESCRIPTIONS FOR MARIHUANA INVALID ..	136
67	SF0036	SECLUSION AND RESTRAINT IN SCHOOLS .....	136
68	SF0089	ADULT PROTECTIVE SERVICES .....	138
69	SF0088	EXPUNGEMENT OF FELONIES .....	140
70	SF0057	100TH STATE FAIR CELEBRATION .....	144
71	SF0016	SCHOOL FACILITIES-ADEQUACY ASSESSMENT .....	145
72	SF0007	STATE FAIR .....	147
73	SF0039	AQUATIC INVASIVE SPECIES-RECIPROCITY ...	149
74	SF0003	CAMPAIGN FINANCE-ORGANIZATIONS .....	150
75	HB0160	MANAGEMENT AUDIT COMMITTEE SUBPOENA POWER .....	153
76	SF0023	MAIL BALLOT ELECTIONS .....	153
77	HB0157	ABOLITION OF WORTHIER TITLE DOCTRINE .....	156
78	SF0014	COUNTIES-ELECTION DISTRICTS .....	157
79	HB0028	CHILD PROTECTION SHELTER CARE AND INITIAL HEARINGS .....	159
80	HB0248	UNLAWFUL PROTESTING AT A FUNERAL- AMENDMENTS .....	162
81	SF0144	STATE FUNDED CONSTRUCTION PROJECTS/ PREFERENCE PROVISIONS .....	162
82	HB0111	PUBLIC WORKS AND CONTRACTS-2 .....	166
83	HB0143	MANUFACTURING TAX EXEMPTION .....	169



TABLE OF CONTENTS

ix

84	SF0047	CONCEALED WEAPONS.....	170
85	SF0101	HATHAWAY STUDENT SCHOLARSHIP PROGRAM.....	171
86	HB0230	EMINENT DOMAIN-WIND ENERGY COLLECTOR SYSTEMS-2.....	173
87	SF0062	LARGE PROJECT FUNDING .....	174
88	SF0001	GENERAL GOVERNMENT APPROPRIATIONS ..	187
89	HB0139	WYOMING VETERANS MEMORIAL HIGHWAY .....	261
90	SF0033	STATE PARKS-ACQUISITION OF LANDS .....	262
91	SF0079	RECREATION SAFETY ACT-WAIVER ON BEHALF OF MINORS .....	263
92	HB0217	PRODUCTION STATES AGREEMENT.....	263
93	HB0243	HUMAN REMAINS-TRAINING OF SEARCH AND RESCUE DOGS .....	265
94	HB0124	NATIONAL GUARD-EMERGENCY DEPLOYMENT PROFESSIONAL LICENSING....	267
95	HB0246	NATIONAL GUARD-DISPOSAL OF LAND .....	267
96	HB0018	QUARANTINE OF ANIMALS .....	268
97	HB0007	WYOMING VETERINARY MEDICAL PRACTICE ACT-2 .....	270
98	SF0065	ANIMAL REMEDIES .....	273
99	HB0153	AGRICULTURAL GAS TAX REFUND PROGRAM.....	283
100	SF0010	PROTECTION OF LIVESTOCK ANIMALS .....	285
101	HB0063	SUBDIVISIONS-WATER STUDY.....	289
102	SF0055	SUBDIVISION-PERIMETER PARTITION FENCING.....	290
103	HB0242	INSURANCE-SURPLUS LINES .....	291
104	SF0119	REAL ESTATE BROKERS AND SALESMEN REVISIONS-2.....	294

105	HB0193	NURSING CARE FACILITY ASSESSMENT .....	319
106	HB0036	CANCER CONTROL ACT AMENDMENTS .....	324
107	HB0073	DENTAL SERVICES FREEDOM BILL .....	325
108	HB0080	SERVICE OF PROCESS IN FAMILY VIOLENCE AND STALKING CASES.....	326
109	HB0151	HYDRO-POWER DEVELOPMENT .....	327
110	SF0073	MUNICIPAL SOLID WASTE LANDFILLS .....	328
111	HB0154	MULTIPLE SPECIAL HANDICAPPED LICENSE PLATES .....	334
112	SF0045	PROFESSIONAL SERVICES PROCUREMENT....	335
113	SF0150	NOTARIES .....	335
114	HB0099	SUBSTANCE ABUSE TREATMENT FUNDING AWARDS.....	350
115	HB0136	APPOINTMENTS TO COUNTY COMMISSIONER VACANCY .....	352
116	HB0037	STATE ARCHIVES-STORAGE STUDY .....	353
117	HB0110	SUCCESSOR CORPORATION ASBESTOS- RELATED LIABILITY ACT-2 .....	354
118	HB0135	STATE LANDS-IMPROVEMENTS-2.....	358
119	HB0109	WYOMING INFRASTRUCTURE AUTHORITY ....	359
120	HB0113	WYOMING PIPELINE AUTHORITY .....	360
121	HB0203	CHILD SUPPORT-ORDERS .....	361
122	SF0115	DUI-CHILD ENDANGERMENT FINES .....	361
123	HB0005	UNIVERSITY REVENUE BOND SUPPLEMENTAL COVERAGE .....	362
124	HB0081	VACANT LAND.....	364
125	HB0138	PUBLIC FUNDS-TIME DEPOSIT OPEN ACCOUNTS INTEREST RATE .....	365
126	HB0159	UNIFORM TRUST CODE AMENDMENTS .....	366

TABLE OF CONTENTS

xi

127	HB0254	PROPERTY TAXATION-APPEALS.....	368
128	SF0128	ABANDONED VEHICLES-STORAGE EXPENSES .....	368
129	HB0087	OBSOLETE LAWS-GENERAL REVISIONS .....	369
130	SF0134	LIENS .....	380
131	SF0138	CHILD CUSTODY ORDERS-ABANDONMENT....	382
132	SF0147	SERVICE OF PROCESS FEES.....	382
133	SF0072	FAIR PRACTICES OF EQUIPMENT ACT AMENDMENT .....	383
134	SF0139	HEALTH CARE PILOT PROJECT AMENDMENTS.....	384
135	HB0049	PRIMARY CARE SUPPORT PROGRAM.....	388
136	SF0132	STRANGULATION OF A HOUSEHOLD MEMBER.....	391
137	SF0059	SPICE DRUGS .....	391
138	HB0209	EMERGENCY MEDICAL REVIEW ORGANIZATIONS .....	393
139	SF0093	DIETETICS LICENSURE.....	394
140	HB0152	VERY RARE OR UNCOMMON AREA DESIGNATIONS.....	404
141	SF0143	FEDERAL NATURAL RESOURCE POLICY .....	405
142	HB0167	CASTLE DOCTRINE MODIFICATIONS .....	406
143	HB0235	NATURAL GAS VEHICLES .....	407
144	HB0042	CORONER RECORD CONFIDENTIALITY .....	408
145	SF0091	WILDLIFE/LIVESTOCK DISEASE RESEARCH PARTNERSHIP-FUNDING .....	411
146	SF0058	LANDOWNER RIGHTS IN WIND ENERGY DEVELOPMENT .....	412
147	SF0121	PERFORMANCE BASED EVALUATION AND DESIGN.....	415
148	HB0129	NUCLEAR ENERGY PRODUCTION STUDY .....	418

149	HB0211	COUNTY MEMORIAL HOSPITAL BOARD MEMBERS-REMOVAL.....	420
150	HB0206	EMERGENCY RESPONSE-INCIDENTS .....	420
151	HB0178	VAULTS, CRYPTS AND MAUSOLEUMS- PERPETUAL TRUST FUNDS .....	422
152	HB0179	ENERGY IMPROVEMENT PROGRAM .....	423
153	HB0008	WYOMING TRADITIONAL FOOD ACT.....	424
154	SF0009	ECONOMIC ANALYSIS .....	426
155	SF0112	NATIONAL GUARD-BILLETED SOLDIERS FUND.....	428
156	HB0255	VETERAN'S TAX EXEMPTION .....	429
157	SF0131	MILITARY DEPARTMENT-FEDERALLY FUNDED POSITIONS .....	430
158	HB0208	OFF-ROAD VEHICLE REGISTRATION- EXEMPTION.....	431
159	HB0202	RAILROADS-FENCE REPAIRS .....	431
160	SF0109	STATE PARKS-TEMPORARY PEACE OFFICERS.....	432
161	HB0215	DEPARTMENT OF HEALTH REORGANIZATION .....	433
162	HB0252	REVIEW OF STATE EXECUTIVE DEPARTMENT POSITIONS .....	435
163	SF0029	DEVELOPMENTAL DISABILITY SERVICES.....	437
164	HB0020	MEDICAID-REIMBURSEMENT OF SERVICES ..	439
165	SF0037	HEALTH INSURANCE DEFINITIONS .....	440
166	HB0223	PROPERTY DISCLOSURE STATEMENT-WIND ESTATE .....	442
167	HB0249	ACCEPTANCE OF CITATION.....	443
168	HB0194	NEXT OF KIN-DRIVER'S LICENSE OPTION .....	446
169	HB0253	WYOMING NURSE PRACTICE ACT	

TABLE OF CONTENTS

xiii

		AMENDMENT .....	446
170	HB0259	ETHANOL PRODUCER TAX CREDIT .....	447
171	SF0090	WYOMING NURSE PRACTICE ACT- AMENDMENTS.....	448
172	HB0090	VEHICLE RESTORATION .....	449
173	HB0189	FORECLOSURE AND REDEMPTION REVISIONS.....	450
174	HB0224	PLATTED PLOTS-REQUIREMENT .....	452
175	HB0190	ELECTRONIC FINE SUBMITTAL .....	453
176	SF0069	REVISOR’S BILL.....	453
177	SF0100	CRUELTY TO ANIMALS .....	466
178	HB0029	DUI-ELIMINATION OF RIGHT TO REFUSE TEST .....	467
179	HB0023	SEX OFFENDER REGISTRATION AMENDMENTS.....	474
180	HB0092	IMPERSONATION THROUGH ELECTRONIC MEANS .....	480
181	HB0103	WICHE-REPAYMENT PROGRAM.....	481
182	SF0146	TEACHER ACCOUNTABILITY ACT.....	483
183	HB0147	EXCISE TAX-VENDOR COMPENSATION.....	489
184	SF0070	EDUCATION ACCOUNTABILITY .....	491
185	HB0127	SCHOOL FINANCE RECALIBRATION .....	506
186	HB0088	GUIDES AND OUTFITTERS .....	527
187	SF0085	GAME AND FISH VIOLATIONS-PENALTIES.....	530
188	SF0025	LONG TERM SERVICES AND SUPPORT.....	531
189	HB0256	WYOMING SAFE HOMES ACT-2 .....	533
190	SF0038	SCHOOL ATHLETICS SAFETY.....	535
191	SF0107	ENERGY IMPACTED COUNTY ROADS PROGRAM.....	536

192	SF0124	OVERWEIGHT AND OVERSIZE VEHICLE PENALTIES .....	539
193	SF0050	MEDICAID OPTIONS STUDY .....	540
194	SF0102	MEDICAID COST STUDY .....	544
195	HB0050	HEALTH INSURANCE EXCHANGES .....	549
196	SF0015	COURT JURISDICTION.....	551
197	HB0100	GAME & FISH-LAND ACQUISITION.....	553
198	SF0095	LEGISLATIVE COMMITTEE MEMBERSHIP .....	553
199	HB0013	HATHAWAY SUCCESS CURRICULUM-2 .....	555

# TABLE OF RESOLUTIONS

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## PROPOSED CONSTITUTIONAL AMENDMENTS

**PROPOSED CONSTITUTIONAL AMENDMENT NO. A - (ORIGINAL SENATE JOINT RESOLUTION NO. 2.)** A JOINT RESOLUTION proposing to amend the Wyoming Constitution by creating a new section providing that the right to make health care decisions is reserved to the citizens of the state of Wyoming, providing for direct payments to health care providers, allowing the legislature to establish restrictions and requiring the state of Wyoming to protect health care rights from undue governmental infringement..... 557

**PROPOSED CONSTITUTIONAL AMENDMENT NO. B - (ORIGINAL SENATE JOINT RESOLUTION NO. 1.)** A JOINT RESOLUTION proposing to amend the Wyoming Constitution by recognizing and preserving the heritage of Wyoming citizens' opportunity to fish, hunt and trap wildlife. .... 558

**PROPOSED CONSTITUTIONAL AMENDMENT NO. C - (ORIGINAL HOUSE JOINT RESOLUTION NO. 1.)** A JOINT RESOLUTION proposing to amend the Wyoming Constitution to expand the authority of district court commissioners. .... 558

## OTHER SUBJECTS

**Original Senate Joint Resolution No. 6 -** A JOINT RESOLUTION requesting Congress to limit air quality regulation by the United States Environmental Protection Agency (EPA). ..... 559

**Original Senate Joint Resolution No. 7 -** A JOINT RESOLUTION requesting Congress, state and local authorities to take action to mitigate damages caused by bark beetles and to prevent future damages and epidemics. .... 561





**LAWS**  
**PASSED BY THE**  
**SIXTY-FIRST**  
**WYOMING LEGISLATURE**  
**2011 GENERAL SESSION**

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**Chapter 1**

**OMNIBUS WATER BILL-PLANNING**

Original House Bill No. 61

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

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

[2011-2012 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, 2014, 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 2013 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Farson Master Plan	Sweetwater County	\$120,000
Hanna Master Plan	Carbon County	125,000

Little Snake Watershed	Carbon County	250,000
Lower Nowood Rural Water Supply	Washakie County	70,000
Rawlins Operations Study Snake/Salt River Basin	Carbon County	200,000
Groundwater Analysis	Teton/Lincoln Counties	250,000
Statewide Water Research	Statewide	300,000
Sweetwater River Watershed	Fremont County	<u>100,000</u>
Total appropriation for Section 1		\$1,415,000

**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, 2014, 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 2013 legislative session.

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Boulder Flats Water Supply	Fremont County	\$275,000
Burns Well	Laramie County	350,000
Cambria/Sweetwater Water Supply	Weston County	125,000
Green River West Water Supply	Sweetwater County	85,000
Jeffrey City Water Supply	Fremont County	100,000
Lance Creek Well	Niobrara County	260,000
Manville Well	Niobrara County	450,000
Pavillion Area Water Supply	Fremont County	<u>100,000</u>
Total appropriation for Section 2		\$1,745,000

**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, 2014, 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 2013 legislative session.

## [LEVEL II FEASIBILITY STUDIES - STORAGE]

<u>Project</u>	<u>Location</u>	<u>Appropriation</u>
Big Sandy Enlargement	Sublette/Sweetwater Counties	\$300,000
Clear Creek Storage	Johnson/Sheridan Counties	250,000
Cottonwood/Grass Creek Storage	Hot Springs County	130,000
Sublette Creek Reservoir	Lincoln County	325,000
Probable Maximum Precipitation	Statewide	<u>550,000</u>
Total appropriation for Section 3		\$1,555,000

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

Approved February 15, 2011.

## Chapter 2

### SCHOOL FACILITIES COMMISSION-REORGANIZATION

Original Senate File No. 110

AN ACT relating to school capital construction; establishing the school facilities department; providing a definition; reorganizing the membership of the school facilities commission; modifying requirements for commission members; establishing the powers and duties of the commission and the department as specified; and providing for an effective date.

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

**Section 1.** W.S. 21-15-123 is created to read:

**21-15-123. School facilities department; creation; control; director; duties and authority.**

- (a) The school facilities department is created.
- (b) The department is under the direction and supervision of the school facilities commission. The department shall perform all duties required pursuant to this act and any duties as designated by the commission.
- (c) The department consists of the director who is the chief administrative officer and other personnel as approved by the governor.
- (d) The governor shall appoint a competent person as the director of the department who shall serve at the pleasure of the governor and may be

removed by him as provided in W.S. 9-1-202. The director's salary shall be determined by the governor. Any appointment under this subsection shall be with the advice and consent of the senate.

(e) The director is the chief administrative officer of the department with general supervision and control of all activities, functions and employees of the department, under the direction and supervision of the commission. He shall devote his entire time to the performance and supervision of the duties conferred on him by the commission and by law.

(f) The school facilities department shall:

(i) Implement policies, guidelines and standards as adopted by the commission for school district facility plans required under W.S. 21-15-116;

(ii) Establish a consistent, systematic research approach for student enrollment projections used by districts in developing district facility plans and forecasting building and facility needs to comply with statewide building adequacy standards;

(iii) Develop cost per square foot guidelines to be used in estimating the cost of constructing, renovating and otherwise remediating buildings and facilities to comply with statewide adequacy standards, which shall account for demonstrated differences among regions and communities within the state;

(iv) Establish a statewide school facilities database comprised of building and facility specific condition, suitability, accessibility, capacity, inventory and site data;

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

(A) Require the district to make arrangements for appropriate professional supervision and management of the project;

(B) Provide for the review and approval by the department of project plans and specifications;

(C) Provide for review and approval by the department of project changes and change orders provided that:

(I) The agreement may specify parameters identifying the circumstances under which changes and change orders may also be approved;

(II) All changes and change orders shall be approved by the district or its representative.

(D) Establish payment schedules involving state funds;

(E) Assure the state is not responsible or liable for compliance with construction or renovation project schedules or completion dates;

(F) Provide that the agreement shall expire upon completion of the project or projects;

(G) Contain any other provision mutually agreed upon by the department and the district;

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

(J) Require a contract compliance audit by independent auditing expertise of project budgets and expenditures prior to completing the project or projects.

(vi) Review district plans for the disposition or demolition of buildings and facilities made surplus by an approved construction or renovation project or by changes in school population, including allocation of resulting costs and revenues and report the plans to the commission. Disposition shall include options for use, lease, sale and any other means of disposing of the surplus building or facility. The costs and revenues incurred by the disposition or demolition of the building or facility shall be accounted for in each district's school facility plan and considered in any building or facility remedy for that district, including the allocation of revenues resulting from the disposition of property rendered surplus to offset property demolition costs. The department shall report this review to the commission. The district shall have final authority over the disposition or demolition of any surplus buildings or facilities, except that the commission, after receiving a report of the review by the department, may disapprove any plans related to disposition or demolition submitted pursuant to this paragraph if the commission determines that the plans do not protect the financial interests of the state or are not otherwise in the public interest. Any revenues resulting from property disposition under this paragraph shall not be considered or counted under W.S. 21-13-310(a)(xiv) or (xv);

(vii) Authorize, subject to commission review, the purchase and acquisition of sites for any project within the approved district facility plan if state funds are to be expended for the acquisition;

(viii) Review any proposed sale of existing land owned by a district, which land is within the scope of the district's facility plan, and determine the impact of the land disposition upon that plan. The department shall report the review to the commission. The district shall have final authority over the sale of existing land owned by the district, except that the commission, after receiving a report of the review by the department, may disapprove any plans related to a sale submitted pursuant to this paragraph if the commission determines that the plans do not protect the financial interests of the state or are not otherwise in the public interest. If the commission determines land disposition adversely impacts the

cost-effectiveness of the district's facility plan, the revenues resulting from land disposition shall be considered by the commission in any future building or facility remedy for that district and, notwithstanding paragraph (vi) of this subsection, the commission may direct the department of education to consider or count those revenues under either W.S. 21-13-310(a)(xiv) or (xv).

(g) The department may contract with appropriate expertise and professionals, including auditors, in administering this act and performing duties imposed under this act.

**Section 2.** W.S. 9-2-1704(d)(xv), 21-3-110(a)(x)(intro), (A)(intro), (II), (B) and (xxvii), 21-15-105(a), (d) and (e), 21-15-109(b), (c)(intro), (i)(A)(intro), (B), (iv), (v), (e) and (f), 21-15-111(a)(intro), (viii) and by creating a new paragraph (ix), 21-15-113(a)(intro), by creating new paragraphs (iii) through (vi) and (c), 21-15-114(a)(iii), 21-15-115(b)(intro), 21-15-116(a)(intro), (vi), (vii), (d)(intro), (e) and (f), 21-15-117(a)(intro), (v), (b) and (d), 21-15-118(a)(intro) and (b), 21-15-119(a)(intro), (b) and (c) and 28-11-301(b)(iii), (iv), (v), (c)(intro) and (ii) are amended to read:

**9-2-1704. Reorganization plan; structure; time frame.**

(d) The entities of state government specified in this subsection are designated as separate operating agencies, which are separate and distinct from the departments and offices specified in subsection (a) of this section because of their quasi-judicial responsibility or because of their unique, specialized function which precludes their inclusion in another department. This act does not otherwise apply to separate operating agencies. Separate operating agencies are as follows:

(xv) School facilities commission established under W.S. 21-15-113 and the school facilities department established under W.S. 21-15-123;

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(x) Subject to review by the school facilities ~~commission~~ department under W.S. 21-15-115 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the school facilities ~~commission~~ department under W.S. ~~21-15-114(a)(vi)~~ 21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district enters into an agreement to lease buildings and facilities under which the district is the lessee and the building is to be used for the

provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. ~~If approved by the commission,~~ The district shall be reimbursed for the lease payment if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

(A) If the lease payment is for educational facilities used in the actual operation of a charter school, the ~~commission~~ school facilities department shall pay the district ~~an~~ the contract amount approved by the ~~commission~~ department for the lease payment by the charter school if:

(II) The ~~commission~~ department determines no adequate educational facilities exist within the district for operation of the charter school;

(B) If the lease payment is for facilities leased to the district by a state institution which meets state adequacy standards prescribed by rule and regulation of the commission, the amount of the lease reimbursement paid by the ~~commission~~ school facilities department shall not include the amount received by the institution from the state for major building and facility repair and replacement costs attributable to the facility, as computed by the construction management section within the general services division of the department of administration and information.

(xxvii) Cooperate with the school facilities ~~commission~~ department in developing facility plans for the district addressing district-wide building and facility needs in accordance with W.S. 21-15-116 and rule and regulation of the school facilities commission;

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

(a) On or before June 15 of each year, any school district may apply to the department of education to receive a mill levy supplement as calculated under subsections (c) and (d) of this section. The mill levy supplement shall not apply to the first two (2) mills levied by a district for payment of outstanding bonds. The amount of mill levy supplement to be received shall be certified by the department of education to the district and the board of county commissioners of the county or counties in which the district is located on or before July 15. Subject to limitations imposed by this section, the mill levy necessary to make scheduled payments under outstanding general obligation bonds of the school district for the current year shall be decreased accordingly. The mill levy supplement shall be paid to each district applying on or before January 1 and shall be credited to the debt service fund of the school district. Any mill levy supplement revenues not used to reduce the current mill levy as provided in this section shall be rebated to the state treasurer.

(d) The mill levy supplement determined under subsection (c) of this

section shall be decreased by subtracting the product of two (2) mills times the assessed value of the school district for the preceding year from the amount calculated under subsection (c) of this section. Following certification of the amounts and if the amount calculated under subsection (c) of this section is greater than the amount determined under this subsection, the department of education shall pay the difference to the school district under subsection (a) of this section.

(e) The department of education shall develop forms containing such information as may be required to implement this section. The forms shall be completed and submitted to the department of education by any school district applying under this section. The department of education shall adopt rules and regulations to implement this section. The mill levy supplement shall be computed using the assessed valuation for the state and district for the preceding year.

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

(b) To the extent funds are available, on July 1 of each year, the school facilities ~~commission—department~~ shall based upon square footage computations computed on September 1 of the prior school year, distribute major building and facility repair and replacement payments to each school district from the capital construction account. If funds within the account are not sufficient for payments on July 1 of any school year, the ~~commission—department~~ shall distribute payments from the account on or before September 30 and March 31 of that school year. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

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

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

(A) The gross square footage of any school building or facility within the district which is not used for purposes of delivering the required educational program shall not be included within the district's total gross square footage computed under this section, except for the square footage of any district school building or facility which would otherwise be treated as a closed building under paragraph (c)(iv) of this section, ~~or is determined to be surplus, and following approval of the commission, by the department or~~ the building or facility is being used for the provision of one (1) of the programs specified in subdivisions (I) through (III) of this subparagraph and the district complies with subdivisions (IV) through (VI) of this subparagraph:



(B) The gross square footage of any school building or facility leased by a district shall not be included within the district's total gross square footage computed under this section, unless the lease agreement is by or with any nonprofit or governmental agency providing educational programs which have been approved by the department of education, the department of health or another state or educational credentialing agency and the leased space is incorporated into the district's facility plans required under W.S. 21-15-116(a)(vi); ~~and is approved by the commission;~~

(iv) The square footage of any district building or facility which is closed and not operational, is not being replaced under a district's facility plan ~~approved by the commission~~ under W.S. 21-15-116, is not determined surplus by the ~~commission~~ department and is specified as a closed building within the district's facility plan as a cost efficient means to address future district building needs, shall be segregated from the square footage of other district buildings and facilities and multiplied by the replacement value ~~determined by the commission~~ under paragraph (c)(v) of this section for the appropriate building category. The resulting amount shall then be multiplied by an exterior closure factor established by the ~~commission~~ department based upon the most current edition of the Whitestone Building Maintenance and Repair Cost Reference Index and added to the total amount determined for the district under paragraph (c)(viii) of this section. This paragraph shall not apply to any school year during which the building or facility is reopened and becomes operational for purposes of delivering the required educational program within the district or to any school year during which the building or facility is used to provide certified child care, developmental preschool or cooperative education programs pursuant to subparagraph (c)(i)(A) of this section;

(v) Multiply the adjusted square footage amount for each district's educational buildings determined under paragraph (c)(iii) of this section and the amount determined under paragraph (c)(ii) of this section for all remaining building categories of that district, times a replacement value cost factor established for each building category by the ~~commission~~ department based upon the median estimate in 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;

(e) Amounts distributed under subsection (b) of this section shall be deposited by the recipient district into a separate account, the balance of which may accumulate from year-to-year. Except as specified under subsection (f) of this section, expenditures from the separate account, including any interest earnings on the account, shall be restricted to expenses incurred for major building and facility repair and replacement as defined in subsection (a) of this section and shall be in accordance with the district's facility plan ~~approved by the commission~~ under W.S. 21-15-116. Account expenditures may include the expenses of district personnel performing work described under paragraph (a)(iii) of this section if approved by the ~~commission~~ department and if documented within the district's facility plan. The district's facility plan shall clearly specify proposed major maintenance expenditures for addressing district major

building and facility repair and replacement needs on a building-by-building basis, updated for the applicable reporting period, which shall be aligned to the statewide adequacy standards and prioritized based upon the impact of the building or facility on the district's ability to deliver the required educational program. The district shall include plans for maintaining any district building or facility which is under a lease agreement, specifying lease revenues available to the district for maintenance of facilities to the level required by statewide adequacy standards. No expenditures shall be made from the separate account unless the repair or replacement of the building or facility systems for which the expenditure is to be made is clearly specified within the district's facility plan or otherwise approved by the ~~commission department~~. In a manner and form required by commission rule and regulation, each district shall annually report to the ~~commission department~~ on the expenditures made from the separate account during the applicable reporting period, separating account expenditures on a building-by-building basis. The ~~commission department~~ shall annually review account expenditures and shall report expenditures to the commission and the select committee on school facilities established under W.S. 28-11-301. The ~~commission department~~ shall compile reported building-by-building expenditure information for each district and the district facility plan and include this information in its annual report to the select committee pursuant to W.S. 21-15-121. If any district expends funds within the separate account for purposes not authorized by this subsection or by rule and regulation of the commission, the payments for that district shall be reduced by the amount of the unauthorized expenditure in the school year following the year in which the expenditure was discovered by ~~the commission~~ or the school year in which notification was provided by the ~~commission department~~, whichever first occurs.

(f) Notwithstanding subsection (e) of this section, a district may expend up to ten percent (10%) of the amount distributed during any school year under subsection (b) of this section for major building and facility repair and replacement needs of the district which are not specified in the district's facility plan, including expenditures for maintenance of district enhancements. Expenditures shall be made under this subsection only after the district's building and facility repair and replacement needs specified in its facility plan have been addressed in accordance with subsection (e) of this section and the ~~commission department~~ has approved the district's proposed expenditures under this subsection. ~~Effective for the July 1, 2007 payment under this section and each payment thereafter, Amounts not expended for purposes of this subsection during any school year may be accumulated by a district and earmarked within the separate account established under subsection (e) of this section for expenditure under this subsection in subsequent school years, provided the unexpended amount during any school year to be accumulated does not exceed ten percent (10%) of the amount distributed to the district under subsection (b) of this section for that school year. Each district shall include expenditures under this subsection and any amounts accumulated from year-to-year under this subsection within the annual report required under subsection (e) of this section. Nothing in this subsection shall prohibit or limit the application of subparagraph (c)(i)(D) of this section in computing a district's building and facility gross square footage for purposes of determining payment amounts~~

under this section. If any school district exceeds expenditure limitations prescribed by this subsection or fails to comply with expenditure levels for facility adequacy needs identified within its facility plan, the payments for that district in the immediately succeeding year shall be reduced by the excess expenditure amount including any excess expenditure of amounts accumulated under this subsection.

**21-15-111. Definitions.**

(a) As used in this act, unless the context requires otherwise:

(viii) "This act" means W.S. 21-15-108, 21-15-109 and 21-15-111 through ~~21-15-122-21-15-123~~;

(ix) "Department" means the school facilities department created by this act.

**21-15-113. School facilities commission; membership; conflict of interest; terms; chairman; meetings; compensation.**

(a) The school facilities commission is established to consist of ~~seven (7)-eight (8)~~ members comprised of the state superintendent of public instruction, who shall serve in an ex-officio, nonvoting capacity, and ~~six (6)-seven (7)~~ members who are Wyoming residents appointed ~~as follows by the governor with one (1) member appointed from each of the seven (7) appointment districts designated in W.S. 9-1-218(b).~~ Four (4) of the appointees shall have knowledge and experience in the following areas:

(iii) Building and facility engineering, construction and operations;

(iv) Building design and specifications;

(v) Estimating, bidding and building construction;

(vi) School district administration.

(c) ~~Gubernatorial and state superintendent appointments shall be subject to senate approval and shall serve a term of four (4) years beginning March 1. Not more than four (4) of the appointed members shall be of the same political party. The governor and the state superintendent shall fill a vacancy on respective appointments to the commission in accordance with W.S. 28-12-101, and may remove respectively appointed commissioners as provided by W.S. 9-1-202. For purposes of this subsection, appointments by the state superintendent shall be subject to this subsection in the same manner provided for gubernatorial appointments under W.S. 9-1-202, 28-12-101 and 28-12-102.~~

**21-15-114. School facilities commission powers and duties.**

(a) The school facilities commission shall:

(iii) Adopt policies, guidelines and standards for school district facility plans required under W.S. 21-15-116 and review and ~~certify a~~ approve each plan for each district as required under this act;

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

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

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

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

(vi) An inventory of buildings and facilities to be leased by the district during the planning period, either as lessee or lessor, including the purpose for which the leased buildings and facilities are to be used and if any of this leased space will involve any district buildings or facilities included within the statewide school facilities database maintained by the ~~commission~~

department under W.S. ~~21-15-114(a)(vi)~~ 21-15-123(f)(iv);

(vii) Other information required by the ~~commission~~ department to evaluate each district's plan.

(d) At least once every two (2) years, the commission shall review and approve each plan developed by the department under this section to ensure each plan:

(e) Any school district aggrieved by a decision of the department or the commission under this act may seek review in accordance with the Wyoming Administrative Procedure Act. In accordance with W.S. 16-3-112, review of a decision of the department shall be before the commission.

(f) In carrying out this act and in accordance with policies adopted by the commission, the ~~commission~~ or the department shall consult with the affected school districts and shall provide districts the opportunity to informally review facility plans, remedies and projects with the department or the commission before districts pursue administrative review under subsection (e) of this section.

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

(a) Through the identification of school building and facility conditions and needs provided by the assessment conducted and maintained under W.S. 21-15-115, and a comparison of the identified conditions and needs with the established statewide building adequacy standards and the district facility plans developed under W.S. 21-15-116, the commission shall, based upon reports provided by the department and in coordination and cooperation with the districts, evaluate the adequacy of school buildings and facilities within local school districts, ~~and~~ Based upon this evaluation, the commission shall establish a schedule for building and facility remediation. Remediation shall bring all buildings and facilities to conditions such that over time, only routine maintenance is required to maintain building adequacy. The schedule shall identify and prioritize building and facility remedies on a statewide basis, based upon the following:

(v) A methodology and process for identifying the most critical building and facility needs, which independently provides full consideration to each of the measures provided in paragraphs (i) through (iv) of this subsection.

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

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

**21-15-118. Building and facility construction and renovation projects.**

(a) Upon determination by the commission following review under W.S. 21-15-117, and appropriation by the legislature in accordance with W.S. 21-15-119, the ~~commission~~ department shall proceed with projects as follows:

(b) If required, the ~~commission~~ department shall provide for temporary space for any scheduled building remedy by means of portable buildings creating capacity or by other means available to the ~~commission~~ department.

**21-15-119. Commission budget and funding recommendations.**

(a) Notwithstanding W.S. 9-2-1012, the commission shall annually, not later than September 1, ~~prepare~~ develop and submit a recommended budget for projects and school capital construction financing to the governor, through the budget division of the department of administration and information and to the select committee on school facilities. The department shall prepare and provide information as requested by the commission. The commission shall include with its recommended budget to the select committee the comprehensive assessment specified in W.S. 21-15-115(b), the prioritized list of projects specified in W.S. 21-15-117 including the amounts allocated to each project and the annual building status report specified under W.S. 21-15-121. The recommended budget submitted by the commission shall include:

(b) The ~~commission~~ department may enter into agreements under which the ~~commission~~ department may make payments on behalf of a school district with respect to the district's lease of school facilities under W.S. 21-15-112. The ~~commission~~ department may also enter into any

agreement with a nonprofit corporation or other entity necessary to ensure that a district can lease facilities under W.S. 21-15-112.

(c) Budgets submitted by the commission under subsection (a) of this section and recommended by the select committee under W.S. 28-11-301 shall be attached to specified projects for the applicable budget period, which projects shall be referred to as planning and design phase projects and construction phase projects. With the approval of the governor, the ~~commission~~ department may transfer up to fifteen percent (15%) of the total funds appropriated between project phases. Any modification of appropriation expenditures between project phases shall be reported to the select committee in accordance with W.S. 28-11-301(c)(iv). Additionally, the commission may for any budget period specify amounts within its budget which are recommended to cover inflation, unanticipated costs, off-site infrastructure costs and other such contingency or special project costs provided the additional costs are reported and approved in accordance with W.S. 28-11-301(c)(iv). Amounts appropriated by the legislature shall not be construed to be an entitlement or guaranteed amount and shall be expended by the ~~commission~~ department in accordance with facility guidelines to ensure adequate, efficient and cost effective school buildings and facilities as required by W.S. 21-15-114(a)(vii).

**28-11-301. Appointment of members; powers and duties; related duties of school facilities commission.**

(b) The select committee shall:

(iii) Monitor the assessment of statewide school facility needs, prioritization of these needs and remediation of identified needs, as undertaken by the school facilities commission and the school facilities department pursuant to law;

(iv) Develop knowledge and expertise among its members regarding issues pertaining to school facilities and commission and department programs and procedures to maintain statewide facility adequacy;

(v) Not later than November 1 of each year, prepare and submit budget recommendations based upon information reported by the commission and the department under W.S. 21-15-119 and 21-15-121, addressing statewide building and facility needs to the joint appropriations committee and the governor. Based upon reports submitted under W.S. 21-15-119 and 21-15-121, the select committee may report recommendations to the legislature including any necessary implementing legislation;

(c) The school facilities ~~commission~~ department shall:

(ii) Provide the committee with commission and department reports and studies pertaining to school building and facility remediation projects;

**Section 3.** W.S. 21-15-113(a)(i) and (ii) and 21-15-114(a)(i), (iv), (v), (vi), (viii), (x), (xiii), (xiv), (b) and (c) are repealed.

**Section 4.**

(a) Notwithstanding W.S. 21-15-113(c) as amended by this act, the initial terms of the school facilities commission appointed under this act to take office effective July 1, 2011, shall be as follows:

- (i) Two (2) members for a period of two (2) years;
- (ii) Two (2) members for a period of three (3) years; and
- (iii) Three (3) members for a period of four (4) years.

(b) Effective July 1, 2011, the school facilities commission is reorganized in accordance with this act. The terms of office of appointed school facilities commission members serving under W.S. 21-15-113 prior to the effective date of section 2 of this act expire effective June 30, 2011.

(c) All property, equipment, supplies and personnel of the school facilities commission shall be transferred to the school facilities department as created by this act effective July 1, 2011.

(d) The validity of rules, regulations, contracts, agreements or other obligations of the school facilities commission existing on or before the effective date of this act are not affected by this act and shall be designated as rules, regulations, contracts, agreements or obligations of the school facilities commission as reorganized pursuant to this act or contracts, agreements or obligations of the school facilities department created pursuant to this act, as appropriate.

**Section 5.** This act is effective July 1, 2011.

Approved February 15, 2011.

**Chapter 3****WIND ENERGY PROPERTY RIGHTS**

Original Senate File No. 22

AN ACT relating to property; providing wind energy rights are real property appurtenant to the surface estate; defining terms; providing for wind energy agreements; specifying requirements for agreements; specifying applicability of act; providing for reversion of interests; and providing for an effective date.

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

**Section 1.** W.S. 34-27-101 through 34-27-107 are created to read:

**CHAPTER 27**



## WIND ENERGY RIGHTS

**34-27-101. Short title.**

This act may be cited as the “Wind Energy Rights Act.”

**34-27-102. Definitions.**

(a) As used in this act:

(i) “Wind energy agreement” means a lease, license, easement or other agreement, whether by grant or reservation, to develop or participate in the income from or the development of wind powered energy generation;

(ii) “Wind energy developer” means the owner of the surface estate or the lessee, easement holder, licensee or contracting party under a wind energy agreement;

(iii) “Wind energy right” means a property right in the development of wind powered energy generation;

(iv) “This act” means W.S. 34-27-101 through 34-27-107.

**34-27-103. Declaration of wind energy rights.**

(a) Wind energy rights shall be regarded as an interest in real property and appurtenant to the surface estate.

(b) Wind energy rights shall not be severed from the surface estate, except that wind energy may be developed pursuant to a wind energy agreement.

(c) A wind energy agreement is an interest in real property. A wind energy agreement or a notice or memorandum evidencing a wind energy agreement shall:

(i) Be recorded in the office of the county clerk where the land subject to the agreement is located; and

(ii) Shall include a description of the land subject to the agreement.

(d) After a wind energy agreement has terminated, the surface owner may request the wind energy developer to record a release of the wind energy agreement in the office of the county clerk where the land subject to the wind energy agreement is located. The request shall be in writing and delivered to the wind energy developer by personal service or registered mail at the wind energy developer’s last known address. The wind energy developer shall record the release within twenty (20) days after receipt of

the request. If the wind energy developer fails to record the release within twenty (20) days after the receipt of the request, the wind energy developer shall be liable to the surface owner for all damages caused by the wind energy developer's failure. A copy of the written request shall have the same force and effect as the original in an action for damages.

(e) Wind energy becomes personalty at the point of conversion into electricity.

(f) Nothing in this act shall alter, amend, diminish or invalidate wind energy agreements or conveyances made or entered into prior to April 1, 2011 provided that a contract, lease, memorandum or other notice evidencing the acquisition, conveyance or reservation of the wind energy rights is recorded in accordance with subsection (c) of this section no later than July 1, 2011.

**34-27-104. Dominance of mineral estate.**

Nothing in this act shall be construed to change the common law as of April 1, 2011 as it relates to the rights belonging to, or the dominance of, the mineral estate.

**34-27-105. Compensation for taking of wind energy rights.**

Nothing in this act diminishes the right of the owner of the surface estate to receive compensation under W.S. 1-26-701 through 1-26-714 for the taking of wind energy rights incidental to the exercise of eminent domain.

**34-27-106. No restriction on transfer of wind energy agreement.**

Nothing in this act shall be construed to restrict the transfer of a wind energy agreement, including the transfer of the surface owner's right to receive payments under the wind energy agreement.

**34-27-107. Reversion of easements.**

Unless otherwise agreed between the surface owner and wind energy developer, all easement interests acquired after April 1, 2011 for the purpose of producing wind energy shall revert to the owner of the surface estate if wind energy production has ceased for a continuous period of ten (10) years or if the generation of electricity by a turbine has not commenced within twenty (20) years after the execution of a wind energy agreement. Reversion of an interest under this section does not transfer any obligation to restore or reclaim the surface estate.

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

Approved February 15, 2011.

**Chapter 4****TAXATION OF OIL AND GAS FIELD SERVICES**

Original House Bill No. 60

AN ACT relating to taxation and revenue; providing for the imposition of sales tax on services and tangible personal property used within an oil or gas well site as specified; and providing for an effective date.

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

**Section 1.** W.S. 39-15-103(a)(i)(K) is 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:

(K) The sales price paid for all services rendered and tangible personal property used in rendering services to real or tangible personal property within an oil or gas well site beginning with and including the setting and cementing of production casing, or if production casing is not set as in the case of an open hole completion, after the completion of the underreaming or the attainment of total depth of the oil or gas well and continuing with all activities sequentially required for the production of any oil or gas well regardless of the chronological occurrence of the activity. All services required during the entire productive life of the well, including recompletion, all the way through abandonment shall be subject to this subparagraph. The provisions of W.S. 39-15-301 through 39-15-311 and W.S. 39-16-301 through 39-16-311 shall not apply to this subparagraph;

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

Approved February 15, 2011.

**Chapter 5****LIQUOR LICENSE TRANSFERS**

Original House Bill No. 3

AN ACT relating to alcohol; imposing and clarifying restrictions on liquor licensees failing to pay state sales tax; and providing for an effective date.

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

**Section 1.** W.S. 12-4-601(b) is amended to read:

**12-4-601. Transfer of license location; transfer of ownership; fee.**

(b) A licensee, or the executor or administrator of the estate of a deceased licensee, may assign and transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the licensing authority, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the licensing authority if ~~proceedings, including an action to collect delinquent sales tax payments~~ the transferring licensee is certified by the department as sixty (60) or more days delinquent in paying sales taxes pursuant to W.S. 12-2-306, or if proceedings are pending to suspend, revoke or otherwise penalize the original license or permit holder. A transfer of a license or permit shall require the payment of an additional license fee to the appropriate licensing authority of not more than one hundred dollars (\$100.00) for the transfer, and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

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

Approved February 15, 2011.

## Chapter 6

### PARI-MUTUEL REGULATION

Original House Bill No. 31

AN ACT relating to the pari-mutuel commission; providing for licensing of out-of-state simulcasting facilities; providing for source market fees; providing for distribution of fees; providing definitions; 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 new paragraphs (xiii) and (xiv) and 11-25-105 by creating a new subsection (m) are amended to read:

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

(a) As used in this act:

(xiii) "Out-of-state simulcast facility" means a track or other facility.

located within a jurisdiction other than Wyoming, at which pari-mutuel wagers are placed, accepted or distributed, either in person or electronically, on simulcast races pursuant to proper authorization under the laws of that jurisdiction;

(xiv) "Source market fee" means a license fee, assessed by the commission pursuant to W.S. 11-25-105(m), payable by out-of-state simulcast facilities that conduct pari-mutuel wagering on simulcast races and that accept wagers from Wyoming residents by telephone or other electronic means at those facilities.

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

(m) The commission may license, regulate and charge a source market fee to persons outside of Wyoming who conduct pari-mutuel wagering on simulcast races and who accept wagers from Wyoming residents at out-of-state simulcast facilities, and shall require out-of-state simulcast facilities licensed under this section to be maintained and operated in accordance with the laws of this state and rules of the commission. Source market fees imposed on persons licensed under this subsection shall not exceed ten percent (10%) of the gross receipts of all pari-mutuel wagering by Wyoming residents conducted by such persons at out-of-state simulcast facilities. Source market fees collected annually under this subsection shall be distributed as follows:

(i) Seventy-five percent (75%) to the live flat track permittees in this state on a number of live days basis, to be used to enhance purses at those tracks;

(ii) Ten percent (10%) to in-state Wyoming simulcast permittees, weighted by the annual simulcast handle other than the advanced deposit wagering handle;

(iii) Ten percent (10%) to the breeder award fund created under subsection (j) of this section; and

(iv) Five percent (5%) to the commission for administrative expenses.

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

Approved February 15, 2011.

**Chapter 7****STATE PARKS-VOLUNTEERS**

Original Senate File No. 28

AN ACT relating to workers compensation; providing coverage for volunteers working on projects approved by the department of state parks and cultural resources; and providing for an effective date.

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

**Section 1.** W.S. 27-14-108(e)(x) is amended to read:

**27-14-108. Extrahazardous industries, employments, occupations; enumeration; definitions; optional coverage.**

(e) Specifically enumerated volunteers to whom this act applies are:

(x) Volunteers working on projects approved by the Wyoming game and fish commission or the Wyoming department of state parks and cultural resources;

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

Approved February 15, 2011.

**Chapter 8****STATE PARKS-TRAILS**

Original Senate File No. 32

AN ACT relating to off-road vehicle trails; amending the definition of off-road vehicle trails; and providing for an effective date.

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

**Section 1.** W.S. 31-2-701(a)(ii) is amended to read:

**31-2-701. Definitions.**

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

(ii) "Wyoming off-road recreational vehicle trail" means an off-road recreational vehicle trail, route, road or area specifically designated, marked or signed by the department of state parks and cultural resources as a Wyoming off-road recreational vehicle trail.

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

Approved February 15, 2011.

## Chapter 9

### OFF-ROAD VEHICLE DEFINITION

Original Senate File No. 31

AN ACT relating to motor vehicles; amending the definition of an off-road vehicle; and providing for an effective date.

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

**Section 1.** W.S. 31-1-101(a)(xv)(K)(I) is amended to read:

#### **31-1-101. Definitions.**

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

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

(K) "Off-road recreational vehicle" means:

(I) A recreational vehicle primarily designed for off-road use which is fifty (50) inches or less in width; and has an unladen weight of ~~nine hundred (900)~~ one thousand one hundred (1,100) pounds or less; ~~and is designed to be ridden astride upon a seat or saddle and to travel on at least three (3) low pressure tires. A "low pressure tire" is a pneumatic tire at least six (6) inches in width, designed for use on wheels with a rim diameter of twelve (12) inches or less and having a manufacturer's recommended operating pressure of ten (10) pounds per square inch or less;~~

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

Approved February 15, 2011.

## Chapter 10

### STATE TREASURER REPORTS

Original Senate File No. 2

AN ACT relating to administration of government; modifying due date for specified reports from the state treasurer; and providing for an effective date.

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

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

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

(n) To the extent the spending policy amount established in subsection (o) of this section exceeds earnings from the excellence in higher education endowment fund for the prior fiscal year, the state treasurer shall distribute from the excellence in higher education reserve account an amount equal to the difference, and such amounts are continuously appropriated from the reserve account for that purpose. Any funds distributed pursuant to this subsection shall be distributed no later than ninety (90) days after the end of the fiscal year and shall be distributed and expended as provided in W.S. 21-16-1201 through 21-16-1203 for earnings from the excellence in higher education endowment fund. The state treasurer in consultation with the University of Wyoming and community college commission, shall report to the governor, joint appropriations interim committee, joint education interim committee and select committee on capital financing and investments no later than ~~October~~ November 1, of any year in which funds have been or are anticipated to be distributed from the reserve account under this subsection.

(p) Annually, not later than ~~September 30~~ November 1, the state treasurer, in consultation with the state loan and investment board, shall provide a recommendation to the select committee on capital financing and investments regarding modifications to the spending policy amounts contained in this section. The recommendations shall be consistent with the purposes specified in subsection (a) of this section. The select committee on capital financing and investments shall annually submit a recommendation to all members of the legislature before the convening of the session regarding modifications to the spending policy amounts.

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

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



and seventy-five hundredths percent (3.75%) of the previous five (5) year average market value of the Hathaway student scholarship endowment fund, calculated from the first day of the fiscal year. The state treasurer shall report not later than ~~September 30~~ November 1, of each year to the education committee and the select committee on capital financing and investments the amount of funds within the reserve account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

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

Approved February 15, 2011.

## Chapter 11

### ASSIGNMENT OF RETIRED CIRCUIT COURT JUDGES

Original House Bill No. 19

AN ACT relating to circuit court judges; providing that retired circuit court judges may be assigned to hear cases as specified; providing for compensation of retired circuit court judges as specified; specifying that an assignment of a retired circuit court judge shall not affect his retirement benefits during the assignment; and providing for an effective date.

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

**Section 1.** W.S. 5-9-119 by creating a new subsection (d) is amended to read:

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

(d) Any retired circuit court judge of this state who is not practicing law may, with his consent and the consent of the chief justice, at the request of a circuit court judge be assigned to hear a case in a circuit court as otherwise authorized by law. During any period of assignment, a retired circuit court judge shall receive as compensation an amount equal to the current compensation of a judge of the court to which he is assigned. The compensation received by a retired circuit court judge during any period of assignment shall not affect the receipt of any retirement allowance of the retired circuit court judge during the period of assignment. Assignments of retired circuit court judges under this section shall only be made in a manner that does not jeopardize the qualified status of state retirement plans established by the Wyoming legislature. When called to serve, a retired circuit court judge shall receive the same per diem and travel allowance as allowed active circuit court judges. Per diem allowances and compensation shall be paid from the contingent fund of the court to which the retired judge is assigned.

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

Approved February 15, 2011.

## Chapter 12

### CHINS-ADMINISTRATIVE CHANGE OF PLACEMENT

Original Senate File No. 11

AN ACT relating to children in need of supervision; authorizing changes in placement without a court hearing for children in need of supervision who are in the custody of a state agency, as specified; repealing a conflicting provision; and providing for an effective date.

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

**Section 1.** W.S. 14-6-429(m)(intro) is amended to read:

**14-6-429. Decree where child adjudged in need of supervision; dispositions; terms and conditions; legal custody.**

(m) ~~Absent a specific provision in the placement order requiring prior court approval for any change in placement,~~ A department of state government vested with temporary legal custody of a child by court order under this section has authority to place the child in a residential facility or other out-of-home placement of similar or less restrictive confinement provided:

**Section 2.** W.S. 14-6-429(n) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 15, 2011.

## Chapter 13

### FILM INDUSTRY FINANCIAL INCENTIVES PROGRAM

Original Senate File No. 41

AN ACT relating to travel and tourism; extending sunset for film industry financial incentives program; creating an account; providing a continuous appropriation; and providing for an effective date.

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

**Section 1.** W.S. 9-12-402 and 9-12-407 are amended to read:

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

(a) There is created the film industry financial incentive program to encourage the use of this state as a site for filming and providing production services for filmed entertainment. The program shall be administered by the Wyoming tourism board.

(b) There is created the film industry financial incentive program account. Funds shall be credited to the account as provided by law and shall not revert to the general fund. Funds in the account are continuously appropriated to the board to be used only for reimbursement of a qualified production's qualified expenditures authorized to be made under this article. The Wyoming tourism board shall report in its budget the balance carried forward in the account. All funds appropriated to the film industry incentives program which are unobligated are hereby appropriated to the account.

**9-12-407. Sunset provision.**

W.S. 9-12-402 through 9-12-406 are repealed effective June 30, ~~2011~~ 2016.

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

Approved February 17, 2011.

## Chapter 14

### CHARTER SCHOOLS-APPLICATION

Original House Bill No. 115

AN ACT relating to charter schools; requiring charter school applications and renewal applications to be uniform statewide; imposing duties upon the state superintendent; and providing for effective dates.

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

**Section 1.** W.S. 21-3-307(a)(intro) and (d) and 21-3-309(b)(intro) are amended to read:

**21-3-307. Charter application; contents; phased-in application process.**

(a) The charter school application shall be a proposed agreement, shall

be on a form prescribed by the state superintendent pursuant to subsection (d) of this section, and shall include:

(d) The state superintendent shall through rule and regulation prescribe a uniform charter school application and renewal application form to be used by each district and charter school applicant for purposes of this article, and shall establish charter school application review procedures, including timelines for application components specified under subsection (a) of this section. The phased application process prescribed by state superintendent rule and regulation may provide a process for mediation of disputes concerning completeness of an application between the applicant and school district, which would be subject to W.S. 1-43-101 through 1-43-104, would allow either party to initiate mediation and would impose costs of mediation equally upon both parties. Any mediation process prescribed by rule shall specify professional requirements for the impartial third party facilitating mediation. If either party refuses to mediate, the dispute may be appealed to the state board as provided in W.S. 21-3-310.

**21-3-309. Length of operation under charter; renewal; revocation.**

(b) A charter school renewal application submitted to the school district shall be on a form prescribed by the state superintendent pursuant to W.S. 21-3-307(d) and shall contain:

**Section 2.** Rules and regulations of the state superintendent of public instruction establishing charter school application and renewal application forms pursuant to W.S. 21-3-307(d), as amended by section 1 of this act, shall be promulgated in sufficient time for use by school districts and charter school applicants on and after July 1, 2011.

**Section 3.**

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2011.

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

Approved February 17, 2011.

**Chapter 15****ELECTIONS-MILITARY AND OVERSEAS VOTERS**

Original Senate File No. 4

AN ACT relating to elections; providing timeline for possession of ballots for military and overseas voters; providing for electronic transmission of ballots to military and overseas voters; and providing for an effective date.

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

**Section 1.** W.S. 22-6-107 and 22-9-109 are amended to read:

**22-6-107. Time for possession of ballots and labels.**

(a) Official ballots ~~and labels~~ for primary and general elections shall be in the county clerk's possession forty (40) days before the election. If a clerk is unable to obtain ballots on time, the secretary of state shall provide by rule and regulation for the clerk to obtain and use substitute ballots.

(b) Notwithstanding subsection (a) of this section, county clerks shall make official absentee ballots for primary and general elections available to voters with rights under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, and future acts amendatory or supplemental thereto, forty-five (45) days before the election.

**22-9-109. Form of absentee ballot.**

(a) The absentee ballot shall be in the same form prescribed by law for the official ballot or a reasonable printed reproduction of the prescribed form for electronic ballots.

(b) Notwithstanding subsection (a) of this section, official absentee ballots for primary and general elections may be provided in an electronic format to voters with rights under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

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

Approved February 17, 2011.

## Chapter 16

### EXECUTION OF JUDGMENT LIENS

Original House Bill No. 30

AN ACT relating to judgment liens; providing for appraisal by a qualified appraiser; providing for payment of fees; and providing for an effective date.

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

**Section 1.** W.S. 1-17-314 and 1-17-341 are amended to read:

**1-17-314. Sale to be at public auction; when private sale authorized.**

The court from which an execution or order of sale issues, on application of either party with due notice to the adverse party and for good cause, may order the officer holding the process to sell the goods and chattels at private sale for cash, specifying the time during which the sale will continue but not extending beyond the return day of the process. Before a private sale is made, the court shall order the personal property appraised by three (3) disinterested persons or a qualified appraiser and the property shall not be sold for less than two-thirds (2/3) of the appraised value. Except when a private sale is ordered for good cause, all sales of goods and chattels shall be at public auction.

**1-17-341. Appraiser's fees.**

~~Each appraiser of person appraising real estate under W.S. 1-17-301 through 1-17-345, other than qualified appraisers, shall receive three dollars (\$3.00) per day and one dollar and fifty cents (\$1.50) per half day for his services, to be collected on the execution. Qualified appraisers so acting shall receive a reasonable fee to be collected on the execution.~~

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

Approved February 17, 2011.

## Chapter 17

### VICTIM NOTIFICATION AMENDMENTS

Original House Bill No. 75

AN ACT relating to criminal procedure; modifying provisions requiring medical examinations for sexually transmitted diseases of persons accused of a sex offense and crimes involving an exchange of bodily fluid; and providing for an effective date.

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

**Section 1.** W.S. 7-1-109(a) through (d) is amended to read:

**7-1-109. Examination for sexually transmitted diseases required in certain cases; health officers to notify crime victims; results confidential.**

(a) Upon the consent of a person accused of any crime wherein it is alleged that there has been an exchange of bodily fluids, that person shall be examined as soon as practicable, but not later than forty-eight (48) hours after the date on which the information or indictment is presented, for sexually transmitted diseases included within the list of reportable diseases developed by rule and regulation of the department of health pursuant to W.S. 35-4-130(b).

(b) For cases in which a person is accused of any crime wherein it is alleged that there has been an exchange of bodily fluids and the accused person is unwilling or unable to give consent as provided in subsection (a) of this section, or when, for any reason it is impractical to seek consent under subsection (a) of this section, the court may by warrant, upon a sufficient showing of probable cause by affidavit, at any time of day or night, order the medical examination of the accused person for sexually transmitted diseases included within the list of reportable diseases developed by rule and regulation of the department of health pursuant to W.S. 35-4-130(b). Testing for sexually transmitted diseases done under this subsection shall be conducted as soon as practicable, but no later than forty-eight (48) hours after the date on which the information or indictment is presented.

(c) Any person convicted of a sex offense shall, at the request of the victim, be examined as soon as practicable, but not later than forty-eight (48) hours after the conviction for sexually transmitted diseases included in the list specified in subsection (a) of this section. The victim shall make the request to the district attorney responsible for prosecuting the offense. If the offender is unwilling or unable to consent to the examination the district attorney shall petition the court for an order requiring the offender to submit to the examination.

(d) Any examination performed under this section shall be performed by a licensed physician or other health care provider. The examination shall be in accordance with procedures prescribed by the department of health under W.S. 35-4-130 through 35-4-134 and the examination results shall be reported to the appropriate health officer. Upon receipt of the examination results, the health officer shall notify the victim, the alleged victim or if a minor, the parents or guardian of the victim or the alleged victim. Additional testing under this section shall be performed as medically appropriate and shall be made available in accordance with the provisions of this section.

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

Approved February 17, 2011.

## Chapter 18

### STATE LANDS-IMPROVEMENTS

Original Senate File No. 5

AN ACT relating to state lands; providing for separate improvements on state lands; increasing maximum value of permissible improvements; providing a valuation time for the improvements as specified; and providing for an effective date.

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

**Section 1.** W.S. 36-5-110 is amended to read:

**36-5-110. Right to make and remove improvements.**

Lessee of state lands shall have the right to construct or make improvements upon state lands in ~~the amount of an amount not to exceed two thousand dollars (\$2,000.00) per section for each separate improvement~~, without first obtaining permission. If the lessee or any other person desires to construct or make improvements upon state lands in excess of the value of two thousand dollars (\$2,000.00) per section for each separate improvement, he shall file an application for permission to construct or make the improvements with the director, which shall be subject to allowance or rejection as the best interests of the state require. The director shall have authority to grant permission to construct improvements in excess of two thousand dollars (\$2,000.00) per section for each separate improvement for fencing, water development, livestock handling facilities and range enhancements. Any other improvement in excess of two thousand dollars (\$2,000.00) per section for each separate improvement shall be applied for under a special use permit. Unless permission has been obtained in the manner provided by this section, the owner of ~~the improvements any improvement~~ in excess of the value of two thousand dollars (\$2,000.00) per section at the time of construction of the improvement shall not be entitled to compensation therefor as provided by W.S. 36-5-111 and 36-9-105, and upon the expiration of the lease the improvements shall forfeit to and become the property of the state; except, that within one hundred twenty (120) days from the date of the expiration of the lease, the owner may remove such improvements in a manner which minimizes injury to the land.

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

Approved February 17, 2011.



## Chapter 19

### ANIMAL DAMAGE MANAGEMENT BOARD-REPORTS

Original Senate File No. 6

AN ACT relating to agriculture and animals; combining reports relating to the animal damage management board; modifying dates and transferring responsibility for reporting; modifying board duties; and providing for an effective date.

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

**Section 1.** W.S. 11-6-304(f) is amended to read:

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

(f) The board shall investigate, test and refine the concept and practices of integrated predator management. The board shall develop and establish measurable goals and objectives. The board shall report to the governor and the joint agriculture, public lands and water resources interim committee and joint appropriations interim committee on or before ~~December 31~~ November 30 of each year to determine the progress the board has made toward achieving the goals and objectives it has established. The report shall also include actions taken, the accomplishments and state monies expended by each county predator management board participating in state funding.

**Section 2.** 2006 Wyoming Session Laws, Chapter 87, Section 2(a)(iii) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 17, 2011.

## Chapter 20

### WYOMING MARKET RESEARCH CENTER

Original Senate File No. 74

AN ACT relating to economic development; modifying research requirements for the Wyoming market research center; repealing requirements for fees and commissions to the center and for the center to become self-sufficient; and providing for an effective date.

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

**Section 1.** W.S. 9-12-106(b)(intro) is amended to read:

**9-12-106. Planning and research.**

(b) The council may establish a Wyoming market research center to conduct regional, national and international market research for Wyoming ~~manufacturers~~ small businesses and potential entrepreneurs and to conduct market feasibility studies for value added projects across all economic sectors, including agriculture. ~~If a center is formed: The center may utilize the services of student interns from the University of Wyoming and community colleges to provide those students with practical marketing experience.~~

**Section 2.** W.S. 9-12-106(b)(i) and (ii) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 17, 2011.

**Chapter 21****FERAL LIVESTOCK**

Original House Bill No. 57

AN ACT relating to feral livestock; amending a definition; providing for the owner of feral livestock to pay the costs and expenses of feral livestock; providing a penalty; providing a conforming amendment; repealing one definition of livestock; and providing for an effective date.

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

**Section 1.** W.S. 11-1-103, 11-48-101(a)(iii) and 11-48-102(a) and by creating new subsections (g) and (h) are amended to read:

**11-1-103. Penalty for violations.**

A person who violates any of the following sections commits 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 for the first offense, or by imprisonment for not more than one (1) year, a fine of not more than one thousand five hundred dollars (\$1,500.00), or both for second or subsequent offenses: W.S. 11-6-210(a) or (f), 11-18-112, 11-19-101, 11-19-102, 11-19-111, 11-19-401, 11-20-114, 11-20-117, 11-20-229, 11-20-230, 11-21-104, 11-22-118, 11-23-106, 11-23-207, 11-24-106, ~~and 11-30-114~~ and 11-48-102. A person who violates board rules promulgated pursuant to W.S. 11-18-103(a)(v) shall be subject to the penalties specified in this section.

**11-48-101. Definitions.**

(a) As used in this chapter:

(iii) "Feral" means a domestic animal that is not under the control of nor cared for by a person and which has returned to a wild or semi-wild state. A feral animal may or may not be owned by a person;

**11-48-102. Disposition of feral livestock; penalty.**

(a) Before any livestock can be declared feral, a reasonable attempt shall be made by the director or the state veterinarian to locate and identify the owner of the livestock and to notify the owner to take possession of the livestock. If the owner repeatedly refuses to take possession of the livestock, he shall be subject to the provisions of subsection (g) of this section.

(g) The owner of feral livestock shall be:

(i) Responsible for all damages caused by the feral livestock; and

(ii) Responsible for the costs of gathering, feeding, veterinary services, transportation and other incidental expenses relating to the feral livestock incurred by the Wyoming livestock board.

(h) Any person failing to comply with this section shall be punished as provided in W.S. 11-1-103.

**Section 2.** W.S. 11-48-101(a)(iv) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 17, 2011.

## Chapter 22

### BAR AND GRILL LIQUOR LICENSES

Original House Bill No. 98

AN ACT relating to bar and grill liquor licenses; increasing the number of licenses available; and providing for an effective date.

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

**Section 1.** W.S. 12-4-413(b)(i) through (iv) is amended to read:

**12-4-413. Bar and grill liquor license; authorized; requirements.**

(b) The number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(i) Not more than ~~one (1) license~~ two (2) licenses in incorporated cities or towns of seven thousand five hundred (7,500) or less; and

(ii) Not more than ~~two (2)~~ three (3) licenses for population in incorporated cities between seven thousand five hundred one (7,501) and fifteen thousand (15,000); and

(iii) Not more than ~~three (3)~~ four (4) licenses for population in incorporated cities between fifteen thousand one (15,001) and twenty-seven thousand five hundred (27,500); and

(iv) Not more than one (1) additional license for each additional ~~twelve thousand five hundred (12,500)~~ seven thousand five hundred (7,500) population in incorporated cities over twenty-seven thousand five hundred (27,500).

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

Approved February 17, 2011.

## Chapter 23

### WORKFORCE HOUSING INFRASTRUCTURE FUNDS-REVERSION

Original Senate File No. 75

AN ACT relating to economic development; modifying the reporting requirement on the workforce housing infrastructure program; providing for the reversion of unused workforce housing infrastructure funds; and providing for an effective date.

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

**Section 1.** W.S. 9-12-112(a)(vi)(intro) and 9-12-905(a) are amended to read:

#### **9-12-112. Annual report and budget.**

(a) The council shall submit an annual report in the manner provided by W.S. 9-2-1014 and using the benchmarks prescribed in this act. In addition to the requirements of W.S. 9-2-1014, included within the annual report shall be:

(vi) A summary of the total investments made, if any, by the council under the workforce housing infrastructure program under W.S. 9-12-901 through 9-12-905, including:

**9-12-905. Wyoming workforce housing infrastructure program account.**

(a) There is created the workforce housing infrastructure program account. Funds shall be credited to the account as provided by law. Funds in the account shall be used only upon legislative appropriation for cooperative agreements and loans authorized to be made under this article. Except for any repayments of principal on loans, all funds including any earned interest and in the account shall revert to the general fund on April 1, 2011. Any repayments of principal on loans under this article remaining in the workforce housing infrastructure program account at the end of a biennium shall not lapse and shall not revert as provided in W.S. 9-4-207 but shall remain in the account to implement the purposes of this section.

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

Approved February 17, 2011.

## Chapter 24

### VOLUNTARY ENVIRONMENTAL AUDIT REPORT

Original Senate File No. 76

AN ACT relating to environmental quality; repealing required report to the legislature on voluntary environmental audits; and providing for an effective date.

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

**Section 1.** 1995 Wyoming Session Laws, Chapter 58, Section 4 is repealed.

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

Approved February 17, 2011.

## Chapter 25

### VIETNAM AND VETERANS WELCOME HOME AND THANK YOU DAY

Original House Bill No. 177

AN ACT relating to state holidays and observances; making findings with respect to the veterans of the Vietnam War and other wars; providing for a Wyoming Veterans Welcome Home Day; specifying the effect of the day of recognition; and providing for an effective date.

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

**Section 1.**

(a) The legislature hereby finds and declares all of the following:

(i) In 2007, the United States Congress, by separate Senate and House Resolutions, declared that a Welcome Home Vietnam Veterans Day should be established;

(ii) The Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and Viet Cong in conflict with the United States and South Vietnam;

(iii) The United States became involved in Vietnam because policymakers in the United States believed that if South Vietnam fell to a communist government, communism would spread throughout the rest of southeast Asia;

(iv) Members of the United States armed forces began serving in an advisory role to the South Vietnamese in 1961;

(v) As a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, the United States overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 99-408), on August 7, 1964, which effectively handed over the war-making powers to President Johnson until such time as “peace and security” had returned to Vietnam;

(vi) In 1965, there were eighty thousand (80,000) United States troops in Vietnam, and by 1969 a peak of approximately five hundred forty-three thousand (543,000) troops was reached;

(vii) On January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States armed forces from South Vietnam;

(viii) On March 29, 1973, the United States armed forces completed the withdrawal of combat troops from Vietnam;

(ix) More than fifty-eight thousand (58,000) members of the United States armed forces lost their lives in Vietnam and more than three hundred thousand (300,000) were wounded;

(x) In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States armed forces who died or were declared missing in action in Vietnam;

(xi) The Vietnam War was an extremely divisive issue among the

people of the United States;

(xii) Upon their return home, members of the United States armed forces who served bravely and faithfully for the United States during the Vietnam War were caught in the crossfire of public debate about the involvement of the United States in the war. Many of these veterans were treated with disrespect and their leaders recommended they not wear their military uniform as they returned home;

(xiii) Additionally, many veterans returning home from previous wars or overseas duty, especially Korean War, Gulf War and Cold War veterans, were not properly welcomed home and did not receive the thanks of a grateful state and nation;

(xiv) Our state and nation has learned the value of a simple “thank you” and “welcome home” as shown by the recognition and celebrations for those who are serving in the ongoing War on Terror;

(xv) The establishment of a Wyoming Veterans Welcome Home Day to thank Vietnam and other veterans would be an appropriate way to honor those members of the United States armed forces who were not properly welcomed home following their military service.

**Section 2.** W.S. 8-4-109 is created to read:

**8-4-109. Wyoming Veterans Welcome Home Day.**

(a) In recognition of the members of the United States armed forces who served bravely and faithfully for the United States during the Vietnam War, and to all those members of the United States armed forces who were not properly thanked or welcomed home following their military service, March 30 of each year is designated as “Wyoming Veterans Welcome Home Day.” The day shall be appropriately observed in the public schools of the state and by organizations within the state. Additionally, it is recommended that Wyoming communities host “Wyoming Veterans Welcome Home Day” celebrations to ensure those members of the United States armed forces can be properly thanked and welcomed home.

(b) The governor, not later than March 20 of each year, shall issue a proclamation requesting proper observance of Wyoming Veterans Welcome Home Day and requesting military and veterans’ organizations to work with Wyoming school districts to observe the contributions and sacrifices of Vietnam veterans and other veterans.

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

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

Approved February 18, 2011.

## Chapter 26

### CHOICE LICENSE PLATES FOR DISABLED VETERANS

Original Senate File No. 42

AN ACT relating to motor vehicle license plates; expanding the distinctive license plate options available for free to disabled veterans; specifying fees; specifying application procedures; and providing for an effective date.

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

**Section 1.** W.S. 31-2-215(b) and by creating new subsection (e) is amended to read:

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

(b) Application for license plates under ~~subsection~~ subsections (a) and (e) of this section shall be annually made to the county treasurer as provided by this article, except application shall be made not less than thirty (30) days before the last day of the applicant's annual registration month. Application forms shall be available at all county treasurer's offices. The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

(e) In lieu of the disabled veterans plate described in subsection (a) of this section, a veteran who qualifies for a special license plate under this section may select to receive any distinctive license plate authorized by this chapter for which the veteran qualifies and which is related to service in the military. Application for the license plate selected shall be made pursuant to subsection (b) of this section and may require verification by the Wyoming veterans' commission as otherwise required by this chapter. Unless otherwise provided by law, any veteran applying for a license plate under this subsection shall be responsible for payment of the registration fees prescribed by W.S. 31-3-101 and no additional fee shall be charged.

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

Approved February 18, 2011.



**Chapter 27****TITLE 19-VETERANS' COMMISSION DUTIES**

Original Senate File No. 43

AN ACT relating to military affairs; specifying duties of the veterans' commission; requiring the promulgation of rules; authorizing the employment of a veterans' commission director and staff; renumbering related statutes; and providing for an effective date.

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

**Section 1.** W.S. 19-14-107(c)(iii), (iv) and by creating new paragraphs (v) through (xi) is amended to read:

**19-14-107. Creation of veterans' commission; composition; terms.**

(c) The commission shall:

(iii) Make recommendations to the legislature and to the governor concerning veterans; ~~and~~

(iv) Adopt policies and procedures necessary to administer the veteran burial team account pursuant to W.S. 19-14-109;-

(v) Prepare, maintain and distribute information, by printed material or otherwise, to educate Wyoming veterans and their families regarding veterans' benefits, healthcare and disability claims, pension claims and other matters relevant to veteran status;

(vi) Provide oversight and administrative services for the operation of any veterans' cemetery authorized by W.S. 19-14-108, including but not limited to establishing cemetery directors and advisory boards;

(vii) Provide assistance to Wyoming veterans and their families for the filing and processing of veterans' benefits, veterans' healthcare benefits and United States Department of Veterans Affairs disability and pension claims;

(viii) Administer all vehicle licensing obligations required of the commission pursuant to title 31;

(ix) Maintain and administer the veterans' commission expendable trust fund pursuant to rules and procedures which shall be promulgated by the commission and approved by the military department;

(x) To the extent the employment of an executive director would aid in accomplishing the duties required by this section and benefit Wyoming

veterans, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the commission may deem appropriate. Any appointment shall be made with the approval of the adjutant general and the governor and shall be subject to the removal authority provided by W.S. 9-1-202. An executive director may hire and supervise such other staff as may be authorized by the commission and shall be administratively supported by the military department;

(xi) Perform such other and further tasks as are necessary to carry out the duties imposed by this section or as required by the legislature.

**Section 2.** W.S. 19-7-107 is renumbered as 19-14-110.

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

Approved February 18, 2011.

## Chapter 28

### GAME AND FISH-TURKEY PIONEER LICENSES

Original House Bill No. 76

AN ACT relating to game and fish; providing for reduced price turkey licenses as specified; and providing for an effective date.

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

**Section 1.** W.S. 23-1-705(e)(i) and (ii) is amended to read:

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

(e) The department shall issue:

(i) For a fee of two dollars (\$2.00) a resident deer, ~~or antelope~~ or wild turkey license and for a fee of five dollars (\$5.00) an elk license to any resident who was born on or before January 1, 1930, and who has continuously resided in Wyoming for at least the forty (40) years immediately preceding application for the license; ~~and~~

(ii) For a fee established by rule of the commission a resident deer, antelope, wild turkey or elk license to any resident who was born after January 1, 1930, is at least seventy (70) years of age prior to the issuance of the license and has continuously resided in Wyoming for at least fifty (50) years immediately preceding application for the license. The fee established

for a license under this paragraph shall be not more than sixty-five percent (65%) nor less than sixty percent (60%) of the resident fee specified in W.S. 23-2-101 for the particular species;

**Section 2.** This act is effective January 1, 2012.

Approved February 18, 2011.

## Chapter 29

### INSURANCE PREMIUMS-FAILURE TO PAY

Original House Bill No. 114

AN ACT relating to insurance; providing for notification of nonpayment of life or disability insurance premiums; and providing for an effective date.

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

**Section 1.** W.S. 26-16-121 and 26-19-114 are created to read:

**26-16-121. Failure to pay premiums; notification.**

When an employer or trustee of a fund established or adopted by an employer, which employer or trustee is deemed the policyholder of the life insurance policy insuring the employer's employees for the benefit of persons other than the employer and where the employer or trustee routinely pays any part of the premium for the policy, if the employer or trustee fails to pay the routinely paid portion of the premium when required under the policy for any reason, the employer or trustee shall notify the employee or beneficiary, electronically or in writing, within thirty (30) days of the failure to pay.

**26-19-114. Failure to pay premiums; notification.**

When an employer or trustee of a fund established or adopted by an employer, which employer or trustee is deemed the policyholder of the group disability insurance policy insuring the employer's employees for the benefit of persons other than the employer and where the employer or trustee routinely pays any part of the premium for the policy, if the employer or trustee fails to pay the routinely paid portion of the premium when required under the policy for any reason, the employer or trustee shall notify the employee or beneficiary, electronically or in writing, within thirty (30) days of the failure to pay.

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

Approved February 18, 2011.

**Chapter 30****PROBATION AND PAROLE-AMENDMENTS**

Original Senate File No. 17

AN ACT relating to probation and parole; amending obsolete provisions; clarifying procedures for arrest of parolees in violation of the terms of parole; requiring peace officers to arrest parolees and probationers as specified; clarifying the amount the department of corrections may pay for housing of detained parolees and probationers; expanding authority for good time allowances as specified; clarifying the authority of the board of parole to address payment of restitution by parolees; mandating execution on restitution orders in the same manner as for civil judgments and authorizing the division of victim services to request issuance of execution; providing immunity to probation and parole agents as specified; clarifying a prohibition against granting parole to prisoners who have escaped, attempted to escape or assisted an escape from a correctional institution; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 7-9-103(d), 7-13-303(a)(intro), 7-13-401(a)(ii) and by creating new paragraphs (xiii) and (xiv), 7-13-402(b)(intro), (d) and by creating a new subsection (j), 7-13-405(a), (b)(intro) and (c), 7-13-407(a)(i), 7-13-408(a) and (b), 7-13-410(a), 7-13-411(a)(iii) and (c) through (e), 7-13-418(a)(intro) and (iv), 7-13-420 by creating a new subsection (c), 7-13-421(d) through (g) and by creating a new subsection (h), 7-13-1107(c), 7-18-108(d) and 35-7-1043 are amended to read:

**7-9-103. Determination of amount owed; execution.**

(d) Any order for restitution under this chapter constitutes a judgment by operation of law on the date it is entered. To satisfy the judgment, the clerk, upon request of the victim, the division of victim services or the district attorney, ~~may~~shall issue execution in the same manner as in a civil action.

**7-13-303. Investigation preceding probation or suspension of sentence.**

(a) When directed by the court, the district attorney, ~~the state~~ a probation and parole ~~officer~~agent as defined in W.S. 7-13-401 or, in the case of a minor, a counselor as defined by W.S. 5-3-501(a)(ii) or the department of family services shall investigate and report to the court in writing:

**7-13-401. Definitions; creation of board; officers; compensation; hearing panels; meetings.**

(a) As used in W.S. 7-13-401 through 7-13-424:

(ii) "Conditional release" means any form of release by an institution

or by a court, other than parole or probation, which is subject to conditions imposed by the institution or court, but excludes release on bail;

(xiii) “Field services administrator” means the administrator for the department of corrections division of field services;

(xiv) “Probation and parole agent” means an employee of the department of corrections, division of field services, who supervises a parolee or probationer.

**7-13-402. General powers and duties of board; eligibility for parole; immunity.**

(b) A prisoner is not eligible for parole on a sentence if, while serving that sentence, he has:

(d) No person granted a parole shall be released from an institution until he has signed an agreement that he will comply with the terms and conditions under which he has been released and abide by the laws of the state. In addition, no person shall be granted a parole until the board makes a reasonable effort to notify victims who have registered to receive notification pursuant to W.S. 1-40-204(d) of the parole hearing and provides a reasonable opportunity for the victims to provide written comments to the board relative to the parole. ~~The agreement shall be retained in the records of the department.~~

(j) The board may order the arrest and return to the custody of the department of any parolee who has absconded from supervision, been charged with or convicted of a crime while on parole or committed an alleged violation of parole for which probable cause has been established through a hearing, or waiver thereof, pursuant to W.S. 7-13-408. The written order of the board shall be sufficient warrant for any peace officer to return a parolee to custody. All peace officers shall execute any order of the board issued under this subsection. A parolee taken into custody under the order of the board is not subject to release on bail.

**7-13-405. Field services administrator; hiring of agents.**

(a) The department has general supervisory authority over state parolees and over probationers for whom the sentencing court requests supervision under W.S. ~~7-13-410(b)~~ 7-13-410.

(b) The director shall appoint a ~~state probation and parole officer~~ field services administrator. The department shall:

(c) The ~~state probation and parole officer~~ field services administrator, with the approval of the director, shall ~~appoint~~ coordinate the hiring of probation and parole agents.

**7-13-407. Duties of probation and parole agents.**

(a) Under direction and supervision of the director, probation and parole agents shall:

(i) Except as otherwise directed by the director, devote full time to the performance of their duties in carrying out the provisions of W.S. 7-9-104, 7-9-107, 7-13-303, 7-13-401 through 7-13-424, 7-13-1101 through 7-13-1107, 7-13-1601 through 7-13-1615 and 35-7-1043;

**7-13-408. Probation, parole and conditional release administrative jail or adult community correction program sanction and revocation hearing procedures.**

(a) The ~~state~~ probation and parole ~~officer-agent~~ shall notify the department and the board or the appropriate court if it is determined consideration should be given to retaking or reincarcerating a person under the supervision of the department who has violated a condition of his probation, parole or other conditional release. Prior to notification, a hearing shall be held in accordance with this section within a reasonable time, unless a hearing is waived by the probationer, parolee or conditional releasee. In the case of a parolee for whom the violation is based on a new felony conviction, a preliminary hearing is not required under this section. In the case of a probationer, the hearing is only required when the probationer has been reincarcerated and a legal warrant has not been obtained within ten (10) days. As soon as practicable, following termination of any hearing, the appropriate officer or agent shall report to the department and the court or board, furnish a copy of the hearing record and make recommendations regarding the disposition to be made of the probationer, parolee or conditional releasee. Pending any proceeding pursuant to this section, the appropriate agent may take custody of and detain the probationer, parolee or conditional releasee involved for a reasonable period of time prior to the hearing. If it appears to the hearing officer or agent that retaking or reincarceration is likely to follow, the agent may take custody of and detain the probationer, parolee or conditional releasee for a reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

(b) Any hearing pursuant to this section may be before the ~~state probation and parole officer-field services administrator~~, his designated hearing officer or any other person authorized pursuant to the laws of this state to hear cases of alleged probation, parole or conditional release violations, except that no hearing officer shall be the person making the allegation of violation. In cases of alleged parole violations by persons who were paroled by the board, hearings pursuant to this section shall be before the executive director of the board or his designated hearing officer.

**7-13-410. Notice of probation order; request for probation supervision or report.**

(a) The clerk of the court granting probation to a person convicted of a

crime shall send a certified copy of the order to the ~~state probation and parole officer~~ department of corrections or, in the case of a minor juvenile, to the department of family services.

**7-13-411. Apprehension of violators.**

(a) A probation and parole agent may, in the performance of his duties:

(iii) Arrest without warrant any probationer or parolee if the probation and parole agent has probable cause to believe the person has violated the terms-conditions of his probation or parole. A person arrested under this paragraph may be detained for a reasonable period of time until a legal warrant is obtained or pending further proceedings under W.S. 7-13-408.

(c) A peace officer or probation and parole agent may take into custody and hold a person granted parole or on probation from another state when requested to do so by the probation and parole agent or the proper authorities from the other state.

(d) A parole or probation violator apprehended ~~by a probation and parole agent~~ shall be accepted and held in the county jail at the request of the probation and parole agent.

(e) Any expense incurred in holding a parolee in county jail at the request of a probation and parole agent or pending proceedings under W.S. 7-13-408, including costs of shelter, food, clothing, and necessary medical, dental and hospital care and any expense for transporting the parolee shall be paid by the department unless there are local charges pending. The per diem cost of holding parolees under this section shall be agreed upon by the sheriff and the department, ~~and but~~ shall not exceed the per diem cost of housing an inmate at the Wyoming state penitentiary amount established by the department based on funds appropriated to the department for housing of offenders.

**7-13-418. Selection, training and powers of local volunteer; compensation.**

(a) In order to further the objectives of W.S. 7-13-401 through 7-13-424, the ~~state probation and parole officer~~ field services administrator may select, organize and train local volunteer citizens who, acting under his supervision, may:

(iv) Not receive compensation from the state. At the discretion of the ~~state probation and parole officer~~ field services administrator, however, volunteers may be reimbursed for necessary and actual expenses incurred in performing the duties described in this section.

**7-13-420. Good time allowances.**

(c) The court may adjust the period of a probationer's supervised probation on the recommendation of the probation and parole agent, which shall be

based on the probationer's positive progression towards the goals of the case plan as well as the overall compliance with the conditions imposed by the court.

**7-13-421. Restitution as condition of parole.**

(d) The board may waive the payment of some or all of the restitution as a condition of parole if it finds the payment of some or all of the restitution will work an undue hardship on the parolee or his family. ~~If the victim can be located through the exercise of reasonable diligence, he~~ Victims who have requested to receive notification pursuant to W.S. 1-40-204(f) of information authorized to be released pursuant to W.S. 1-40-204(d) shall be given notice and an opportunity to be heard prior to the board making a decision to waive some or all of the restitution under this subsection.

(e) Nothing in this section shall limit or impair the rights of victims to sue and recover damages from the ~~defendant-parolee~~ in a civil action. However, any restitution payment by the ~~defendant-parolee~~ to a victim shall be set off against any judgment in favor of the victim in a civil action arising out of the same facts or event.

(f) The fact that restitution was required or made under this section shall not be admissible as evidence in a civil action unless offered by the ~~defendant-parolee~~.

(g) In the event a victim is not satisfied with the restitution plan ~~approved required~~ or modified by the board, the victim's ~~sole and exclusive remedy is~~ remedies are a civil action against the parolee or execution on the restitution order pursuant to W.S. 7-9-103(d).

(h) The board may require payment of the following obligations as conditions of parole if it finds the parolee is reasonably capable of making the payments, taking into account the factors enumerated in W.S. 7-9-106(a)(iii):

(i) Support of dependents of the parolee;

(ii) Court ordered fines, reimbursement for the services of the public defender or court appointed counsel and the surcharge imposed under W.S. 1-40-119;

(iii) Costs or partial costs of evaluations, treatment, services, programs or assistance the parolee is receiving;

(iv) Cost or partial costs of supervision of the parolee imposed under W.S. 7-13-1102(a)(iii).

**7-13-1107. Administrative sanctions for program violations.**



(c) The county sheriff shall house probationers and parolees committed to the county jail pursuant to this section. The cost of housing a program violator in the county jail shall be paid by the department at a per diem rate not to exceed the ~~daily cost of keeping an inmate at the Wyoming state penitentiary amount established by the department based on funds appropriated for housing of offenders.~~

**7-18-108. Placement of offender in program by court; placement by department as administrative sanction.**

(d) The probation and parole ~~officers-agent~~ for the judicial district shall ~~be responsible for including~~ include in the presentence report to the sentencing judge recommendations for the utilization of any governmental or, when available, nongovernmental adult community correctional facility or program which has been approved for use by the corrections board.

**35-7-1043. Immunity from prosecution.**

All duly authorized peace officers including any special agents or other personnel appointed by the commissioner, and probation and parole agents as defined in W.S. 7-13-401, while investigating violations of this act in performance of their official duties, shall be immune from prosecution under this act. Any person working under the immediate direction, supervision or instruction of a duly authorized peace officer, special agent or other person appointed by the commissioner, may be granted immunity from prosecution under this act by the commissioner. In addition to the foregoing persons, such immunity may also be granted to any person whose testimony is necessary to secure a conviction under this act with the consent of district judge in the district wherein prosecution is to take place. Any person granted immunity under this section shall not be excused from testifying or producing evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture. Any person who except for the provisions of this act, would have been privileged to withhold the testimony given or the evidence produced by him shall not be prosecuted, subjected to any penalty, forfeiture, for or on account of any transaction, matter or thing concerning which, by reason of said immunity, he gave testimony and produced evidence; and no such testimony given or evidence produced shall be received against him in any criminal proceeding. Provided, no person given immunity under this section shall be exempt from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

**Section 2.** W.S. 7-13-411(a)(i) and (ii) and 7-13-421(a), (b)(i) through (iv) and (c)(ii) are repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 18, 2011.

**Chapter 31****FEDERAL MOTOR CARRIER SAFETY ACT COMPLIANCE**

Original Senate File No. 18

AN ACT relating to commercial driving; regulating the issuance of commercial drivers licenses; specifying prohibited acts; providing and amending penalties; exempting from deferred prosecution provisions commercial drivers charged with specified violations involving motor vehicles; requiring the disclosure of specified information; requiring compliance with federal, state and local laws; amending definitions; amending legal references; repealing an unnecessary statute; and providing for an effective date.

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

**Section 1.** W.S. 7-13-301 by creating a new subsection (f), 31-1-101(a)(xv)(H), 31-7-102(a)(xxiii) and (xl), 31-7-304(f), 31-7-305(a)(vi), (vii), by creating new paragraphs (viii) and (ix), (g)(i), (ii) and by creating a new subsection (o), 31-18-605(a)(iv), (v), by creating a new paragraph (vi) and (d) and 31-18-607(b) and by creating a new subsection (c) are amended to read:

**7-13-301. Placing person found guilty, but not convicted, on probation.**

(f) This section shall not apply to any person holding any class of commercial driver's license pursuant to W.S. 31-7-304(a)(i), nor to the driver of any commercial motor vehicle as defined by W.S. 31-7-102(a)(viii), who is charged with any offense specified in W.S. 31-7-305.

**31-1-101. Definitions.**

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

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

(H) "School bus" means a motor vehicle that is owned by, ~~or~~ leased to or registered to a public school district, a private school or a carrier under contract to a public or private school and is used to transport children to or from school or in connection with school activities and is designed for and capable of carrying twelve (12) or more passengers, but not including buses operated by common carriers in transportation of school children; ~~or buses owned by a community college or the University of Wyoming;~~

**31-7-102. Definitions.**

(a) As used in this act:

(xxiii) "Hazardous materials" means as defined in the ~~Hazardous Materials Transportation Act, 49 App. U.S.C. § 1803 (49 U.S.C. § 5102)~~ federal motor carrier safety regulations, 49 C.F.R. 383.5;

(xl) "School bus" means every motor vehicle that is owned by, ~~or~~ leased to or registered to a public school district, a private school or a carrier under contract to a public or private school and is used to transport children to or from school or in connection with school activities and is designed for and capable of carrying sixteen (16) or more passengers, but not including buses operated by common carriers in transportation of school children; ~~or buses owned by a community college or the University of Wyoming;~~

#### **31-7-304. Issuance; classifications and endorsements.**

(f) Before issuing or renewing a commercial driver's license or at any time before an applicant's current federal medical qualification certificate expires, the department shall require that the applicant present a current federal medical qualification certificate.

#### **31-7-305. Disqualification and cancellation; right to a hearing.**

(a) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one (1) year if convicted of a first violation arising from separate incidents of:

(vi) Driving a commercial vehicle when, as a result of prior convictions, the driver's driving privileges are cancelled, suspended or revoked, or the driver is disqualified from operating a commercial motor vehicle; ~~or~~

(vii) Causing a fatality through the negligent operation of a commercial vehicle, including but not limited to homicide by motor vehicle, negligent homicide, motor vehicle manslaughter or a similar local ordinance or similar state law from another jurisdiction; ~~or~~

(viii) Driving or being in actual physical control of a motor vehicle while the alcohol concentration of the person's blood, breath or other bodily substance is eight one-hundredths of one percent (0.08%) or more; or

(ix) Violating any local ordinance or state law in another jurisdiction which is substantially similar to any of the violations listed in this subsection.

(g) A driver who is convicted of violating an out-of-service order may be disqualified for a period of:

(i) Not less than ~~ninety (90) days~~ one hundred eighty (180) days nor more than one (1) year if the driver is convicted of a first violation of an out-of-service order;

(ii) Not less than ~~one (1) year~~ two (2) years nor more than five (5) years if, during any ten (10) year period, the driver is convicted of two (2) separate violations of out-of-service orders in separate incidents;

(o) A person may be disqualified from driving a commercial motor vehicle, or the department may downgrade a person's commercial driver's license to a noncommercial driver's license, if the person fails to provide a current federal medical qualification certificate when requested by the department.

**31-18-605. Stopping requirements for certain vehicles at railroad crossings.**

(a) The driver of any motor vehicle carrying passengers for hire or of any vehicle carrying a cargo or part of a cargo required to be placarded under United States department of transportation regulations, before crossing at grade any track or tracks of a railroad, shall:

(iv) Upon proceeding, cross the tracks without manually shifting gears and only in a gear of the vehicle which does not require manually changing gears while traversing the crossing; ~~and~~

(v) After crossing the tracks, cancel the four-way hazard flashers; and

(vi) Comply with all other federal, state or local laws or regulations pertaining to railroad-highway grade crossings.

(d) A driver or employer of a driver who is convicted of violating this section, or an employer who knowingly allows, requires, permits or authorizes a driver to violate this section, shall also be subject to the civil penalties provided by 49 C.F.R. 383.53, as amended as of March 1, 2007.

**31-18-607. Out-of-service orders.**

(b) A driver or employer of a driver convicted of violating an out-of-service order issued to the driver, the employer or a motor carrier, or an employer who knowingly allows, requires, permits or authorizes a driver to violate an out-of-service order issued to the driver, the employer or a motor carrier, shall be subject to the civil penalties specified by 49 C.F.R. 383.53, as amended as of ~~March 1,~~ July 5, 2007.

(c) As used in this section, the term "out-of-service order" means as defined by W.S. 31-7-102(a)(xxxii).

**Section 2.** W.S. 31-7-305(n) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 18, 2011.

## Chapter 32

### COUNTY ROADS-SPEED LIMITS AND LOCAL AUTHORITY TO ALTER

Original Senate File No. 26

AN ACT relating to speed limits; specifying who can establish speed limits; amending the process for altering speed limits; adopting default speed limits for residence districts, subdivisions and paved and unpaved roadways 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. 31-5-102(a) by creating new paragraphs (lxiv) through (lxvi), 31-5-301(b)(ii) and (iv), 31-5-303(b) and 31-5-304(b) are amended to read:

#### **31-5-102. Definitions.**

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

(lxiv) "Paved" means a roadway which is covered by hot-rolled asphalt or concrete but is not constructed solely of recycled asphalt;

(lxv) "Unpaved" means a roadway which is not paved;

(lxvi) "Subdivision" means a portion of land for which a subdivision permit has been issued pursuant to W.S. 18-5-304.

#### **31-5-301. Maximum speed limits.**

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, the limits specified in this subsection or established as otherwise authorized shall be maximum lawful speeds and no person shall drive a vehicle on a highway at a speed in excess of maximum limits:

(ii) Thirty (30) miles per hour in any urban district and in any residence district or subdivision except on roads that have been designated a private road pursuant to W.S. 18-5-306(a)(vii);

(iv) For all other locations, sixty-five (65) miles per hour in other locations where the roadway is paved and fifty-five (55) miles per hour

where the roadway is unpaved;

**31-5-303. Establishing maximum speed limits by local authorities.**

(b) In compliance with rules promulgated by the department, local authorities in their respective jurisdictions shall may determine by an engineering and a traffic investigation the proper maximum speed for all streets and highways within their city limits under their respective corporate jurisdiction and shall declare a which maximum speed is reasonable and safe maximum limit thereon and which may be greater or less than the maximum speed permitted under this act, for an urban district. The rules promulgated by the department shall adopt standards consistent with national practices.

**31-5-304. Minimum speed limits.**

(b) ~~Whenever the superintendent or local authorities within their respective jurisdictions determine~~ determines on the basis of an engineering and a traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the superintendent ~~or local authority~~ may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law and that limit is effective when posted upon appropriate fixed or variable signs. A local authority may make the determination permitted under this subsection by complying with rules adopted by the department for this purpose, which rules shall adopt standards consistent with national practices.

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

Approved February 18, 2011.

## Chapter 33

### PARI-MUTUEL COMMISSION-AMENDMENTS

Original Senate File No. 27

AN ACT relating to the pari-mutuel commission; limiting licensing of employees to those participating in horse racing or pari-mutuel wagering activities; providing for rulemaking; increasing fining authority of stewards; and providing for an effective date.

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

**Section 1.** W.S. 11-25-104(f) and (g)(iii) is amended to read:

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

(f) Each permittee, participant and employee of a permittee or participant who is directly involved in the horse racing or pari-mutuel wagering activities of the permittee or participant, as defined in commission rule and regulation, shall be licensed by the commission and shall comply with all rules and regulations and all orders issued by the commission. No person shall hold any event with pari-mutuel wagering without obtaining a permit.

(g) The commission may delegate authority to enforce rules of the commission and this act to three (3) stewards at each pari-mutuel event, at least one (1) of whom shall be an employee of and selected by the commission. The commission shall require at least one (1) steward to supervise each simulcast location that is approved by the commission. Stewards shall exercise such reasonable and necessary authority as is designated by rules of the commission including the following:

(iii) Levy fines not to exceed ~~two hundred dollars (\$200.00)~~ one thousand dollars (\$1,000.00) for violations of rules of the commission. Violations shall be reported daily and fines paid to the commission within forty-eight (48) hours of imposition and notice;

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

Approved February 18, 2011.

## Chapter 34

### SALES TAX ON CERTAIN FOOD ITEMS

Original Senate File No. 99

AN ACT relating to sales and use tax; providing definitions of food for tax exemption purposes; 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)(xli) and by creating a new paragraph (xlvi) and 39-16-101(a)(xviii) and by creating a new paragraph (xix) are amended to read:

**39-15-101. Definitions.**

(a) As used in this article:

(xli) “Food for domestic home consumption” means ~~food for domestic~~

home consumption as defined by department rule and regulation substances whether in liquid, concentrated, solid, frozen, dried or dehydrated form that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food for domestic home consumption" does not include alcoholic beverages, tobacco or prepared foods;

(xlvii) "Prepared food":

(A) Includes:

(I) Food sold in a heated state or heated by the seller;

(II) Two (2) or more food ingredients mixed or combined by the seller for sale as a single item; or

(III) Food sold with eating utensils provided by the seller including plates, knives, forks, spoons, glasses, cups, napkins or straws. A container or package used to transport the food is not an eating utensil.

(B) Does not include:

(I) Food that is only cut, repackaged or pasteurized by the seller;

(II) Eggs, fish, meat, poultry or foods containing raw animal foods and which are required or recommended to be cooked by the consumer to prevent food borne illness;

(III) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 dealing with bakeries;

(IV) Food sold in an unheated state by weight or volume as a single item; or

(V) Bakery items including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danishes, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas and other bakery goods unless the item is sold as prepared food under subdivision (xlvii)(A)(III) of this subsection.

### **39-16-101. Definitions.**

(a) As used in this article:

(xviii) "Food for domestic home consumption" means food for domestic home consumption as defined by department rule and regulation substances whether in liquid, concentrated, solid, frozen, dried or dehydrated form that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food for domestic home consumption" does not include alcoholic beverages, tobacco or prepared foods;

(xix) "Prepared food":



(A) Includes:

(I) Food sold in a heated state or heated by the seller;

(II) Two (2) or more food ingredients mixed or combined by the seller for sale as a single item; or

(III) Food sold with eating utensils provided by the seller including plates, knives, forks, spoons, glasses, cups, napkins or straws. A container or package used to transport the food is not an eating utensil.

(B) Does not include:

(I) Food that is only cut, repackaged or pasteurized by the seller;

(II) Eggs, fish, meat, poultry or foods containing raw animal foods and which are required or recommended to be cooked by the consumer to prevent food borne illness;

(III) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 dealing with bakeries;

(IV) Food sold in an unheated state by weight or volume as a single item; or

(V) Bakery items including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danishes, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas and other bakery goods unless the item is sold as prepared food under subdivision (xlv)(A)(III) of this subsection.

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

Approved February 18, 2011.

## **Chapter 35**

### **WATER DEVELOPMENT PROJECTS-FUNDING**

Original House Bill No. 66

AN ACT relating to water development; providing for the funding of specified water projects; creating an account; specifying use of the account; and providing for an effective date.

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

**Section 1.** W.S. 99-99-1001(a) by creating a new paragraph (viii), (k) and by creating a new subsection (m) is amended to read:

**99-99-1001. Creation; use of funds; interest.**

(a) The following accounts are created:

(viii) Glendo reservoir account.

(k) Notwithstanding W.S. 41-2-1301(f), 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.

(m) 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 Glendo reservoir shall be deposited in the account created by paragraph (a)(viii) of this section. The Wyoming water development commission shall administer the account and use any monies in the account to meet the operation, maintenance, replacement and other contract obligations of the state related to the Glendo reservoir water service contract. Eight hundred thousand dollars (\$800,000.00) from the appropriation from water development account I provided in the 2002 Wyoming Session Laws, Chapter 83, Section 29 is hereby transferred to the account created by paragraph (a)(viii) 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 February 18, 2011.

## Chapter 36

### TEMPORARY MILITARY DUTY-CHILD CUSTODY AND VISITATION

Original House Bill No. 105

AN ACT relating to child custody and visitation; providing definitions; limiting the modification of custody and visitation for specified military personnel; specifying factors considered in the modification of custody and visitation; permitting the assignment of visitation rights as specified; providing for expedited hearings; providing for electronic evidence; and providing for an effective date.

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

**Section 1.** W.S. 20-2-205 is created to read:

**20-2-205. Temporary military duty; definitions; modification of orders; visitation assignment; electronic evidence.**

(a) When a service member who has custody or visitation of a child receives temporary duty, deployment or mobilization orders from the military which require the service member to move a substantial distance from the service member's residence or otherwise have a temporary but material effect on the service member's ability to exercise custody or visitation responsibilities:

(i) Any order establishing the terms of custody or visitation in place at the time the service member receives the temporary duty, deployment or mobilization orders may only be temporarily modified so as to provide for the child's best interests;

(ii) Any order modifying an existing custody or visitation order that is determined necessary due to the temporary duty, deployment or mobilization of a service member shall specify that the service member's military service is the basis for the order and shall further state that it is entered by the court solely as a temporary order;

(iii) In issuing any temporary custody or visitation order under this section, the court shall consider whether the temporary order should automatically terminate;

(iv) For purposes of determining custody and visitation after the return of a service member and upon motion under W.S. 20-2-204, the temporary duty, mobilization or deployment of the service member, and the resulting temporary disruption to a child's schedule, shall be neutral factors in determining a material change in circumstances and shall not, alone, constitute a material change in circumstances warranting a permanent modification of custody or visitation rights.

(b) If a service member with visitation rights receives temporary duty, deployment or mobilization orders that require the service member to move a substantial distance from the service member's residence or otherwise have a material effect on the service member's ability to exercise visitation rights, the court may, upon motion of the service member, order that the service member's visitation rights, or a portion thereof, may be exercised by a family member with a close and substantial relationship to the minor child for the duration of the service member's absence, if the alternate visitation is in the child's best interest.

(c) Upon motion of a service member who has received temporary duty, deployment or mobilization orders, the court shall, for good cause shown,

expedite any pending hearing in custody and visitation matters when the military duties of the service member have a material effect on the service member's ability, or anticipated ability, to appear in person at a regularly scheduled hearing.

(d) Upon motion of a service member who has received temporary duty, deployment or mobilization orders together with reasonable advanced notice and proof that the service member's military duties have a material effect on his ability to appear in person, the court may allow the service member to present testimony and evidence by electronic means in pending custody and visitation matters. The phrase "electronic means" includes communication by telephone, video teleconference or the Internet.

(e) Nothing in this section shall alter the duty of the court to consider the best interest of the child in deciding custody or visitation matters.

(f) As used in this section:

(i) "Deployment" means federal service of the United States under title 10, United States Code, in compliance with military orders received by a service member to report for combat operations, contingency operations, peacekeeping operations, a temporary duty assignment or other federal service for which the service member is required to report and to be unaccompanied by family members. "Deployment" also shall encompass any federal service that includes a period during which a service member is listed by the United States department of defense as missing in action, a prisoner of war or remains subject to his deployment orders on account of security sequestration, sickness, wounds, leave or other lawful cause. The term shall not apply to any service member who is absent without leave or considered a deserter from the armed forces;

(ii) "Mobilization" means the recall to active duty of a retired service member or the call-up of a national guard or reserve component service member to extended active duty status pursuant to title 10 United States Code, sections 12301, 12302, 12303 and 12304. "Mobilization" does not include national guard or reserve annual or weekend training;

(iii) "Return" means official release or termination of temporary duty, deployment or mobilization orders or the resumption of a service member's physical presence within the state of Wyoming or state of permanent residence if other than Wyoming. "Return" does not include presence during temporary leave periods;

(iv) "Service member" means a uniformed member of the United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corp, national guard or any reserve or auxiliary component thereof;

(v) "Temporary duty" means the temporary transfer of a service member from one (1) military installation to a different location for a period of more than forty-five (45) days but less than one hundred eighty (180) days in order to accomplish training, assist in the performance of any military mission or for medical treatment.

**Section 2.** W.S. 20-2-201 by creating a new subsection (g), 20-2-203(a), 20-2-204(c) are amended to read:

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

(g) At anytime a court is considering the custody or visitation rights of a service member, as defined by W.S. 20-2-205, the court shall comply with W.S. 20-2-205.

**20-2-203. Jurisdiction for enforcement and modification.**

(a) A court in this state which enters a custody order under W.S. 20-2-201 has continuing subject matter jurisdiction to enforce or modify the decree concerning the care, custody and visitation of the children as the circumstances of the parents and needs of the child require, subject to the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act. A service member's temporary duty, deployment or mobilization, as defined in W.S. 20-2-205, shall not alter any court's continuing jurisdiction under this section. A court which has jurisdiction to enforce or modify an order under this section may decline to exercise its jurisdiction if it finds it is an inconvenient forum under the circumstances of the case and that the court which entered the original order is a more appropriate forum and has jurisdiction as set forth in the Uniform Child Custody Jurisdiction and Enforcement Act.

**20-2-204. Enforcement and modification.**

(c) A court having jurisdiction may modify an order concerning the care, custody and visitation of the children if there is a showing by either parent of a material change in circumstances since the entry of the order in question and that the modification would be in the best interests of the children pursuant to W.S. 20-2-201(a). In any proceeding in which a parent seeks to modify an order concerning child custody or visitation, proof of repeated, unreasonable failure by the custodial parent to allow visitation to the other parent in violation of an order may be considered as evidence of a material change of circumstances. Any modification under this subsection shall be subject to the limitations and requirements of W.S. 20-2-205.

**Section 3.** This act is effective July 1, 2011.

Approved February 18, 2011.

**Chapter 37****WEED AND PEST CONTROL**

Original House Bill No. 15

AN ACT relating to weed and pest control; modifying definitions; providing for emergency declarations; providing for district boards to buy and sell property and equipment; repealing provision establishing inspectors as district supervisors; modifying cost sharing with landowners; increasing the amount on surety bonds; requiring reports to the district board; increasing the criminal penalty amount; providing conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 11-5-101, 11-5-102(a)(i), (ii), (v), (vii), (viii), (x), (xi), (xii), (xviii), (xx), by creating a new paragraph (xxiii) and by renumbering (xxiii) as (xxiv), 11-5-104(g), 11-5-105(b)(vi) and by creating a new paragraph (vii), 11-5-106, 11-5-107(a), (b) and by creating a new subsection (d), 11-5-108(a), 11-5-115(c) and 11-5-117 are amended to read:

**11-5-101. Short title; purpose of provisions.**

(a) This act may be cited as the “Wyoming Weed and Pest Control Act.” ~~of 1973”.~~

(b) The purpose of this act is controlling designated and declared weeds and pests.

**11-5-102. Definitions.**

(a) As used in this act:

(i) ~~“Agricultural-”~~“Pesticide” means any material used to control or eradicate weeds or pests;

(ii) “Authorized dealer” means ~~a resident of any pesticide dealer licensed in~~ Wyoming who sells, retails, wholesales, distributes, offers or exposes for sale, exchanges, barter or gives away any ~~agricultural~~ pesticide within this state;

(v) “Control” means the process of containing, ~~and limiting weed and pest infestations preventing, identifying and mitigating weed and pest infestations by using multiple integrated management practices, including but not limited to, regulation, prevention, survey, eradication, pesticides, cultivation, competition, grazing and biological control in an adaptive management effort designed to reduce economic and ecological impacts from designated and declared species and to protect uninfested lands;~~

(vii) “Declared pest” means any animal or insect species which the board and the Wyoming weed and pest council have found, either by

virtue of its direct or indirect effect to negatively impact management of agricultural or natural ecosystems, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within a district;

(viii) “Declared weed” means any plant species which the board and the Wyoming weed and pest council have found, either by virtue of its direct or indirect effect to negatively impact management of agricultural or natural ecosystems, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within a district;

(x) “Designated list” means the list of weeds and pests from time to time designated by joint resolution of the board and the Wyoming weed and pest council or by an emergency declaration of the director;

(xi) “Designated noxious ~~weeds~~” ~~means the weeds, weed~~ means plant species having seeds or other plant parts that are considered detrimental, destructive, injurious or poisonous, either by virtue of their direct effect or as carriers of diseases or parasites that exist within this state, and are on the designated list, determined to be detrimental to the general health or welfare of the state based upon the following:

(A) Has demonstrated the ability to aggressively invade native plant communities and agricultural crops;

(B) Is injurious or poisonous to livestock;

(C) Is a carrier of disease or parasites;

(D) Can, by virtue of either direct or indirect effect, negatively impact management of agricultural or natural ecosystems.

(xii) “Designated ~~pests~~” ~~means animals or insects which are on the designated list considered pest~~ means any animal or insect species that is determined to be detrimental to the health or general welfare of the state; based upon the following:

(A) Has demonstrated the ability to aggressively invade native plant communities and agricultural crops;

(B) Is injurious or poisonous to livestock;

(C) Is a carrier of disease or parasites;

(D) Can, by virtue of either its direct or indirect effect, negatively impact management of agricultural or natural ecosystems.

(xviii) “Farm products” means all crops, crop products, nursery stock, plants or portions thereof, but shall not mean livestock;

(xx) “Landowner” means any ~~owner or lessee of state, municipal or private land, and includes an owner of person who has actual use, exclusive possession of or exercises control over the land through~~ any lease, easement,

right-of-way or estate in the land. Federal landowner means the federal agency having jurisdiction over any lands affected by this act;

(xxiii) "Emergency declaration" means the addition of a weed or pest to either the statewide designated list or to a county declared list on an emergency basis to allow for immediate control activities. An emergency declaration shall only last until formal action can be taken by the council and the board to list the species through established rules, and in any case not to exceed one (1) year;

~~(xxiii)~~(xxiv) "This act" means W.S. 11-5-101 through 11-5-119.

**11-5-104. District board of directors; appointment; terms; vacancies; compensation and expenses.**

(g) At the first regular meeting in February the district board shall elect from its members a chairman and a vice-chairman, and appoint a secretary and a treasurer. The positions of secretary and treasurer need not be members of the district board. The treasurer shall furnish a surety bond to the district before entering upon the duties of office in an amount to be set by the district board but not less than ~~three thousand dollars (\$3,000.00)~~ fifty thousand dollars (\$50,000.00).

**11-5-105. Duties; powers; supervisor compensation.**

(b) The district board of each district may:

(vi) Participate in programs for the control of declared weeds and declared pests not included on the designated list; ~~Such programs do not qualify for cost-sharing from the department.~~

(vii) Buy and sell real property, personal property and equipment as needed to carry out district programs.

**11-5-106. Board of certification; duties.**

A board of certification is established consisting of the director or his designee, a University of Wyoming weed or pest specialist appointed by the dean of the college of agriculture, two (2) certified district supervisors and a district board member appointed by the Wyoming weed and pest council. The board of certification shall promulgate rules and requirements for certification of district supervisors and shall certify all personnel meeting the established requirements. ~~All inspectors certified as of February 10, 1973 are deemed certified district supervisors without any further actions of the board of certification.~~

**11-5-107. Purchase and sale of pesticides; cost share with landowner.**

(a) The district board may purchase from authorized dealers such quantities of ~~agricultural pesticides and equipment~~ as are necessary, and



hire labor to carry out the provisions of this act. Warrants in payment shall be drawn on the weed and pest control fund.

(b) The district board may sell ~~agricultural~~ pesticides which have been registered with the department for designated or declared noxious weed and pest control.

(d) The district board may cost share with the landowner the cost of the pesticides, the cost of the application and the cost of any other integrated management practice for the control of designated or declared noxious weeds and pests.

**11-5-108. Rates and application of pesticides; payment by landowner; bidding restriction.**

(a) The district board may establish rates and engage in the application of ~~agricultural~~ pesticides for weed and pest control, subject to subsection (b) of this section. ~~The district board may cost share in the agricultural pesticides, and the landowner shall pay the full cost of the application. If services provided are not paid for by the landowner for whom rendered as provided in W.S. 11-5-107(d), such indebtedness may be collected as provided by W.S. 11-5-107(c).~~

**11-5-115. Program in cities and towns authorized; funding; use of monies.**

(c) Monies received by the cities from the district ~~may~~ shall be used ~~in any phase of weed and pest control to control noxious weeds and pests as determined by the governing body of the city or town. The control program shall include work on designated weeds and pests as determined by the district board. The city or town shall provide an annual report to the district board on designated and declared weed and pest work completed within the jurisdictional limits of the city or town.~~

**11-5-117. Criminal provision; penalty; civil penalties; limitations; necessary proof.**

(a) Any person violating any provision of this act is guilty of a misdemeanor, and shall be fined not more than ~~one hundred dollars (\$100.00)~~ seven hundred fifty dollars (\$750.00) in addition to fines provided for in W.S. 11-5-109(e).

(b) In any proceeding to impose any fine or penalty for any failure to perform a remedial requirement ordered by a district board for control of a weed or pest in any infested area, the district board shall have the burden of proving:

(i) That the proposed remedial action would control the target weed or pest;

(ii) That the remedial action would be a cost effective action and would be more cost effective than any alternative action proposed or adopted by the landowner; and

(iii) That the weed or pest to be controlled was at risk of spreading to the land of others in the area.

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

Approved February 18, 2011.

## Chapter 38

### ELECTION CODE-REVISIONS

Original Senate File No. 20

AN ACT relating to elections; clarifying notification procedures for nominations and write in candidates; providing for a fee; clarifying requirements for petition for nomination; clarifying procedure for delivery of ballots; clarifying a provision relating to filling of vacancies in four year terms of office; repealing obsolete provisions requiring ink stamps and folded ballots; modifying provisions for spoiled ballots; providing for appointment of canvassing board members by county clerk; clarifying date for submission of municipal ballot initiatives; clarifying date for qualification of petition signatures; clarifying when electioneering occurs; repealing obsolete provisions; and providing for an effective date.

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

**Section 1.** W.S. 22-5-219(a), 22-5-301, 22-5-304, 22-5-501(a), 22-9-107, 22-9-121(c)(i) and (ii), 22-12-108, 22-13-105, 22-13-107, 22-14-103, 22-16-101, 22-16-106, 22-18-111(a)(intro), 22-23-307, 22-23-1003, 22-23-1005 and 22-26-113 are amended to read:

**22-5-219. Further action by nominees or elect not required; exception.**

(a) Candidates nominated and major party precinct committeemen and committeewomen elected at a primary election shall be deemed nominated or elected without further action. In addition, each write-in candidate nominated ~~or elected~~ at a primary election shall comply with the provisions of W.S. 22-16-106.

**22-5-301. Independent partisan candidates; form.**

(a) Independent candidates for partisan public offices may be nominated by filing a signed petition in substantially the following form:

PETITION FOR NOMINATION

I, ....., swear or affirm that I was born on ....., ....(year), that I have been a resident of the State of Wyoming since ....., and that I am a registered voter of Election District No. ....., in Precinct No. ....., County of ....., residing at ....., (if for the office of state senator or representative, commissioner or other district office) in Senate (House) (Commissioner or other) District ....., State of Wyoming, and having obtained the number of signatures required by law for nomination by petition, I hereby request that my name be printed on the official ballot at the next general election as an independent candidate for the office of .... and declare that if nominated and elected, I will qualify for the office.

Dated the .... day of ....., ....(year).

..... (Signature)

..... (Residence Address)

The eligible, registered electors supporting my nomination, and numbering not less than ~~two percent (2%) of the total number of votes cast for Representative in Congress at the last general election in the political subdivision for which this petition is filed~~ the number required under W.S. 22-5-304, are as follows:

(Signature) (Printed Name) (Residence) (Date)

- 1.
- 2.

**VERIFICATION BY CIRCULATORS**

I, ....., do hereby certify that I am a circulator of this petition, and I solely and personally circulated this petition, that all the signatures appearing herein were made in my presence from .... (month) .... (day), ....(year) through .... (month) .... (day), ....(year), and to the best of my knowledge and belief such signatures are those of the persons whose names they purport to be.

..... (Signature)

.....(Residence Address)

**22-5-304. Qualifications and number of signers required.**

(a) For a statewide partisan office, a petition shall be signed by registered electors, resident in the legislative district or other district or political subdivision in which the petitioner will be a candidate, state and eligible to vote for him ~~the petitioner~~, numbering not less than two percent (2%)

of the total number of votes cast for representative in congress in the last general election for the ~~political subdivision or legislative district for which the petition is filed~~ entire state.

(b) For a countywide partisan office, a petition shall be signed by registered electors, resident in the county and eligible to vote for the petitioner, numbering not less than two percent (2%) of the total number of votes cast for representative in congress in the last general election for the entire county.

(c) For a district partisan election, a petition shall be signed by registered electors, resident in the district and eligible to vote for the petitioner, numbering not less than two percent (2%) of the total number of votes cast for the office in that particular district in the last general election. If a district's boundaries have changed since the last general election, then the required number of petition signatures shall not be less than two percent (2%) of the number of registered voters in the current district boundaries at the close of day on the day immediately preceding the primary election.

#### **22-5-501. Qualifying as a write-in candidate.**

(a) Each person requesting to have all votes cast for him as a write-in candidate counted, shall file an application for candidacy together with the appropriate filing fee with the appropriate filing officer not later than two (2) days after the election in which the person desires to have the write-in votes counted. Candidates whose votes did not affect the nomination who wish to have those votes counted shall follow the procedure set out in W.S. 22-16-106(c).

#### **22-9-107. Delivering ballots to qualified applicants.**

If the clerk determines that the applicant is entitled to vote, he shall mark the application "Accepted" and ~~as soon as ballots are available he shall immediately deliver~~ shall, not less than forty (40) days nor more than forty-five (45) days prior to the election, distribute to the applicant, or the individual designated by the applicant, the absentee ballot or ballots requested, instructions for marking the ballot and the required envelopes for use in returning the ballot.

#### **22-9-121. Examination of absentee ballot affidavit; rejection; voting ballots.**

(c) If it is sufficient:

(i) In a paper ballot precinct, the name of the absent elector shall be entered in the pollbook, the inner ballot envelope shall be opened by a judge of election and the ballots therein shall be removed ~~and stamped with the regular rubber stamp~~ and initialed by a judge of election. The ballot shall

then be placed in the regular ballot box by a judge of election;

(ii) In a voting machine precinct, the inner ballot envelope shall be opened after the judges are sworn in and as activity permits, the ballots therein removed, ~~and stamped with the regular rubber stamp,~~ initialed by a judge of election, and each ballot deposited in its proper box. After the absentee ballots have been so deposited, they shall be mixed within the box, removed from the box and once the polls open and as activity permits, voted on a voting machine in the following manner: A judge of election shall read the vote for each candidate and ballot proposition. A judge of a different political party affiliation shall record the vote as read on the machine. A third judge shall observe this procedure to see that the vote is correctly cast.

**22-12-108. Delivery of ballots and stamps; breaking of seals.**

~~Ballots and stamps~~ shall be delivered under seal or otherwise properly secured and a receipt therefor signed by a judge of election shall be filed with the county clerk. Seals shall be broken on the morning of election day by the chief judge in the presence of the other judges before the polls are opened.

**22-13-105. Official marking of paper and absentee ballots.**

~~Before delivering a paper ballot to an elector or voting an absentee ballot in a voting machine precinct, a judge of election or county clerk shall mark initial the ballot, with the official ballot stamp on the back and near the top of the ballot. In the blank spaces in the stamped imprint the judge shall fill in the election district and precinct numbers, the name of the county, the date, and the initials of the judge. No other identifying marks shall be made on an official ballot. An elector shall cast only one (1) ballot or set of ballots at each election.~~

**22-13-107. Spoiled ballots.**

An elector spoiling a paper ballot by mistake or accident may receive another ballot by returning the rejected ballot to a judge of election, ~~not more than twice.~~ Spoiled ballots shall immediately be cancelled by a judge of election and delivered with the returns to the county clerk or official conducting the election.

**22-14-103. Counting in paper ballot precincts; discrepancies.**

~~Folded paper ballots and punch card ballots shall be counted as soon as the ballot box is opened. Ballots not marked with the official rubber stamp or not initialed by a judge of election or found so folded as to bear the appearance of having been voted by one (1) person or county clerk shall not be counted. If the number of ballots is not equal to the number of voters~~

entered in the pollbook as having voted that ballot, the election judges shall attempt to determine the discrepancy. If the election judges cannot determine the discrepancy, the county clerk and, if necessary, the county canvassing board, shall resolve the discrepancy.

**22-16-101. County canvassing board; compensation.**

The county canvassing board is the county clerk and two (2) electors of different political parties resident in the county appointed by the ~~board of county commissioners~~ county clerk. The two (2) electors shall receive the same compensation as election judges.

**22-16-106. Write-in candidates.**

(a) Each write-in candidate nominated ~~or elected~~ at a primary election, who has not previously filed an application, accepts by filing an application for nomination and paying the filing fee, in the office in which he would have been required to file an application for that office.

(b) The chief election officer shall notify ~~a write-in candidates~~ candidate who ~~have~~ has been nominated for election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of the write-in candidate or service as provided under the Wyoming Rules of Civil Procedure. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination. Failure of the successful write-in candidate to accept the nomination within five (5) days, as computed pursuant to W.S. 22-2-110, of proof of service or attempted delivery results in the successful write-in candidate not appearing on the general election ballot, but does not result in a vacancy which can be filled.

(c) Any person may request to have the votes cast for any write-in candidate, whose votes did not affect the election, counted by filing a request together with an administrative fee, set by rule and regulation, with the appropriate election officers not later than two (2) days after the election in which the write-in votes occurred.

**22-18-111. Vacancies in other offices; temporary appointments.**

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor. ~~to~~ The person appointed shall serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. Provided, if a vacancy in a four (4) year term of office occurs in the term's second or subsequent years

after the first day for filing an application for nomination pursuant to W.S. 22-5-209, no election to fill the vacancy shall be held and the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter the remainder of the unexpired term. The following apply:

**22-23-307. Candidates nominated; certificate of nomination.**

(a) The candidates equal to twice the number to be elected to each office who receive the highest number of votes are nominated to run for the office at the next general election and shall be issued a certificate of nomination by the county clerk. A write-in candidate shall not be nominated and shall not be entitled to have his name printed on the ballot for the next general election unless he received at least three (3) votes.

(b) The chief election officer shall notify a write-in candidate who has been nominated for election within forty-eight (48) hours after the canvassing board meets. Notification may be made by United States postal service, any generally accepted business document delivery method evidenced by receipt of delivery or attempted delivery at the last known address of the write-in candidate or service as provided under the Wyoming Rules of Civil Procedure. Failure of the successful write-in candidate to accept the nomination within five (5) days, as computed pursuant to W.S. 22-2-110, of proof of service or attempted delivery results in the successful write-in candidate not appearing on the general election ballot, and results in a vacancy which can be filled as provided in W.S. 22-23-308. Each notification provided under this section shall inform the write-in candidate that failure to timely respond will result in forfeiture of nomination.

**22-23-1003. Adoption by governing body or submission to electors.**

An ordinance proposed by a valid initiative petition shall either be adopted within twenty (20) days by the governing body or submitted to a vote of the municipal electors at a special election to be held not more than sixty (60) nor less than twenty (20) days thereafter, ~~unless the primary or general municipal election occurs within ninety (90) days, in which case the measure shall be submitted at the primary or general election~~ The ordinance proposed may also be submitted to a vote of the municipal electors at a primary or general election only if a valid initiative petition is received not less than one hundred ten (110) days before the election if for a primary and not less than seventy (70) days before the election if for a general election.

**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 twenty (20) days after the ordinance is first published after adoption as provided by law. To be counted the electors shall be registered

voters when the completed petition is submitted for verification. The referendum petition shall set forth the ordinance in full and shall contain the signatures and residence addresses of persons signing the petition.

**22-26-113. Electioneering too close to a polling place.**

Electioneering too close to a polling place ~~on election day, or absentee polling place under W.S. 22-9-125~~ when voting is being conducted, consists of any form of campaigning, including the display of campaign signs or distribution of campaign literature, the soliciting of signatures to any petition or the canvassing or polling of voters, except exit polling by news media, within one hundred (100) yards of the building in which the polling place is located.

**Section 2.** W.S. 22-5-216 and 22-12-107(a)(vii) and (viii) are repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 18, 2011.

## Chapter 39

### IGNITION INTERLOCK DEVICES

Original Senate File No. 137

AN ACT relating to the operation of motor vehicles; specifying standards for the imposition of interlock device penalties related to driving while under the influence of alcohol; and providing for an effective date.

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

**Section 1.** W.S. 31-5-233(f)(ii) through (iv) and 31-5-234(f)(ii) through (iv) are amended to read:

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

(f) Any person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed:

(ii) For a first conviction where ~~the conviction is based on the person having the department's administrative action indicates the person had~~ an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months, ~~from the date of conviction~~ For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol



concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year; ~~from the date of conviction;~~

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years; ~~from the date of conviction;~~

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

(f) A person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v) shall, in addition to the penalty imposed in subsection (e) of this section:

(ii) For a first conviction where the ~~conviction is based on the person having~~ department's administrative action indicates the person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. ~~from the date of conviction~~ For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;

(iii) For a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year; ~~from the date of conviction;~~

(iv) For a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years; ~~from the date of conviction;~~

**Section 2.** This act shall apply only to persons who are charged with a violation of W.S. 31-5-233, or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v), on or after July 1, 2011.

**Section 3.** This act is effective July 1, 2011.

Approved February 18, 2011.

**Chapter 40****UNIVERSITY OF WYOMING-FEDERAL MINERAL ROYALTIES**

Original Senate File No. 135

AN ACT relating to public funds; amending requirements for the use of federal mineral royalties distributed to the University of Wyoming; providing for reports; and providing for an effective date.

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

**Section 1.** W.S. 9-4-601(a)(iv) 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:

(iv) Six and three-quarters percent (6 3/4%) to a separate account for the University of Wyoming. This revenue may be used only ~~when authorized by the legislature~~ for the actual and necessary expenses of constructing, equipping and furnishing new buildings, the repairing of existing buildings, the purchasing of improved or unimproved real estate, the payment of principal and interest on securities issued to finance ~~these~~ projects authorized by the legislature or for the payment of principal and interest on securities issued to refund the securities. ~~Any proposed expenditures from this revenue shall be included in the budget of the university submitted to the governor. Payments from this revenue shall be made by the state treasurer only upon properly itemized and receipted vouchers for expenditures approved by the trustees of the university, provided that expenditures for capital construction projects shall only be for projects authorized by the legislature, and filed with the state auditor as provided by law. Notwithstanding the requirement that proposed expenditures from this revenue be included in the university budget submitted to the governor,~~ The trustees of the university are authorized to approve expenditures from this revenue for the payment of principal and interest on any outstanding securities issued pursuant to this paragraph in

accordance with the terms of the securities. The trustees of the university shall report annually to the joint appropriations interim committee, the select committee on capital finance and investments and the governor on all expenditures under this paragraph;

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

Approved February 18, 2011.

## Chapter 41

### COUNTY OFFICERS REMOVAL FROM OFFICE

Original Senate File No. 77

AN ACT relating to county officers; repealing provisions for removal of county officers by boards of county commissioners; providing clarification for removal of county officers for misconduct or malfeasance; specifying how a vacated office is filled; specifying the applicability of other law; and providing for an effective date.

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

**Section 1.** W.S. 18-3-902(a) and by creating new subsections (f) through (h) and 18-3-905 are amended to read:

**18-3-902. Governor to direct district attorney or attorney general to commence action; petition served with summons; pleading; trial; judgment; change of judge.**

(a) Whenever it appears to the governor on the verified complaint of qualified electors or the board of county commissioners of the county that any county officer is guilty of misconduct or malfeasance in office he may direct the ~~district attorney for the county or the~~ attorney general to commence and prosecute an action in the district court of the county in which the officer is an official asking for the removal of the officer. The action shall be commenced by the filing of a verified petition in the name of the state of Wyoming signed by the ~~district attorney or the~~ attorney general setting forth the facts constituting the misconduct or malfeasance in office.

(f) As used in this section, "misconduct or malfeasance" includes, but is not limited to, instances when:

(i) The officer absents himself from his office for an aggregate of sixty (60) days in any three (3) month period unless such absence is caused by illness or other disability;

(ii) The officer is absent from his office for more than ninety (90)

days because of illness or other disability and the illness or disability will probably not terminate during the unexpired portion of the officer's term of office.

(g) Whenever a vacancy occurs in any county office under the provisions of this section, it shall be filled as provided by law.

(h) This section is supplemental to all other statutes concerning removal of county officers.

**18-3-905. Criminal statutes neither repealed nor barred.**

Nothing in W.S. ~~18-3-901~~ 18-3-902 through 18-3-904 shall be construed as repealing any law making it a crime or misdemeanor for county officers to violate statutes of this state and providing a punishment for the violation. Proceedings under W.S. ~~18-3-901~~ 18-3-902 through 18-3-904 shall not bar proceedings under any criminal statute.

**Section 2.** W.S. 18-3-901 and 18-3-907 are repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 18, 2011.

## Chapter 42

### GAME & FISH-DONATION OF HUNTING LICENSES

Original Senate File No. 63

AN ACT relating to game and fish; providing for donation of big game licenses and for reissuance to disabled veterans; providing for rules and regulations; providing for exemption from fees and other requirements; and providing for an effective date.

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

**Section 1.** W.S. 23-1-701(b)(i), 23-1-705 by creating a new subsection (k) and 23-2-306(c) are amended to read:

**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) or (k), 23-2-101(j)(xi), (xvi), (xvii), (xx), (xxi), (xxxii), (xxxiii), (xliv) or (xlv), 23-2-201(d)(iii) or (iv) or (f) or 23-2-301(c)(xiii);

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

(k) The holder of any valid big game license may surrender said license to the department for reissuance to a veteran with disabilities as established by commission rule and regulation selected and sponsored by a nonprofit charitable organization providing hunting opportunities for disabled veterans. Any license reissued in accordance with the provisions of this subsection shall be for the same species, area and license type as the license donated. The license shall be reissued by the department to a qualifying disabled veteran at no fee. Any license donated and reissued under the provisions of this subsection shall not be sold, traded, auctioned or offered for any monetary value and shall not be issued to, or used by, any person other than a disabled veteran qualifying under the provision of this section and in compliance with commission rule and regulation. Licenses reissued to disabled veterans pursuant to this subsection shall not be subject to residency, drawing or fee requirements under W.S. 23-2-101. The five (5) year restriction imposed on the receipt of a moose or big horn sheep license by W.S. 23-1-703(b) or the lifetime restriction imposed on the receipt of a grizzly bear or mountain goat license by W.S. 23-1-703(c) shall not be applicable in any manner to a license issued pursuant to this subsection.

**23-2-306. Conservation stamp; exemptions.**

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

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

Approved February 18, 2011.

### Chapter 43

#### SPECIAL LIMITED FISHING PERMITS

Original House Bill No. 133

AN ACT relating to game and fish; providing for issuance of special limited fishing permits by accredited schools as specified; and providing for an effective date.

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

**Section 1.** W.S. 23-2-207(a) by creating a new paragraph (v) is amended to read:

**23-2-207. Special limited fishing permit for hospitalized veterans, residents of state institutions, court placed children and residents of licensed nursing care facilities; students.**

(a) Upon an appropriate form furnished by the appropriate institution or facility as prescribed by rule and regulation of the commission, a special limited fishing permit may be issued without charge by:

(v) Any Wyoming accredited school, to any enrolled student who is participating in a curriculum based program as described in W.S. 21-9-101, which entitles the student to fish while under the direct supervision of the school.

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

Approved February 18, 2011.

### Chapter 44

#### PROPERTY TAX EXEMPTION FOR NONPROFIT MUSEUM

Original Senate File No. 21

AN ACT relating to taxation and revenue; providing a property tax exemption for museum property which is not used for private profit; 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)(xxv) is amended to read:

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

(a) The following property is exempt from property taxation:

(xxv) Property used for schools, museums, orphan asylums or hospitals to the extent they are not used for private profit. As used in this paragraph, "museum" means as defined in W.S. 34-23-101(a)(iv);

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

Approved February 18, 2011.

## Chapter 45

### WYOMING CONTROLLED SUBSTANCES ACT-AMENDMENTS

Original House Bill No. 62

AN ACT relating to the Wyoming Controlled Substances Act; conforming punctuation and spelling in the act to terminology in federal law; adding and deleting substances in the various schedules of the act as specified; amending registration requirements as specified; amending methamphetamine precursor sales restrictions to match federal requirements; authorizing a person to sign a consent for a third party to receive prescription tracking reports; specifying applicability of new registration requirements; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1014(d)(xxxii), (xxxiv), by creating new paragraphs (xxxv) through (xli) and (f)(viii), 35-7-1016(b)(i) by creating a new subparagraph (T), (c) by creating a new paragraph (xxix) and (d) by creating a new paragraph (v), 35-7-1018(e)(iii), (iv), (g)(xxiii), by creating new paragraphs (lx) through (lxii) and by renumbering (lx) as (lxiii), 35-7-1020(c)(xxix), by creating a new paragraph (lii) and (f) by creating new paragraphs (iii) and (iv), 35-7-1022(b)(intro) and by creating a new subsection (f), 35-7-1024(a), 35-7-1030(a) and (c), 35-7-1059(g)(intro), (i) and by creating a new paragraph (iii), (h) and (p) and 35-7-1060(c) by creating a new paragraph (iv) and by renumbering (iv) and (v) as (v) and (vi) are amended to read:

**35-7-1014. Substances included in Schedule I.**

(d) *Hallucinogenic substances.* - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers whenever the existence of these

salts, isomers and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(xxxii) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7), its optical isomers, salts and salts of isomers;

(xxxiv) 5-methoxy-N,N-diisopropyltryptamine; (other name: 5-MeO-DIPT); its isomers, salts and salts of isomers;

(xxxv) Salvinorum A;

(xxxvi) 3,4-Methylenedioxyethcathinone (other names: Methydone);

(xxxvii) 3,4-Methylenedioxypropylvalerone (MDPV);

(xxxviii) 4-Methylmethcathinone (other names Mephedrone);

(xxxix) 3-Methoxymethcathinone;

(xl) 3-Fluoromethcathinone;

(xli) 4-Fluoromethcathinone.

(f) *Stimulants.* - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(viii) N-Benzylpiperazine;(some other names: BZP, 1-benzylpiperazine), its optical isomers, salts and salts of isomers.

### **35-7-1016. Substances included in Schedule II.**

(b) *Substances, vegetable origin or chemical synthesis.* - Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(i) Opium and opiate and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

(T) Oripavine.

(c) *Opiates.* - Unless specifically excepted or unless in another schedule, any of the following opiates including their isomers, esters, ethers, salts



and salts of isomers, esters and ethers whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(xxix) Tapentadol.

(d) *Stimulants.* - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(v) Lisdexamfetamine, its salts, isomers and salts of isomers.

**35-7-1018. Substances included in Schedule III.**

(e) Narcotic drugs. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraphs (i) through (viii) of this subsection:

(iii) Not more than three hundred (300) milligrams of dihydrocodeinone (hydrocodone) per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(iv) Not more than three hundred (300) milligrams of dihydrocodeinone (hydrocodone) per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Anabolic steroids. – For purposes of this subsection, “anabolic steroid” means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids and dehydroepiandrosterone) and unless specifically excepted or unless listed in another schedule, includes any of the following or any ether, ester, salt or derivative of the following that acts in the same manner on the human body:

(xxiii) 13[beta]-ethyl-17[~~alpha~~beta]-hydroxygon-4-en-3-one);

(lx) Boldione (androsta-1,4-diene-3,17-dione);

(lxi) Desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol)(also known as madol);

(lxii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);

~~(lx)~~(lxiii) Any salt, ester or ether of a drug or substance described or listed in this subsection, except the term does not include an anabolic steroid

which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States secretary of health and humans services for such administration. If any person prescribes, dispenses or distributes such steroid for human use, the person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection.

**35-7-1020. Substances included in Schedule IV.**

(c) *Depressants.* - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(xxix) ~~Medaxepam~~ Medazepam;

(lii) Fospropofol.

(f) *Other substances.* - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(iii) Carisoprodol;

(iv) Tramadol.

**35-7-1022. Substances included in Schedule V.**

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. - Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraphs (i) through (vi) of this subsection which also contains one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(f) Depressants. - Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(i) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxypropionamide];

(ii) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

**35-7-1024. Registration requirements.**

(a) Every person who manufactures, distributes or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance within this state, must obtain ~~annually every two (2) years~~, on or before July 1, a registration issued by the board in accordance with its rules. Any registrant who fails to renew his registration by ~~September 30~~ July 1 of each ~~calendar renewal year~~ shall be charged a late fee, ~~in the amount of forty dollars (\$40.00)~~. If the failure to renew continues past ~~December 31~~ September 30 of the ~~calendar renewal year~~, the registration shall be cancelled and the ~~bureau~~ United States drug enforcement administration notified for cancellation of the registrant's federal registration.

**35-7-1030. Prescriptions required in certain instances.**

(a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written or electronic prescription of a practitioner.

(c) Except when dispensed directly by a practitioner other than a pharmacy to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under state or federal statute, shall not be dispensed without a written, ~~or oral or electronic~~ prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

**35-7-1059. Unlawful clandestine laboratory operations; methamphetamine precursors; presumptively illegal amount; methamphetamine precursor sales limitations; registration requirements; reports; penalties.**

(g) The retail sale of ~~nonliquid~~ methamphetamine precursor drugs ~~or liquid products with ephedrine or pseudoephedrine as the sole active ingredient~~ shall be limited to as follows:

(i) ~~Sales in packages containing not more than three (3) grams~~ No person shall obtain more than a total of three and six-tenths (3.6) grams per calendar day, regardless of the number of transactions, of one (1) or more methamphetamine precursor drugs, calculated in terms of the active equivalent of ephedrine ~~hydrochloride and base~~, pseudoephedrine base or phenylpropanolamine base;

(iii) No person shall obtain more than nine (9) grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base, of which no more than seven and one-half (7.5) grams can be imported by private or commercial carrier or the United States postal service, during any thirty (30) day period.

(h) No person shall sell in a single retail transaction more than two (2) packages ~~as described in subsection (g) of this section~~ of a product containing

methamphetamine precursor drugs. The seller shall maintain a written or electronic list of such sales in a logbook that identifies the products by name, the quantity sold, the names and addresses of purchasers, and the date and time of the sales except that such requirement does not apply to any purchase by an individual of a single sales package if that package contains not more than sixty (60) milligrams of pseudoephedrine. The seller shall maintain each entry in the logbook for not fewer than two (2) years after the date on which the entry is made. The regulated seller who in good faith releases logbook information to federal, state or local law enforcement authorities is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.

(p) For purposes of this section, “methamphetamine precursor drug” means ~~nonliquid~~any product that contains ephedrine, pseudoephedrine or phenylpropanolamine or liquid products with ephedrine or pseudoephedrine as the sole active ingredient and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act as a nonprescription drug.

**35-7-1060. Controlled substances prescription tracking program.**

(c) The tracking program shall not be used to infringe on the legal use of a controlled substance. Information obtained through the controlled substance prescription tracking program is confidential and may not be released and is not admissible in any judicial or administrative proceeding, except as follows:

(iv) The board may release information to a third party if the patient has signed a consent specifically for the release of his controlled substance prescription information to the specific third party;

~~(iv)~~(v) The board may release information that does not identify individual patients, practitioners, pharmacists or pharmacies, for educational, research or public information purposes; and

~~(v)~~(vi) Subject to the rules of evidence, information obtained from the program is admissible in a criminal proceeding or an administrative proceeding involving professional licensing.

**Section 2.** W.S. 35-7-1002(a)(iii), 35-7-1016(c)(xxv), 35-7-1022(e) and 35-7-1059(m)(v) are repealed.

**Section 3.** The registration requirements for persons who manufacture, distribute or dispense controlled substances in Wyoming specified in W.S. 35-7-1024, as amended in section 1 of this act, shall apply to all registrations issued or renewed in calendar year 2011.

**Section 4.** This act is effective July 1, 2011.

Approved February 18, 2011.

**Chapter 46****ESTABLISHMENT OF PRIVATE ROADS**

Original House Bill No. 79

AN ACT relating to establishment of private roads; requiring notice of proposed alternative routes; amending time periods; and providing for an effective date.

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

**Section 1.** W.S. 24-9-101(b), (c) and (e) is amended to read:

**24-9-101. Petition; initial hearing; appointment of viewers and appraisers; bond; rules; certification to district court.**

(b) Within ten (10) days after filing an application with the board, the applicant shall give notice in writing by certified mail, with return receipt, to the affected parties of all lands over which any private road is applied for, of his pending application for a private road. The notice shall include a complete copy of the original application and any amendments thereto. Each affected party receiving notice under this subsection shall, within forty-five (45) days of receiving notice, provide written notice by certified mail with return receipt requested, to the board and the applicant of the location and description, in the manner described in paragraphs (a)(iv) and (v) of this section, of any alternate routes proposed by the affected party.

(c) The board shall review the application within ~~thirty (30)~~ eighty-five (85) days of its receipt and if the board finds the application contains the information required by subsection (a) of this section and notice has been provided in accordance with subsection (b) of this section, it shall schedule a hearing to determine whether the applicant has no legally enforceable access to his land. The hearing shall be scheduled ~~at a date that allows the applicant time to give all notice required under this section not sooner than one hundred forty-five (145) days after the filing of the application with the board.~~

(e) After the board has scheduled a hearing date under subsection (c) of this section, the applicant shall give written notice of the date, time and place of the hearing on the application, by certified mail with return receipt, to all affected parties named in the original application, all landowners affected by any alternative routes proposed as provided in subsection (b) of this section and any other landowners the board believes may be affected by the application or by any alternative route which may be considered by the board, ~~or the viewers and appraisers.~~ The written notice shall include a copy of the original application and any amendments thereto and shall be provided at least ~~sixty (60)~~ forty-five (45) days prior to the pending hearing. If any affected party, including any landowner affected by any alternative route proposed as provided in subsection (b) of this section, is

a nonresident, and there is no resident agent upon which personal service can be had, then the notice may be published once a week for three (3) weeks in a newspaper published in the county. The first publication shall be at least ~~sixty (60)~~ forty-five (45) days prior to the hearing.

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

Approved February 18, 2011.

## Chapter 47

### STATE INVESTMENTS

Original Senate File No. 24

AN ACT relating to state investments; increasing amount allowed to be invested in industrial development bonds; providing for legislative approval of certain investments as specified; extending the sunset for those investments; specifying other requirements for the investments; increasing overall amount allowed to be invested for specific public purposes; and providing for an effective date.

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

**Section 1.** W.S. 9-4-715(m)(intro), (vi) and by creating a new paragraph (vii) and (n) is amended to read:

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

(m) To promote economic development, the state treasurer may invest and keep invested not to exceed ~~one hundred million dollars (\$100,000,000.00)~~ six hundred million dollars (\$600,000,000.00) of any state permanent funds through the purchase of industrial development bonds issued by joint powers boards, municipalities or counties under W.S. 15-1-701 through 15-1-710 subject to the terms and conditions specified under this subsection. By December 31 of each calendar year, the state treasurer and the Wyoming business council shall each provide a report to the joint minerals, business and economic development interim committee on the effectiveness of the investment program authorized by this subsection. The reports shall include the costs incurred by the state to the permanent mineral trust fund, expenditures made from the account created under paragraph (v) of this subsection and the revenue received by the Wyoming business council through fees and businesses who utilized the program:

(vi) No investment shall be made under this subsection after June 30, ~~2011~~ 2017. Any investment under this subsection shall be subject to the prudent investor standard as specified in subsection (d) of this section;

(vii) No investment in excess of one hundred million dollars

(\$100,000,000.00) shall be made under this subsection in bonds for any one (1) project without specific legislative authorization.

(n) The state treasurer shall not invest state funds for a specific public purpose authorized or directed by the legislature in excess of a total of ~~five hundred million dollars (\$500,000,000.00)~~ one billion dollars (\$1,000,000,000.00), excluding investments made pursuant to W.S. 37-5-406. Prior to the convening of each general session, the state treasurer shall, after consultation with the board, recommend any adjustments to this allocated amount to the select committee on capital financing and investments.

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

Approved February 18, 2011.

## Chapter 48

### DATA PROCESSING SERVICES CENTERS-TAX EXEMPTIONS

Original House Bill No. 117

AN ACT relating to sales and use taxes; modifying the requirements for an exemption from sales and use taxes for computer software of data processing services centers; providing for additional sales and use tax exemptions for data processing services centers; specifying requirements for the exemptions; requiring reports; 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)(S) and 39-16-105(a)(viii)(H) 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:

(S) Subject to meeting the applicable provisions of this subparagraph, the following purchases by a data processing services center as defined in W.S. 39-15-101(a)(xlv):

(I) The sales price paid for the purchase or rental of qualifying prewritten and other computer software, computer equipment including computers, servers, monitors, keyboards, storage devices, containers used to transport and house such computer equipment 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;:

(II) The sales price paid for the purchase or rental of qualifying uninterruptable power supplies, back-up power generators, specialized heating and air conditioning equipment and air quality control equipment used for controlling the computer environment 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;

(III) For the purpose of claiming ~~this exemption~~ the exemptions in subdivisions (I) and (II) of this subparagraph, the purchaser shall demonstrate to the department that he:

~~(H)(1)~~ (1) 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;

~~(H)(2)~~ (2) Shall make an initial total capital asset investment in a physical location in this state;

a. For the exemption in subdivision (I) of this subparagraph, 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~~ March 5, 2010;

b. For the exemption in subdivision (II) of this subparagraph, of not less than fifty million dollars (\$50,000,000.00) or has made a capital investment in a physical location in this state of not less than fifty million dollars (\$50,000,000.00) in the five (5) years immediately preceding April 1, 2011.

~~(H)(3)~~ (3) Has retained adequate documentation to demonstrate that the total ~~purchase of qualifying computer equipment exceeds~~ qualifying purchases exceed the applicable annual threshold of ~~two million dollars (\$2,000,000.00)~~ for each exemption claimed under this subparagraph;

~~(IV)(4)~~ (4) 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)(5)~~ (5) Will accrue the excise tax on ~~purchase of~~ otherwise qualifying



~~computer equipment purchases~~ where the applicable 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)(6)~~ 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.

(IV) For the purpose of claiming the exemptions in subdivisions (I) and (II) of this subparagraph, for data centers where more than one (1) entity occupies the facility but offer data services as a single entity, the purchaser shall demonstrate that all the requirements of subdivision (III) are met in the aggregate by the entities occupying the facility regardless of multiple ownerships of equipment and buildings.

### **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) Subject to meeting the applicable provisions of this subparagraph, the following purchases by a data processing services center as defined in W.S. 39-15-101(a)(xliv):

(I) The sales price paid for the purchase or rental of qualifying prewritten and other computer software, computer equipment including computers, servers, monitors, keyboards, storage devices, containers used to transport and house such computer equipment, 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;

(II) The sales price paid for the purchase or rental of qualifying uninterruptable power supplies, back-up power generators, specialized heating and air conditioning equipment and air quality control equipment used for controlling the computer environment 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;

(III) For the purpose of claiming ~~this exemption~~ the exemptions in subdivisions (I) and (II) of this subparagraph, the purchaser shall demonstrate to the department that he:

~~(H)(1)~~ (1) 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;

~~(H)(2)~~ (2) Shall make an initial total capital asset investment in a physical location in this state;

a. For the exemption in subdivision (I) of this subparagraph, 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 ~~March 5, 2010;~~

b. For the exemption in subdivision (II) of this subparagraph, of not less than fifty million dollars (\$50,000,000.00) or has made a capital investment in a physical location in this state of not less than fifty million dollars (\$50,000,000.00) in the five (5) years immediately preceding April 1, 2011.

~~(H)(3)~~ (3) Has retained adequate documentation to demonstrate that the total ~~purchase of qualifying computer equipment exceeds~~ qualifying purchases exceed the applicable annual threshold ~~of two million dollars (\$2,000,000.00)~~ for each exemption claimed under this subparagraph;

~~(IV)(4)~~ (4) 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)(5)~~ (5) Will accrue the excise tax on ~~purchase of~~ otherwise qualifying ~~computer equipment purchases~~ where the applicable 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)(6)~~ (6) 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.

(IV) For the purpose of claiming the exemptions in subdivisions (I) and (II) of this subparagraph, for data centers where more than one (1) entity occupies the facility but offer data services as a single entity, the purchaser shall demonstrate that all the requirements of subdivision (III) are met in the aggregate by the entities occupying the facility regardless of multiple ownerships of equipment and buildings.

## **Section 2.**

(a) If requested by the department of revenue, any person utilizing the exemption shall report to the department annually the amount of excise tax exempted under W.S. 39-15-105(a)(viii)(S) and 39-16-105(a)(viii)(H). The department shall report the total dollars under this exemption to the Wyoming business council. The council shall report to the joint minerals, business and economic development interim committee and the joint revenue interim committee on or before December 1 every four (4) years on the total amount of taxes exempted, the number of jobs created or impacted by the utilization of the exemption. The report shall evaluate the cumulative effects of the exemption that is in effect from initiation of the exemption and shall include:

(i) A history of employment in terms of numbers of employees, full-time and part-time employees and rates of turnover classified by the 2007 edition of the North American Industry Classification System (NAICS) code, as amended, data processing section 518210 from information collected by the department of employment;

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

(iii) A comprehensive history of taxes paid to the state of Wyoming, including any property taxes paid.

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

Approved February 18, 2011.

**Chapter 49****WORKFORCE SERVICES AND EMPLOYMENT REORGANIZATION**

Original Senate File No. 120

AN ACT relating to government reorganization; providing for the transfer of all department of employment programs and functions to the department of workforce services; requiring reports; and providing for effective dates.

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

**Section 1.** W.S. 9-2-2002 by creating a new subsection (h) and 9-2-2601 by creating a new subsection (k) are amended to read:

**9-2-2002. Department of employment created; director appointed; structure; merger with department of workforce services.**

(h) On or before July 1, 2011, all divisions, programs and functions of the department of employment shall be transferred to the department of workforce services created by W.S. 9-2-2601. The combined department shall be known as the department of workforce services. Any statute or legal or other document which refers to the department of employment shall mean the department of workforce services which is the successor agency to the department of employment.

**9-2-2601. Department of workforce services; duties and responsibilities; agreements with other agencies authorized; definition; merger with department of employment.**

(k) On or before July 1, 2011, the department of workforce services shall include all divisions, programs and functions previously assigned to the department of employment created by W.S. 9-2-2002.

**Section 2.**

(a) The governor shall appoint one (1) person to serve as joint director of the department of employment and director of the department of workforce services from the effective date of this act until July 1, 2011. Thereafter the governor shall appoint a director of the department of workforce services by temporary appointment as provided in W.S. 28-12-101(b).

(b) The joint director shall plan for the transfer of all divisions, agencies, programs and functions from the department of employment to the department of workforce services, with the transfer to become effective on or before July 1, 2011.

(c) The transfer of programs and functions from the department of employment to the department of workforce services shall be deemed a type 1 transfer as defined in W.S. 9-2-1707(b)(i).

(d) To the extent practicable, the director shall provide that the public

services of the former department of employment and the department of workforce services be provided at consolidated physical locations to maximize efficiency and convenience to the public. The director shall plan the local relocation or consolidation of any facilities to minimize the costs incurred due to the local relocation or consolidation.

(e) The director of the department of workforce services shall prepare a status report on the transfer of the department of employment divisions, programs and functions to the department of workforce services. The report shall be submitted to the governor, the joint appropriations interim committee, the joint minerals, business and economic development interim committee and the joint labor, health and social services interim committee of the legislature no later than October 1, 2011 and made available to the public. The report shall include recommendations on the further consolidation of the former department of employment programs and functions, including recommended additional legislation to consolidate the merged departments. The joint labor, health and social services interim committee and the joint minerals, business and economic development interim committee shall report to the legislature by January 31, 2012, any recommendations resulting from the department's report, including necessary legislation to further consolidate the former department of employment into the department of workforce services.

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

Approved February 18, 2011.

## Chapter 50

### OIL AND GAS ENHANCED RECOVERY-MICROBIAL CONVERSION

Original Senate File No. 116

AN ACT relating to oil and gas; providing for the regulation of well and reservoir injections to restore or enhance the microbial conversion of hydrocarbon substrates to methane gas; prescribing application requirements; providing for hearings and orders by the commission; amending commission authority; and providing for an effective date.

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

**Section 1.** W.S. 30-5-128 is created to read:

**30-5-128. Unitization of areas to restore or enhance the microbial conversion of hydrocarbon substrates to methane gas; purposes; application; contents.**

(a) Any interested person may file an application with the commission requesting an order authorizing well and reservoir injections to restore or

enhance the microbial conversion of hydrocarbon substrates to methane gas. The application may be on an individual lease or drilling and spacing unit basis or, at the applicant's election, on a unit basis pursuant to W.S. 30-5-109 and 30-5-110. If the application is on a unit basis, the applicant shall provide for the operation and organization of a unit or units of the optimal size and shape necessary to prevent waste and protect correlative rights and shall provide for the pooling of interests in a specific geologic formation in the proposed unit area for the purpose of conducting the injections. The application shall contain all of the elements set forth in W.S. 30-5-110(c) through (g). The application shall demonstrate that the applicant has a legally binding commitment to plug and abandon all wells not later than sixty (60) days prior to their intersection with an active surface or conventional underground coal mine. Injections authorized by this section shall not be deemed in situ mining as defined in W.S. 35-11-103(f)(iv).

(b) Applications under this section shall contain the following with respect to the proposed operating plan:

(i) Evidence that groundwater in the proposed formation intervals will not be adversely influenced by the injections and that the operations shall at all times be in compliance with applicable groundwater quality regulations and underground injection control program requirements. An applicant shall comply with this paragraph by:

(A) Obtaining from the commission, after the commission has adopted class II rules implementing this section and after providing notice of the application to all groundwater permit holders within one-half (1/2) mile of each injection well or the area of review, whichever is larger, a class II well permit demonstrating that the groundwater will not be degraded and will be in compliance with the federal Safe Drinking Water Act, and that for each injection zone the underground ambient water quality class of use as defined by the department of environmental quality will not be violated by the injections; or

(B) Obtaining a class V well permit from the Wyoming department of environmental quality.

(c) Upon the filing of an application under this section, the commission shall promptly set the matter for hearing. In addition to any notice required by law or commission rules, the commission shall give notice of the hearing by certified mail to all persons owning or having an interest in coal or its production in the proposed application area. The notice shall be mailed at least thirty (30) days before the hearing, shall specify the time and place of hearing and shall describe briefly the purpose of the hearing and the land affected.

(d) Following the hearing, the commission shall enter an order setting forth findings and approving the application if the commission finds that the provisions of W.S. 30-5-109 or 30-5-110 have been met.

(e) The commission, after consultation with the director of the department of environmental quality, shall adopt class II rules implementing this section.

**Section 2.** W.S. 30-5-104(d) by creating a new paragraph (ix) is amended to read:

**30-5-104. Oil and gas conservation commission; powers and duties; investigations; rules and regulations.**

(d) The commission has authority:

(ix) To issue orders pursuant to W.S. 30-5-110 allowing the unitization of oil and gas interests with consenting coal interests that are actually consumed as a direct result of well and reservoir injections to restore or enhance the microbial conversion of hydrocarbon substrates to methane gas.

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

Approved February 18, 2011.

## Chapter 51

### GRAND TETON NATIONAL PARK-TRANSFER OF STATE LANDS

Original House Bill No. 156

AN ACT relating to state lands; directing that the interest in certain state lands be transferred to the United States Department of the Interior; providing terms for the transfer; 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 to convey all its right, title and interest in the following described parcels of land within the boundaries of the Grand Teton National Park to the United States Department of the Interior:

(i) All mineral rights owned by the state in the parcel known as the Jackson Lake Parcel containing 39.59 acres, more or less, and being more particularly described as: Section 36: Lot 6, Township 45 North, Range 115 West, 6th P.M., Teton County, WY;

(ii) The parcel known as the Snake River Parcel containing 86.32

acres, more or less, and being more particularly described as: Section 16: Lots 2, 3, 4 and 7, Township 42 North, Range 116 West, 6th P.M., Teton County, WY;

(iii) The parcel known as the Antelope Flats Parcel containing 640 acres, more or less, and being more particularly described as: Section 16, Township 43 North, Range 115 West, 6th P.M., Teton County, WY; and

(iv) The parcel known as the Kelly Parcel on Gros Ventre Road containing 640 acres, more or less, and being more particularly described as: Section 36, Township 43 North, Range 115 West, 6th P.M., Teton County, WY.

(b) The conveyances authorized by subsection (a) of this section shall be by sale pursuant to the terms of the Agreement for the Conveyance of Lands and Interests in Lands Between the State of Wyoming Board of Land Commissioners and the United States of America at Grand Teton National Park, Wyoming, dated December 16, 2010. The parcels shall be sold for the approved cash value as determined by the board of land commissioners but not less than the cash values stated in section 2, "Phased Acquisition" of the Agreement.

(c) Proceeds from the sale shall be deposited to the common school account within the permanent land fund.

(d) The board of land commissioners shall execute and deliver to the Department of the Interior, in a form reasonably acceptable to the Department, a document or form of deed conveying title to the parcels described in subsection (a) of this section only upon payment of the agreed amount for each parcel.

**Section 2.** The board of land commissioners may explore alternatives for payment other than cash, including acquisition of mineral rights, an increase in federal mineral royalties paid to the State of Wyoming and land exchanges for the lands conveyed. Any alternative method of payment, other than cash, shall require legislative approval.

**Section 3.** The authorization of the board of land commissioners to convey the parcels pursuant to section 1 of this act shall expire on January 5, 2016.

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

Approved February 18, 2011.



**Chapter 52****NATURAL GAS STORAGE**

Original Senate File No. 92

AN ACT relating to natural gas storage; repealing a provision on customer rates and sales of stored gas; and providing for an effective date.

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

**Section 1.** W.S. 37-3-204 is repealed.

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

Approved February 18, 2011.

**Chapter 53****WYOMING RECLAMATION AND RESTORATION CENTER**

Original Senate File No. 117

AN ACT relating to the University of Wyoming; establishing a reclamation and restoration challenge account to be used for funding the Wyoming reclamation and restoration center; specifying program conditions; depositing substituted abandoned mine land funds to the account as specified; providing for use of such funds; repealing previous authority related to the use of the funds; providing for expenditures from the account; and providing for effective dates.

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

**Section 1.** W.S. 21-16-1601 through 21-16-1603 are created to read:

**21-16-1601. Definitions.**

(a) As used in this article:

(i) "Challenge account" means the reclamation and restoration challenge account established under W.S. 21-16-1602;

(ii) "Qualifying contribution" means a transfer of money or other property of a value of not less than one hundred thousand dollars (\$100,000.00) to the University of Wyoming foundation to be expended by the university exclusively for the Wyoming reclamation and restoration center. The commitment for a qualifying contribution or the contribution itself shall be made in the period beginning July 1, 2011 and ending June

30, 2016. The contribution shall be actually received by the University of Wyoming foundation on or before June 30, 2018.

**21-16-1602. University reclamation and restoration challenge account.**

(a) The university reclamation and restoration challenge account is created.

(b) All investment earnings from funds in the account shall be credited to the account. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) or 9-4-207, funds within the account shall not lapse or revert until June 30, 2020. Until reverted, funds within the account are continuously appropriated and shall remain available for distribution as provided in this article.

**21-16-1603. University reclamation and restoration challenge account matching program; matching payments; conditions; annual reports; reversion of appropriations.**

(a) The university shall administer the university reclamation and restoration challenge account established under this article. The following shall apply to the administration of the challenge account:

(i) To the extent that funds are available in the challenge account, the university shall match each qualifying contribution actually received by the University of Wyoming foundation by authorizing expenditures from the challenge account in an amount equal to the amount of the qualifying contribution. Qualifying contributions made directly to the university shall be considered qualifying contributions to the foundation for purposes of this article. The university shall expend both the qualifying contributions and the matching funds solely for the Wyoming reclamation and restoration center. Any investment earnings credited to the account shall be separately accounted for and may be expended by the university to support the center without a qualifying contribution. To the greatest extent practicable, expenditures for the center shall be made for energy related reclamation projects so that qualifying contributions and matching funds support the work of the center through June 30, 2019. All grants shall be subject to the approval and oversight of an ad hoc committee of industry company representatives appointed by the dean of agriculture;

(ii) If a qualifying contribution is made through a series of payments or transfers, no matching funds shall be authorized for expenditure from the challenge account until the total value of all payments or transfers actually received toward the contribution totals at least one hundred thousand dollars (\$100,000.00). Thereafter, matching funds shall be authorized for expenditure as payments or transfers toward that qualifying contribution are received by the foundation;

(iii) The university shall authorize matching funds for expenditure, or encumber funds for future authorization in the case of a written commitment, to match a qualifying contribution based on the order in which each qualifying contribution is actually received or in which a written commitment to make a qualifying contribution is received by the foundation. Matching funds shall not be authorized for expenditure or encumbered in excess of the amount within the challenge account. The university shall rescind an encumbrance if a donor who made a commitment will not make a qualifying contribution that is eligible for matching funds under this section;

(iv) For the purpose of calculating the matching amount only, the university shall use the value of a qualifying contribution based on its fair market value at the time the contribution is received by the university foundation;

(v) The university shall on or before October 1 of each calendar year submit a report to the governor, joint appropriations interim committee and the joint education interim committee from the university foundation regarding the matching program established under this section for the preceding fiscal year. The report shall include a financial summary and a review of the accomplishments resulting from expenditures.

**Section 2.** 2008 Wyoming Session Laws, Chapter 48, as amended by 2009 Wyoming Session Laws, Chapter 159, creating section 339(c)(vi), as amended by 2010 Wyoming Session Laws, Chapter 39, section 321, authorized one million five hundred thousand dollars (\$1,500,000.00) in abandoned mine land funds to the college of agriculture at the University of Wyoming to fund an endowment for the reclamation ecology project. 2009 Wyoming Session Laws, Chapter 159 also created section 339(d) which authorized the department of environmental quality to substitute other university purposes in its grant applications for abandoned mine land funds and authorized the university to substitute its block grant funds where use of abandoned mine land funds was prohibited. The department has submitted applications substituting for the purposes specified in section 339(c)(vi) other university purposes which have been approved for abandoned mine land funds. Pursuant to this approval and process the university has begun substituting block grant funds as authorized and is expected to complete that substitution by June 30, 2013. The legislature ratifies the actions of the department of environmental quality and the university as set forth in this section. The one million five hundred thousand dollars (\$1,500,000.00) in substituted block grant funds described in this section shall be deposited to the reclamation and restoration challenge account created by W.S. 21-16-1402(a).

**Section 3.** 2009 Wyoming Session Laws, Chapter 159, section 339(c)(vi) as amended by 2010 Wyoming Session Laws, Chapter 39, section 321 is repealed.

**Section 4.**

(a) Section 3 of this act is effective July 1, 2011.

(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 February 18, 2011.

**Chapter 54****INVOLUNTARY COMMITMENT EXAMINERS**

Original House Bill No. 95

AN ACT relating to hospitalization of mentally ill persons; amending the definition of examiner for purposes of emergency detention; providing that an emergency detention hearing may be waived as specified; and providing for an effective date.

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

**Section 1.** W.S. 25-10-101(a)(iv) and 25-10-109(h) are amended to read:

**25-10-101. Definitions.**

(a) As used in this act:

(iv) "Examiner" means a licensed psychiatrist, a licensed physician, a ~~licensed advanced practitioner of nursing~~ an advanced practice registered nurse with a clinical specialty in psychiatric and mental health nursing working in collaboration with a licensed physician, a licensed psychologist, a licensed professional counselor, a licensed addictions therapist, a licensed clinical social worker or a licensed marriage and family therapist. For purposes of emergency detention proceedings only, "examiner" includes a licensed physician's assistant;

**25-10-109. Emergency detention.**

(h) When a person is detained in emergency detention and an application for involuntary hospitalization is filed, the court shall appoint an attorney to represent the detained person unless he has his own attorney, and the court shall conduct a hearing within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, of the initial detention to determine whether continued detention is required pending involuntary hospitalization proceedings. Notice of the preliminary hearing shall be given to the detained person and his attorney. The court may delay the

hearing only at the request of the detained person or his parent, guardian or his attorney. An emergency detention hearing may be waived at the request of the detained person or the detained person's attorney, except in cases where a licensed physician's assistant was the only examiner for the emergency detention. If an emergency detention hearing has been waived, the court may immediately conduct the involuntary hospitalization hearing, provided that a licensed physician's assistant shall not be the examiner for an involuntary hospitalization hearing.

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

Approved February 18, 2011.

## Chapter 55

### DEPARTMENT OF INSURANCE-BACKGROUND CHECKS

Original House Bill No. 4

AN ACT relating to insurance; providing for background checks for insurance providers, adjusters and insurance consultants; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 7-19-106(a) by creating a new paragraph (xxv), 7-19-201(a) by creating a new paragraph (xx), 26-9-206(a)(v), 26-9-219(b)(v), (vi) and by creating a new paragraph (vii) and 26-9-220(b) 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:

(xxv) The department of insurance, for purposes of licensing under Wyoming statutes title 26, chapter 9.

#### **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:

(xx) Persons applying for an initial license under Wyoming statutes title 26, chapter 9.

#### **26-9-206. Application for license.**

(a) A person applying for a resident insurance producer license shall make application to the commissioner on the uniform application and declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of the individual's knowledge and belief. Before approving the application, the commissioner shall find that the individual:

(v) ~~Has provided the commissioner a credit and investigation report on the applicant from a recognized and established independent investigation and reporting agency fingerprints and other information and permission necessary for a criminal history record background check as provided in W.S. 7-19-201(a).~~ The cost of the report criminal history record background check shall be paid by the applicant.

**26-9-219. Adjuster's license; exception; notification.**

(b) To be licensed as an adjuster the applicant shall:

(v) Have and maintain an office accessible to the public and keep therein the usual and customary records in paper, electronic or other appropriate format, pertaining to transactions under the license; ~~and~~

(vi) Within one (1) year prior to submitting the application for the license, have taken and passed a written examination in a form prescribed by the commissioner. The commissioner may waive written examination of a nonresident applicant if the applicant is licensed as an adjuster in his home state, is in good standing in his home state and his home state grants this state's resident adjusters a similar privilege; and

(vii) If being licensed as a resident, have provided the commissioner fingerprints and other information and permission necessary for a criminal history record background check as provided in W.S. 7-19-201(a). The cost of the criminal history record background check shall be paid by the applicant.

**26-9-220. Insurance consultants.**

(b) An application for a license to act as an insurance consultant for hire shall be made to the commissioner on forms he prescribes. The commissioner shall require that the applicant, within one (1) year prior to submitting the application for the license, have taken and passed a written examination in a form prescribed by the commissioner. The commissioner may waive written examination of a nonresident applicant if the applicant is licensed as a consultant in his home state, is in good standing in his home state and his home state grants this state's resident consultants a similar privilege. The commissioner may conduct investigations concerning the applicant's qualifications, residence, business affiliations and any other matter he deems necessary to determine compliance with this chapter or for the public's protection. The applicant shall provide the commissioner fingerprints and other information and permission necessary for a criminal

history record background check as provided in W.S. 7-19-201(a). The cost of the criminal history record background check shall be paid by the applicant.

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

Approved February 18, 2011.

## Chapter 56

### WYOMING HEALTH INSURANCE POOL-SUNSET

Original House Bill No. 2

AN ACT relating to health insurance; extending sunset date for Wyoming Health Insurance Pool Act; and providing for an effective date.

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

**Section 1.** W.S. 26-43-113 is amended to read:

**26-43-113. Termination of provisions.**

This act is not effective after June 30, ~~2011~~2015.

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

Approved February 18, 2011.

## Chapter 57

### CIRCUIT COURT SURETY BONDS-REPEAL

Original House Bill No. 123

AN ACT relating to circuit courts; repealing bond provisions applicable to circuit court judges and magistrates; and providing for an effective date.

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

**Section 1.** W.S. 5-9-115, 5-9-152(b) and 5-9-205 are repealed.

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

Approved February 18, 2011.

**Chapter 58****SUMMARY PROBATE-AMENDMENTS**

Original Senate File No. 68

AN ACT relating to probate; amending maximum value of estates that will qualify for summary probate procedures; amending information that is required on an application for summary probate; and providing for an effective date.

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

**Section 1.** W.S. 2-1-201(a)(i) and (iii) and 2-1-205(a) are amended to read:

**2-1-201. Payment of indebtedness and delivery of tangible personal property or instruments evidencing debt.**

(a) Not earlier than thirty (30) days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or the instrument evidencing the debt, obligation, stock or chose in action to the person or persons claiming to be the distributees of the property, upon being presented an affidavit, filed as provided by subsection (c) of this section, made by or on behalf of the distributee stating:

(i) The value of the entire estate, ~~wherever located in Wyoming or otherwise subject to probate administration in this state,~~ less liens and encumbrances, does not exceed ~~one hundred fifty thousand dollars (\$150,000.00)~~ two hundred thousand dollars (\$200,000.00);

(iii) No application for appointment of a personal representative is pending or has been granted in any jurisdiction in this state; and

**2-1-205. Summary procedure for distribution of real property; application for decree; notice by publication; presumptive evidence of title; effect of false statements.**

(a) If any person dies who is the owner of personal or real property, including mineral interests, but whose entire estate including personal property does not exceed ~~one hundred fifty thousand dollars (\$150,000.00)~~ two hundred thousand dollars (\$200,000.00), the person or persons claiming to be the distributees of the decedent may file, not earlier than thirty (30) days after the decedent's death, an application for a decree in the district court of the county where the property is situated.

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

Approved February 18, 2011.



**Chapter 59****GUARDIANSHIP AND WARDS-SEALED RECORDS**

Original Senate File No. 67

AN ACT relating to guardians and wards; authorizing sealing of specified information relating to a ward contained in court records; and providing for an effective date.

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

**Section 1.** W.S. 3-1-110(a) is amended to read:

**3-1-110. Order restricting disclosure.**

(a) Upon application, the court may order sealed any portion of a ward's file containing those matters described in W.S. 16-4-203(b) and (d) and any personally identifiable information, including financial information relating to the ward. Sealed records are available for inspection only under court order.

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

Approved February 18, 2011.

**Chapter 60****DEPARTMENT OF INSURANCE-LICENSURE REVISIONS**

Original House Bill No. 9

AN ACT relating to insurance; providing for notification to the insurance commissioner by licensees using assumed names; amending various licensing fees; providing for reinstatement penalty for failure to report continuing education; providing for licensing of rental car agents renting motorcycles; expanding licensing exemption for persons selling travel insurance; eliminating licensing of insurance marketers and service representatives; providing for home state designation by adjusters residing in states without licensure requirements; providing for adjuster continuing education requirements to be met in the adjuster's home state; and providing for an effective date.

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

**Section 1.** W.S. 26-9-233 is created to read:

**26-9-233. Assumed names.**

An insurance producer doing business under any name other than the producer's legal name is required to notify the insurance commissioner prior to using the assumed name.

**Section 2.** W.S. 26-1-102(a)(xx), 26-3-130(b)(i), 26-4-101(a)(v)(B), (viii), (ix) and (xii), 26-9-201, 26-9-202(a)(vi), 26-9-207(b) and (c), 26-9-209(c), 26-9-219 by creating new subsections (d) and (e), 26-9-231(a) and (f), 26-47-103(g)(i) and 26-50-102(a)(iii) are amended to read:

**26-1-102. Definitions.**

(a) As used in this act:

(xx) Except as used in chapter 31 of this code, “person” means an individual, insurer, company, association, organization, Lloyd’s insurer, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, ~~service representative, adjuster~~ and any legal entity;

**26-3-130. Retaliatory provisions against other states and countries.**

(b) This section does not apply to:

(i) Application fees, examination fees, license fees, appointment fees and continuation fees for agents, adjusters, ~~service representatives~~ or consultants; or

**26-4-101. Fee schedule.**

(a) The commissioner shall collect in advance or contemporaneously fees, licenses and miscellaneous charges as specified in this subsection. Collection may include the acceptance of electronic funds transfer. All fees and other charges collected by the commissioner as specified in this subsection shall be nonrefundable:

(v) Agents:

(B) Life, accident and health or sickness or disability, variable life and variable annuities or credit insurance:

(viii) Surplus line brokers:

Application for original license, and issuance of license, if issued .....	\$100.00
Continuation of license:	
<u>Resident</u> .....	\$100.00
<u>Nonresident</u> .....	\$150.00

(ix) Adjusters:

Application for original license, and issuance of license, if

issued ..... \$100.00

Continuation of license:

Resident ..... \$100.00  
Nonresident ..... \$150.00

(xii) Insurance consultant for hire:

~~Application for original license~~ ..... \$ 20.00  
Application for original license, and  
issuance, if issued ..... \$100.00

Continuation of license:

Resident ..... \$100.00  
Nonresident ..... \$150.00

**26-9-201. Purpose and scope.**

This chapter governs the qualifications and procedures for the licensing of insurance producers. This chapter does not apply to excess and surplus lines brokers licensed pursuant to W.S. 26-11-112 except as provided in W.S. ~~26-9-207(h)~~ 26-9-207(b), 26-9-207(c) and 26-9-208 or as expressly provided in chapter 11 of this code.

**26-9-202. Definitions.**

(a) As used in this chapter:

(vi) “Limited lines insurance” means those lines of insurance referred to in W.S. 26-9-209(c), 26-9-221, ~~26-29-233~~, 26-32-101, 26-36-113, 26-37-102(a)(iv), 26-50-103 or 31-14-120 or any other line of insurance the commissioner deems necessary to recognize for the purposes of complying with W.S. 26-9-208(e);

**26-9-207. License.**

(b) An individual insurance producer, adjuster or surplus lines broker license shall remain in effect unless revoked or suspended as long as on or before the last day of the month of the licensee’s birthday in the second year following the issuance or renewal of the license the continuation fee set forth in W.S. 26-4-101(a) is paid, the continuing education requirements ~~for resident individual producers~~ are met by the due date and a written request for continuation of the license is made to the commissioner on forms prescribed by the commissioner.

(c) An individual insurance producer, adjuster or surplus lines broker who allows his license to lapse may, within twelve (12) months from the due date of the continuation fee, reinstate the same license without the necessity of passing a written examination. However, a penalty equal to the amount of the ~~unpaid~~ continuation fee shall be required in addition to the ~~unpaid~~ continuation fee for any continuation request received after the due date.

**26-9-209. Exemption from examination.**

(c) No examination shall be required of persons ~~representing public carriers who, in the course of that representation, who~~ solicit, negotiate or sell insurance incidental to the transportation of persons or to the storage or transportation of property coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier. Persons exempted from examination pursuant to this subsection may be issued a limited insurance representative license by the commissioner upon submission of an application approved by the commissioner and payment of the fee specified in W.S. 26-4-101. A license issued under this subsection shall continue in force until expired, suspended, revoked or otherwise terminated, if the applicable continuation fee specified in W.S. 26-4-101 is paid to the commissioner, on or before the last day of the month of the licensee's birthday in the second year following the issuance or renewal of the license. Licensees under this subsection shall be subject to the application requirements established by the commissioner, the provisions of W.S. 26-9-211 and chapter 13 of this code but shall not be subject to the other provisions of this code.

**26-9-219. Adjuster's license; exception; notification.**

(d) If the state in which the adjuster maintains his principal place of residency or principal place of business does not license adjusters for the line of authority being applied for, the adjuster shall designate his home state, which may be any state in which the adjuster is licensed and in good standing and which state meets licensure requirements similar to the requirements of the state of Wyoming as determined by the commissioner.

(e) For purposes of this section, "home state" means the District of Columbia and any state or territory of the United States in which an adjuster maintains his principal place of residence or business and is licensed to act as a resident adjuster.

**26-9-231. Continuing education.**

(a) Resident insurance producers, title agents licensed pursuant to W.S. 26-23-318, ~~service representatives, adjusters,~~ nonresident adjusters not exempted under subsection (f) of this section, and other resident persons required to be licensed under this chapter shall complete twenty-four (24) classroom hours of continuing education within each two (2) year licensing period. Of the twenty-four (24) hours at least three (3) shall relate to ethical requirements. The requirements of this section do not apply to nonresident insurance producers, those persons who hold licenses for any kinds of insurance for which an examination is not required, nor shall they apply to any such limited or restricted licenses as the commissioner may exempt.

(f) Every person subject to this section shall furnish, in a form satisfactory to the commissioner, written certification as to the courses, programs or seminars of instruction taken by that person. The certification shall be

executed by or on behalf of the sponsoring organization within a sixty (60) day period following the course, program or seminar. A nonresident adjuster ~~required to complete continuing education in his state of domicile having met the continuing education requirements in his home state~~ is exempt from the provisions of this section. A nonresident adjuster domiciled in a state without a continuing education requirement not licensed in his home state is subject to the requirements of this section.

**26-47-103. License required.**

(g) Any person applying for or holding a reinsurance intermediary license shall:

(i) Have experience either as an agent, adjuster, managing general agent, broker, ~~service representative~~, consultant or other special experience, education or training, all of sufficient content and duration reasonably necessary for competence in fulfilling the responsibilities of a reinsurance intermediary; and

**26-50-102. Definitions.**

(a) As used in this chapter:

(iii) "Rental car" means any motor vehicle that is intended to be rented or leased for a period of ninety (90) consecutive days or less by a driver who is not required to possess a commercial driver's license to operate the motor vehicle and the motor vehicle is ~~either one (1)~~ (1) of the following:

(A) A private passenger motor vehicle, including a passenger van, minivan or sport utility vehicle; ~~or~~

(B) A cargo vehicle, including a cargo van, pickup truck or truck with a gross vehicle weight of less than twenty-six thousand (26,000) pounds; ~~or~~

(C) A motorcycle, as defined in W.S. 31-1-101(a)(xv)(E).

**Section 3.** W.S. 26-1-102(a)(xxv), 26-4-101(a)(xi), 26-9-207(h) and (j), 26-9-218 and 26-9-222 are repealed.

**Section 4.** This act is effective July 1, 2011.

Approved February 18, 2011.

**Chapter 61****GILLETTE MADISON WATER PROJECT FINANCING**

Original Senate File No. 103

AN ACT relating to water development; amending the Gillette Madison water project as specified; providing for 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(a) by creating a new paragraph (iv), (e)(intro), (i)(intro), (ii), (iii), (iv)(intro), (f)(i)(J), (O), (P), (g)(i), (ii), (h)(intro), (i)(intro), (ii), (iii), (iv)(intro), (A) and by creating new subsections (j) and (k) is amended to read:

**99-3-1405. Gillette Madison pipeline project; definitions; description; purposes; authorization; finances; conditions.**

(a) As used in this section:

(iv) “Account” means the Gillette Madison pipeline account into which all funds appropriated by this section shall be deposited. Funds in the account shall be reserved for the project. All unexpended funds appropriated by this section shall be transferred to the account.

(e) 2009 Project financing: The following shall apply:

(i) 2009 Project budget:

(ii) 2009 Project grant: The state of Wyoming shall grant to the sponsor from the budget reserve account through the commission for the design, groundwater exploration and drilling, permit procurement and project land procurement for the project an amount not to exceed eleven million two hundred twenty-two thousand five hundred dollars (\$11,222,500.00) or sixty-seven percent (67%) of the actual costs, whichever is less;

(iii) 2009 Project loan: The state of Wyoming shall loan to the sponsor from the permanent Wyoming mineral trust fund through the commission for the design, groundwater exploration and drilling, permit procurement and project land procurement for the project an amount not to exceed five million five hundred twenty-seven thousand five hundred dollars (\$5,527,500.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of ~~thirty (30)~~ five (5) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(iv) 2009 Appropriations and funding:

(f) General conditions: The following shall apply:

(i) Except as otherwise specifically provided, the project identified in this section shall be subject to the following general conditions:

(J) If the commission determines that the sponsor has, without good cause, abandoned completion of the project, the sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state auditor in an amount equal to the interest that would have accrued on the expended grant funds in the ~~water development~~ account I from the date of expenditure;

(O) After the project loan is paid in full, the sponsor may purchase the position of the state of Wyoming, as described in subparagraphs (K) and (M) of this subsection, for the amount of the project grant plus the interest that would have accrued on the grant amount in the ~~water development~~ account from the date the project was substantially completed as defined by the commission. The interest that would have accrued on the grant amount shall be established by the state auditor;

(P) Any revenues generated by the state from the lease, sale, assignment or transfer of ownership of any project or project water shall be deposited in ~~water development~~ the account I.

(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) 2010 Project financing: The following shall apply:

(i) 2010 Project budget:

(ii) 2010 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) 2010 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) five (5)~~ years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(iv) 2010 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;

(j) 2011 Project financing: The following shall apply:

(i) 2011 Project grant: The state of Wyoming shall grant to the sponsor from the account through the commission for the construction of the project an amount not to exceed six million nine hundred sixty thousand four hundred thirty dollars (\$6,960,430.00);

(ii) 2011 Budget appropriation: The 2011 supplemental budget authorized a separate grant to the commission for the construction of the project 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 in the amount of twenty-five million four hundred two thousand seventy dollars (\$25,402,070.00) which shall be expended for the construction of the project;

(iii) 2011 Project loan: The state of Wyoming shall loan to the sponsor from the permanent Wyoming mineral trust fund through the commission for the construction of the project an amount not to exceed fifteen million nine hundred thirty-nine thousand seven hundred thirty-nine dollars (\$15,939,739.00), for a term of five (5) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(iv) 2011 Appropriations and funding:

(A) There is appropriated from the general fund to the account for the commission six million nine hundred sixty thousand four hundred thirty dollars (\$6,960,430.00) to carry out the purposes of this section. Unexpended funds appropriated under this subparagraph shall revert to the budget reserve account on July 1, 2017;



(B) The state treasurer shall make available from the permanent Wyoming mineral trust fund to the commission fifteen million nine hundred thirty-nine thousand seven hundred thirty-nine dollars (\$15,939,739.00) or as much thereof as is necessary to carry out the purposes of this section.

(k) Continuing funding for fiscal years 2012-2014:

(i) Additional project grants: From available surplus funds, the governor shall make a recommendation for the following funding levels for the project:

(A) For fiscal year 2012 project grant: Thirty million dollars (\$30,000,000.00);

(B) For fiscal year 2013 project grant: Thirty million dollars (\$30,000,000.00);

(C) For fiscal year 2014 project grant: Twenty-five million seven hundred ninety-two thousand dollars (\$25,792,000.00).

(ii) Additional project loans: In the event that the legislature appropriates the project grant amounts set forth in paragraph (i) of this subsection from any source, the state of Wyoming shall loan to the sponsor from the permanent Wyoming mineral trust fund through the commission for the construction of the project the following loans, each for a term of five (5) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%):

(A) For fiscal year 2012 project loan: Fourteen million seven hundred seventy-six thousand one hundred nineteen dollars (\$14,776,119.00);

(B) For fiscal year 2013 project loan: Fourteen million seven hundred seventy-six thousand one hundred nineteen dollars (\$14,776,119.00);

(C) For fiscal year 2014 project loan: Twelve million seven hundred three thousand five hundred twenty-two dollars (\$12,703,522.00).

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

Approved February 22, 2011.

**Chapter 62****REMOTE ELECTRONIC TERMINALS-FEES-2**

Original Senate File No. 108

AN ACT relating to banks and banking; removing limits on fees for use of remote electronic terminals; and providing for an effective date.

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

**Section 1.** W.S. 13-1-502(f) is amended to read:

**13-1-502. Remote electronic terminals.**

(f) A Wyoming financial institution, financial institution or person operating remote electronic terminals in this state may impose a transaction fee for the use of the remote electronic terminal. The amount of the transaction fee shall be disclosed visually by placard and by electronic display at a time and manner that allows a user to terminate or cancel the transaction without incurring the transaction fee. A transaction fee may be imposed up to a maximum of two dollars (\$2.00) per transaction as established by rules and regulations of the commissioner.

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

Approved February 22, 2011.

**Chapter 63****OMNIBUS WATER BILL-CONSTRUCTION**

Original Senate File No. 81

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. 99-3-1601 through 99-3-1604 are created to read:

**ARTICLE 16**  
**2011 CONSTRUCTION PROJECTS**

**99-3-1601. Definitions.**

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

**99-3-1602. General authorization.**

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

**99-3-1603. 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 – 33 Mile Pump Station:

(i) Project sponsor: 33 Mile Road Improvement and Service District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: One hundred eighty-eight thousand dollars (\$188,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred twenty-five thousand nine hundred sixty dollars (\$125,960.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one hundred twenty-five thousand nine hundred sixty dollars (\$125,960.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016;

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

(c) Project – Central Wyoming Regional Zone IIB:

(i) Project sponsor: Central Wyoming Regional Water System Joint Powers Board;

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

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

(iv) Total project budget: Two million nine hundred twenty-five thousand dollars (\$2,925,000.00);

(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 nine hundred fifty-nine thousand seven hundred fifty dollars (\$1,959,750.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million nine hundred fifty-nine thousand seven hundred fifty dollars (\$1,959,750.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016;

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

(d) Project – Cheyenne Southern Pipeline:

(i) Project sponsor: City of Cheyenne;

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

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

(iv) Total project budget: Twenty million nine hundred forty thousand dollars (\$20,940,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed fourteen million twenty-nine thousand eight hundred dollars (\$14,029,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission fourteen million twenty-nine thousand eight hundred dollars (\$14,029,800.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016;

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

(e) Project – Douglas Box Elder Spring – Phase I:

(i) Project sponsor: City of Douglas;

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

(iii) Project description: Design and construction of improvements to the Box Elder Spring water supply, a transmission pipeline and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Eleven million six hundred ninety-five thousand dollars (\$11,695,000.00);

(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 spring improvements and design, permit procurement and land procurement for the transmission pipeline an amount not to exceed one million four hundred eighty-seven thousand four hundred dollars (\$1,487,400.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million four hundred eighty-seven thousand four hundred dollars (\$1,487,400.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016;

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

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

(i) Project sponsor: Green River-Rock Springs-Sweetwater County Joint Powers Water Board;

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

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

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement and project land procurement for the project an amount not to exceed six hundred three thousand dollars (\$603,000.00) or fifty and one-half percent (50.5%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement and project land procurement for the project an amount not to exceed two hundred ninety-seven thousand dollars (\$297,000.00) or twenty-four and one-half percent (24.5%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission nine hundred thousand dollars (\$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, 2016;

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

(g) Project – LaBarge Water Supply:

(i) Project sponsor: Town of LaBarge;

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

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

(iv) Total project budget: Three hundred seventy thousand dollars (\$370,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering

and construction of the project an amount not to exceed two hundred forty-seven thousand nine hundred dollars (\$247,900.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred twenty-two thousand one hundred dollars (\$122,100.00) 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 hundred seventy thousand dollars (\$370,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016.

(h) Project – Poison Spider Pipelines:

(i) Project sponsor: Poison Spider Improvement and Service District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: One million thirty- six thousand dollars (\$1,036,000.00);

(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 ninety-four thousand one hundred twenty dollars (\$694,120.00) 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 forty-one thousand eight hundred eighty dollars (\$341,880.00) 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 thirty-six thousand dollars (\$1,036,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016.

(j) Project – Reliance Water Supply:

(i) Project sponsor: Green River-Rock Springs-Sweetwater County Joint Powers Water Board;

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

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

(iv) Total project budget: Two million six hundred thousand dollars (\$2,600,000.00);

(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 forty-two thousand dollars (\$1,742,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million seven hundred forty-two thousand dollars (\$1,742,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016;

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

(k) Project – South Circle Estates Water Supply:

(i) Project sponsor: South Circle Estates Improvement and Service District;

(ii) Project purpose: Rural domestic, municipal water supply;

(iii) Project description: Design and construction of a water supply connection with the Town of Ten Sleep and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred eighty thousand dollars



(\$480,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account 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 twenty-one thousand six hundred dollars (\$321,600.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred fifty-eight thousand four hundred dollars (\$158,400.00) 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 hundred eighty thousand dollars (\$480,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016.

(m) Project – Ten Sleep Storage Tank:

(i) Project sponsor: Town of Ten Sleep;

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

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

(iv) Total project budget: One million five hundred forty thousand dollars (\$1,540,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million thirty-one thousand eight hundred dollars (\$1,031,800.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred eight

thousand two hundred dollars (\$508,200.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission one million five hundred forty thousand dollars (\$1,540,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016.

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

(i) Project sponsor: Wright Water and Sewer Water District;

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

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

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of a telemetry system and reconfiguration of the piping for an existing well and design, permit procurement and project land procurement for the connection of a new well an amount not to exceed seven hundred thirty-seven thousand dollars (\$737,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission seven hundred thirty-seven thousand dollars (\$737,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016;

(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.

(o) Project – Yoder Water Supply:

(i) Project sponsor: Town of Yoder;

(ii) Project purpose: Municipal, 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 eighty thousand dollars (\$180,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred twenty thousand six hundred dollars (\$120,600.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed fifty-nine thousand four hundred dollars (\$59,400.00) or thirty-three percent (33%) of 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 eighty thousand dollars (\$180,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2016;

(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%).

[REHABILITATION CONSTRUCTION PROJECTS]

**99-3-1604. 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 – Cody Canal Chute:

(i) Project sponsor: Cody Canal Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Two hundred twenty-three thousand dollars (\$223,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project one hundred forty-nine thousand four hundred ten dollars (\$149,410.00) 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 seventy-three thousand five hundred ninety dollars (\$73,590.00) 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 two hundred twenty-three thousand dollars (\$223,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016.

(c) Project – Cody Canal Drop Structure:

(i) Project sponsor: Cody Canal Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One hundred five thousand dollars (\$105,000.00);

(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 fifty thousand dollars (\$50,000.00) 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 fifty thousand dollars (\$50,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016;

(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 – Eden Valley Rehabilitation 2011:

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

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Three million four hundred twenty-six thousand dollars (\$3,426,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million seven hundred thirteen thousand dollars (\$1,713,000.00) 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 thirteen thousand dollars (\$1,713,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016;

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

(e) Project – Goshen Rehabilitation 2011:

(i) Project sponsor: Goshen Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Three million fifty thousand dollars (\$3,050,000.00);

(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 thousand dollars (\$1,100,000.00) 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 thousand dollars (\$1,100,000.00) 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 II on July 1, 2016;

(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 – Kirby Rehabilitation 2011:

(i) Project sponsor: Kirby 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 twenty thousand dollars (\$420,000.00);

(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 two hundred eighty-one thousand four hundred dollars (\$281,400.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred thirty-eight thousand six hundred dollars (\$138,600.00) 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 four hundred twenty thousand dollars (\$420,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016.

(g) Project – Little Snake Rehabilitation 2011:

(i) Project sponsor: Savery-Little Snake River Water Conservancy District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Two hundred thirty thousand dollars (\$230,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor

from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project one hundred fifty-four thousand one hundred dollars (\$154,100.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one hundred fifty-four thousand one hundred dollars (\$154,100.00) 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 II on July 1, 2016;

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

(h) Project – Midvale Rehabilitation 2011:

(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: Six hundred thirty thousand dollars (\$630,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed four hundred fifty thousand dollars (\$450,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred fifty thousand dollars (\$450,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and approved by the commission;

(B) The sponsor is responsible for retaining professional engineering



services to design the project, compile materials bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(j) Project – Shoshone Rehabilitation 2011:

(i) Project sponsor: Shoshone Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One million one hundred seventy thousand dollars (\$1,170,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed five hundred eighty-five thousand dollars (\$585,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred eighty-five thousand dollars (\$585,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(k) Project – Wheatland Rehabilitation 2011:

(i) Project sponsor: Wheatland 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 eighty thousand dollars (\$1,080,000.00);

(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 seven hundred twenty-three thousand six hundred dollars (\$723,600.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission seven hundred twenty-three thousand six hundred dollars (\$723,600.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016;

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

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

(i) Project sponsor: Willwood Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement and project land procurement of the project one hundred forty thousand seven hundred dollars (\$140,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement and project land procurement of the project an amount not to exceed sixty-nine thousand three hundred dollars (\$69,300.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines

project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission two hundred ten thousand dollars (\$210,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2016.

[AMENDMENTS TO PRIOR PROJECTS]

**Section 2.** W.S. 99-3-803(e)(vi), 99-3-904(b)(vi), 99-3-1103(o)(vi), 99-3-1104(b)(vi), 99-3-1404(d)(iv) through (vi) and (g)(iv) through (vii) and 99-3-1504(f)(iv) through (vii) and (g)(iv) through (vi) are amended to read:

**99-3-803. Level III construction projects - new development.**

(e) Project – Moorcroft Madison Well Water Supply Project:

(vi) Appropriation: There is appropriated from water development account I to the commission three million eight hundred sixty-five thousand nine hundred dollars (\$3,865,900.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2011~~ 2013; and

**99-3-904. Level III construction projects-rehabilitation.**

(b) Project – Albin Pipelines and Well Rehabilitation:

(vi) Appropriation: There is appropriated from water development account II to the commission two hundred fifteen thousand dollars (\$215,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2011~~ 2013; and

**99-3-1103. Level III construction projects-new development.**

(o) Project – Wardwell Water Supply Improvements:

(vi) Appropriation: There is appropriated from water development account I to the commission four million six hundred two thousand nine hundred dollars (\$4,602,900.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2011~~ 2013; and

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

(b) Project – Alpine Wells Rehabilitation:

(vi) Appropriation: There is appropriated from water development account II to the commission three hundred fifty-nine thousand seven hundred ninety dollars (\$359,790.00) 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~~ 2013; and

**99-3-1404. Level III construction projects – rehabilitation.**

(d) Project – Deaver Rehabilitation 2009:

(iv) Total project budget: ~~One million two hundred eighteen thousand dollars (\$1,218,000.00)~~ One million eight hundred twenty-three thousand dollars (\$1,823,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed ~~six hundred seventy-three thousand dollars (\$673,000.00)~~ one million twenty-three thousand dollars (\$1,023,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~six hundred seventy-three thousand dollars (\$673,000.00)~~ one million twenty-three thousand dollars (\$1,023,000.00) 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~~ 2015;

(g) Project – GVID Upper Sunshine Diversion:-Phase I:

(iv) Total project budget: ~~Three million three hundred fifty-four thousand dollars (\$3,354,000.00)~~ 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 II through the commission for the design, permit procurement, ~~and~~ project land procurement, construction engineering and construction an amount not to exceed ~~two hundred one thousand dollars (\$201,000.00)~~ 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 II through the commission for the design, permit procurement, ~~and~~ project land procurement, construction engineering and construction an amount not to exceed ~~ninety-nine thousand dollars (\$99,000.00)~~ one million two hundred eighty-seven

thousand dollars (\$1,287,000.00) or thirty-three percent (33%) of actual costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~three hundred thousand dollars (\$300,000.00)~~ 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 II on July 1, ~~2014~~ 2015.

**99-3-1504. Level III construction projects – rehabilitation.**

(f) Project – Rawlins Atlantic Rim Reservoir:

(iv) Total project budget: ~~Four million dollars (\$4,000,000.00)~~ Six million six hundred thousand dollars (\$6,600,000.00);

(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)~~ four million four hundred twenty-two thousand dollars (\$4,422,000.00) 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)~~ two million one hundred seventy-eight thousand dollars (\$2,178,000.00) 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)~~ six million six hundred thousand dollars (\$6,600,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2015.

(g) Project – Willwood Rehabilitation 2010:

(iv) Total project budget: ~~One million three hundred fifty-two thousand dollars (\$1,352,000.00)~~ Two million seven hundred thirty thousand dollars (\$2,730,000.00);

(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)~~ one million five hundred thousand dollars (\$1,500,000.00) 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)~~ one million five hundred thousand dollars (\$1,500,000.00) 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, 2015;

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

Approved February 22, 2011.

## Chapter 64

### WILDLIFE AND NATURAL RESOURCE TRUST ACCOUNT BOARD

Original Senate File No. 48

AN ACT relating to the Wyoming wildlife and natural resource trust account board; establishing the terms of board members; and providing for an effective date.

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

**Section 1.** W.S. 9-15-104(b) is amended to read:

**9-15-104. Wildlife and natural resource trust account board established; terms; meetings; duties.**

(b) ~~Except for the initial board as otherwise provided by this subsection, each appointed member of the board shall serve for a term of three (3) six (6) years. Of the initial appointees, three (3) members shall be appointed for one (1) year, three (3) members shall be appointed for two (2) years and In 2011, three (3) members shall be appointed for six (6) years. In 2012, three (3) members shall be appointed for three (3) years. In 2013 and every second year thereafter, three (3) members shall be appointed for six (6) years.~~ The governor may remove any member as provided in W.S. 9-1-202. Any vacancy occurring between sessions of the legislature may be filled by the governor as provided under W.S. 28-12-101(b). The board shall select one (1) of its members to serve as chair.

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

Approved February 22, 2011.

## Chapter 65

### LIABILITY FOR EMERGENCY EQUIPMENT DONATIONS

Original Senate File No. 94

AN ACT relating to immunity; providing civil and criminal immunity as specified for the donation of emergency responder equipment; providing definitions; specifying the applicability of the Wyoming Governmental Claims Act; and providing for an effective date.

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

**Section 1.** W.S. 1-1-131 is created to read:

**1-1-131. Donation of emergency responder equipment; exemption from civil and criminal liability; definitions; relation to other law.**

(a) Any person who donates surplus emergency response equipment to any emergency responder shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding resulting from the nature, age, condition or packaging of such equipment; except that this exemption shall not apply to the grossly negligent, willful, wanton or reckless acts of donors.

(b) As used in this section:

(i) "Emergency responder" means as provided in W.S. 35-9-152(a)(i);

(ii) "Emergency response equipment" means all equipment designed for or typically used in the course of performing the duties required of an emergency responder.

(c) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act, W.S. 1-39-101 through 1-39-121, conflict with any provision of this section, the Wyoming Governmental Claims Act shall prevail.

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

Approved February 22, 2011.

**Chapter 66****PRESCRIPTIONS FOR MARIHUANA INVALID**

Original House Bill No. 69

AN ACT relating to controlled substances; prohibiting prescriptions for and dispensing of marihuana; providing that prescriptions for marihuana are not valid; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1031(c)(intro) is amended to read:

**35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful possession.**

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. With the exception of dronabinol as listed in W.S. 35-7-1018(h), and notwithstanding any other provision of this act, no practitioner shall dispense or prescribe marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol and no prescription or practitioner's order for marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be valid. Any person who violates this subsection:

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

Approved February 24, 2011.

**Chapter 67****SECLUSION AND RESTRAINT IN SCHOOLS**

Original Senate File No. 36

AN ACT relating to public schools; requiring the state superintendent to adopt rules and regulations regarding seclusion and restraint in schools; requiring school district boards to adopt policies regarding the use of seclusion and restraint in schools as specified; defining terms; and providing for an effective date.

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

**Section 1.** W.S. 21-2-202(a) by creating a new paragraph (xxxii) and 21-3-110(a) by creating a new paragraph (xxx) are amended to read:



**21-2-202. Duties of the state superintendent.**

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxxii) By rule and regulation adopted not later than July 1, 2011 establish requirements for school district policies and training regarding the use of seclusion and restraint in schools as required under W.S. 21-3-110(a)(xxx). The state superintendent shall review the policy of each district for compliance with the requirements of W.S. 21-3-110(a)(xxx) and rules and regulations promulgated pursuant to this paragraph. If the state superintendent determines that the policy is not in compliance under this paragraph the superintendent shall direct the board of trustees to revise the policy and shall, upon request, assist the board in the adoption of the policy.

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xxx) Not later than December 31, 2011, adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii) after the initial adoption of the policy and any time thereafter that the policy is substantially revised. As used in this paragraph:

(A) "Restraint" means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student's body. "Restraint" does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team;

(B) "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. "Seclusion" does not include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

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

Approved February 24, 2011.

**Chapter 68****ADULT PROTECTIVE SERVICES**

Original Senate File No. 89

AN ACT relating to adult protective services; amending and creating definitions; specifying that the department of family services shall not act as a caregiver as specified; requiring the department to pay specified costs; clarifying circumstances under which the department shall not be required to pay costs; amending services the department may be ordered by a court to provide; waiving a notification requirement as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-20-102(a)(ii)(intro), (C), (D), by creating new subparagraphs (E) through (G), (iv)(intro), (viii), (ix)(A), by creating new subparagraphs (C) and (D), (xii), by creating new paragraphs (xxi) and (xxii) and by renumbering (xxi) as (xxiii), 35-20-105(a), (c)(intro) and (i), 35-20-106(c)(ii) and 35-20-107(d) are amended to read:

**35-20-102. Definitions.**

(a) As used in this act:

(ii) "Abuse" means the intentional or reckless infliction, by the vulnerable adult's caregiver, person of trust or authority, professional, family member or other individual of:

(C) Cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult;~~or~~

(D) Photographing vulnerable adults in violation of W.S. 6-4-304(b);-

(E) Sexual abuse;

(F) Intimidation; or

(G) Exploitation.

(iv) "Caregiver" means any person or agency-in-home service provider responsible for the care of a vulnerable adult because of:

(viii) "Emergency services" means those services, ~~including physical care and custody in a nonrestrictive environment, necessary to maintain the vulnerable adult's vital functions and without which services the vulnerable adult would suffer irreparable harm or death that may be provided to assist vulnerable adults to prevent or terminate abuse, neglect, exploitation, intimidation or abandonment until the emergency has been resolved;~~

(ix) "Exploitation" means the reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult, to:

(A) Obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult's money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property;~~or~~

(C) Intentionally misuse the principal's property and, in so doing, adversely affect the principal's ability to receive health care or pay bills for basic needs or obligations; or

(D) Abuse the fiduciary duty under a power of attorney, conservatorship or guardianship.

(xii) "Protective services" means those emergency services that are provided in a coordinated effort facilitated by the department within communities to assist vulnerable adults to prevent or terminate abuse, neglect, exploitation, intimidation or abandonment until the vulnerable adult no longer needs those services. These services may include social casework, case management, ~~home care emergency, short term in-home services such as homemaker, personal care or chore services,~~ day care, social services, ~~health care,~~ psychiatric or health evaluations and other emergency services consistent with this act;

(xxi) "Advanced age" means a person who is sixty (60) years of age or older;

(xxii) "Sexual abuse" means sexual contact including, but not limited to, unwanted touching, all types of sexual assault or battery as defined in W.S. 6-2-302 through 6-2-304, sexual exploitation and sexual photographing;

~~(xxi)~~(xxiii) "This act" means W.S. 35-20-101 through 35-20-116.

**35-20-105. Protective services; no services without consent; responsibility for costs.**

(a) The department may furnish protective services in response to a request for assistance from the vulnerable adult, his caregiver, conservator, guardian, guardian ad litem or agent, or a family member. The department shall not serve as a caregiver.

(c) Costs incurred to furnish protective services, including but not limited to fees for the services of a guardian ad litem, guardian or conservator, shall may be paid by the department unless:

(i) The vulnerable adult is eligible for protective services from another governmental agency or any other source, taking into consideration any

personal assets or financial resources and services that can be provided under Medicaid or any other available indigency program for which the vulnerable adult may qualify; or

**35-20-106. Petition by department when caregiver refuses to allow services; injunction.**

(c) If the court finds the allegations of the petition to be true by a preponderance of the evidence, it may:

(ii) Order the department to assist in facilitating the coordination of community resources, including service providers, churches and individuals or agencies to provide the protective services to the extent those protective services are available.

**35-20-107. Emergency services.**

(d) The vulnerable adult may be placed by the court in a hospital or other suitable facility which is appropriate under the circumstances. The person, hospital or agency facility in whose care the vulnerable adult is placed shall immediately notify the person responsible for the care and custody of the vulnerable adult, if known, of the placement. Notification shall not be required if the alleged perpetrator is the person responsible for the care and custody of the vulnerable adult unless the court orders the notification.

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

Approved February 24, 2011.

## Chapter 69

### EXPUNGEMENT OF FELONIES

Original Senate File No. 88

AN ACT relating to crimes and punishment; providing a process for expungement of convictions for specified felonies; providing for restoration of rights as specified; providing definitions; amending related provision on the rights of victims as specified; and providing for an effective date.

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

**Section 1.** W.S. 7-13-1502 is created to read:

**7-13-1502. Petition for expungement of records of conviction of certain felonies; filing fee; notice; objections; hearing; definitions; restoration of rights.**

(a) A person convicted of a felony or felonies subject to expungement under this section arising out of the same occurrence or related course of events, may petition the convicting court for an expungement of the records of conviction, subject to the following limitations:

(i) At least ten (10) years have passed since:

(A) The expiration of the terms of sentence imposed by the court, including any periods of probation;

(B) The completion of any program ordered by the court; and

(C) Any restitution ordered by the court has been paid in full.

(ii) Other than convictions for which an expungement is sought under this section, the petitioner has not previously pleaded guilty or nolo contendere to or been convicted of a felony;

(iii) The felony or felonies for which the person is seeking expungement shall not have involved the use or attempted use of a firearm;

(iv) Felonies subject to expungement under this section shall not include:

(A) Violent felonies as defined in W.S. 6-1-104(a)(xii);

(B) Any offense punishable under W.S. 6-2-106(b);

(C) Any offense punishable under W.S. 6-2-108;

(D) Any offense punishable under W.S. 6-2-301 through 6-2-320;

(E) Any offense punishable under W.S. 6-2-501(f);

(F) Any offense punishable under W.S. 6-2-503;

(G) Any offense punishable under W.S. 6-2-508(b);

(H) Any offense punishable under W.S. 6-3-111;

(J) Any offense punishable under W.S. 6-4-103;

(K) Any offense punishable under W.S. 6-4-303(b)(i) through (iii);

(M) Any offense punishable under W.S. 6-4-402(b);

(N) Any offense punishable under W.S. 6-4-405;

- (O) Any offense punishable under W.S. 6-5-102;
- (P) Any offense punishable under W.S. 6-5-204(b) or (c);
- (Q) Any offense punishable under W.S. 6-5-206 or 6-5-207;
- (R) Any offense punishable under W.S. 6-5-301;
- (S) Any offense punishable under W.S. 6-8-101 through 6-8-103;
- (T) Any offense subject to registration under W.S. 7-19-302(g) through (j);
- (U) Any offense punishable as a felony under W.S. 31-5-233; or
- (W) Any offense punishable as a felony under W.S. 35-7-1031(a) through (c) or 35-7-1036.

(b) A petition filed under this section shall be verified by the petitioner and served upon the prosecuting attorney and the division of criminal investigation. The filing fee for each petition filed under this section shall be three hundred dollars (\$300.00) and shall be deposited in accordance with W.S. 5-3-205.

(c) The prosecuting attorney shall, within thirty (30) days of service upon him, serve notice of the petition for expungement by certified mail, return receipt requested, to any identifiable victims of the nonviolent felonies at their last known addresses of record on file with the prosecuting attorney. The notices shall include a copy of the petition and statutes applicable to the petition. In the event that there are no identifiable victims, or that there is at least one (1) identifiable victim and the prosecuting attorney has no address of record on file or the notice sent was returned or is otherwise undeliverable, the prosecuting attorney shall notify the court and shall be deemed to have complied with the provisions of this subsection.

(d) The court in its discretion may request a written report by the division of criminal investigation concerning the criminal history of the petitioner.

(e) The prosecuting attorney shall review the petition and shall file with the court an objection or recommendation, if any, to the petition within ninety (90) days after service of the notice by the petitioner upon the prosecuting attorney. If the prosecuting attorney or an identifiable victim submits a written objection to the court concerning the petition within ninety (90) days after service of the notice by the petitioner upon the prosecuting attorney, or if the petitioner objects to the criminal history report of the division of criminal investigation if requested by the court, the court shall set a date for a hearing and notify the prosecuting attorney, the identifiable victims who have submitted written objections to the petition,

the division of criminal investigation and the petitioner of the date set for the hearing. Any person who has relevant information about the petitioner may testify at the hearing.

(f) If no objection is filed to the petition within ninety (90) days after service of the notice by the petitioner upon the prosecuting attorney, the court may summarily enter an order if the court finds that the petitioner is otherwise eligible for relief under this section. No order granting expungement shall be issued prior to the expiration of ninety (90) days after service was made to the prosecuting attorney.

(g) If the court finds that the petitioner is eligible for relief under this section and that the petitioner does not represent a substantial danger to himself, any identifiable victim or society, it shall issue an order granting expungement of the applicable records. The court shall also place the court files under seal, available for inspection only by order of that court. The court shall transmit a certified copy of the order to the division of criminal investigation.

(h) The state, through the prosecuting attorney, may appeal any order of expungement issued by any court under this section.

(j) Notwithstanding W.S. 1-39-101 through 1-39-120, the division of criminal investigation and its employees and any prosecuting attorney are immune from liability, either as an agency or individually, for any actions, inactions or omissions by the agency or any employee thereof, pursuant to this section.

(k) Nothing in this section shall be construed to allow a person who has previously received an expungement of records of conviction under this section to seek a second or subsequent expungement of records of conviction under this section.

(m) An expungement of records pursuant to this section shall restore any rights removed as a result of the conviction for which the expungement has been granted.

(n) As used in this section:

(i) "Expungement" means as defined in W.S. 7-13-1401(j)(i);

(ii) "Record" means as defined in W.S. 7-13-1401(j)(ii).

**Section 2.** W.S. 1-40-204(b) by creating a new paragraph (xi) is amended to read:

**1-40-204. Rights of victims and witnesses to be informed during the criminal justice process.**

(b) Victims and key witnesses of a criminal act shall be informed in writing by the prosecuting attorney about:

(xi) The right to request notification that the offender has filed a petition for expungement of the records of conviction and advance notice of any hearing or proceeding thereon.

**Section 3.** This act is effective July 1, 2011.

Approved February 24, 2011.

## Chapter 70

### 100TH STATE FAIR CELEBRATION

Original Senate File No. 57

ANACT relating to the state fair; creating the 100th state fair celebration account; authorizing matching fund distributions from the account as specified; providing rulemaking authority; providing a sunset; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 11-10-116 and 11-10-117 are created to read:

**11-10-116. 100th state fair celebration account; distributions; rulemaking authority.**

(a) There is created the 100th state fair celebration account. Funds from the account shall be expended to finance and promote the 100th state fair celebration at the 2012 Wyoming state fair. Any individual, agency, local government, organization or entity may contribute funds or gifts to finance and promote the 100th state fair celebration. All funds contributed to the department for the purposes of this section shall be deposited in the 100th state fair celebration account. When funds deposited in the account from any individual, agency, local government, organization or entity total at least one hundred thousand dollars (\$100,000.00) the director shall authorize a matching distribution of state funds from the account to the Wyoming state fair account for the purposes of this section. The director may authorize subsequent additional matching fund distributions to the state fair account from the account on a monthly basis. Total distributions of state funds from the account shall not exceed two hundred fifty thousand dollars (\$250,000.00).

(b) All funds remaining in the account on June 30, 2013 which were donated from any individual, agency, local government, organization or



entity shall be transferred to the state fair account.

(c) The director is authorized to promulgate rules and regulations in accordance with the Wyoming Administrative Procedure Act to implement this section.

**11-10-117. Sunset.**

W.S. 11-10-116 is repealed June 30, 2013.

**Section 2.** There is appropriated from the general fund to the 100<sup>th</sup> state fair celebration account two hundred fifty thousand dollars (\$250,000.00). Any legislatively appropriated funds remaining in the account on June 30, 2013 shall revert to the general fund.

**Section 3.** The appropriation in section 2 of this act shall be reduced dollar for dollar by any funds appropriated in 2011 Senate File 0001 for the purposes of this act.

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

Approved February 24, 2011.

## Chapter 71

### SCHOOL FACILITIES-ADEQUACY ASSESSMENT

Original Senate File No. 16

AN ACT relating to school facilities; clarifying components of the school facility annual evaluation and needs prioritization process; requiring periodic review and evaluation of the prioritization process by the school facilities commission; and providing for an effective date.

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

**Section 1.** W.S. 21-15-115(c) and 21-15-117(a)(intro), (i), (b) and by creating a new subsection (e) are amended to read:

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

(c) The commission shall not less than once every four (4) years, review and evaluate the building and facility adequacy standards established under subsection (a) of this section. Review and evaluation of the standards shall include the identification of local enhancements to buildings and facilities

during this review and evaluation period, and based upon criteria and procedures developed by the commission, a determination as to whether and how any local enhancements should be incorporated into the statewide standards. The review and evaluation under this subsection shall extend to components of the annual evaluation of school buildings, the facility remediation schedule and the needs prioritization process established by the commission under W.S. 21-15-117. Findings and recommendations pursuant to this subsection shall be reported to the select committee on school facilities before the next convening date of the legislative session immediately following completion of the review and evaluation, and shall specifically address any need to expand the needs assessment, ~~or to conduct a reassessment of building and facility adequacy~~ or to modify the needs prioritization process.

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

(a) Through the identification of school building and facility conditions and needs provided by the assessment conducted and maintained under W.S. 21-15-115, and a comparison of the identified conditions and needs with the established statewide building adequacy standards and the district facility plans developed under W.S. 21-15-116, the commission shall in coordination and cooperation with the districts, evaluate the adequacy of school buildings and facilities within local school districts, and based upon this evaluation, establish a schedule for building and facility remediation. Remediation shall bring all buildings and facilities to conditions such that over time, only routine maintenance is required to maintain building adequacy. The schedule shall identify and prioritize building and facility remedies on a statewide basis, based upon a building condition score developed by the commission subject to the following:

(i) Criteria and measures for building capacity, building condition, which incorporate educational suitability and technology readiness, specifically taking into consideration appropriate and up-to-date standards for air quality, illumination and appropriateness of the student environment, as established by commission rule and regulation and compiled under the building systems condition reference guide, which over time bring statewide buildings and facilities to targeted adequate levels prescribed by the commission, reviewed annually, based upon assessment results and findings, broken down by educational and noneducational building category;

(b) The commission shall for each building and facility remedy scheduled under subsection (a) of this section, determine the most cost effective method of remediation of building and facility needs to deliver quality educational services and ensure compliance with the statewide adequacy standards. The commission shall only request capital outlay for a building with capacity needs identified under paragraph (a)(iii) of this section after consideration of all other remedies for that building. For any scheduled remedy for which major building and facility repair and replacement payments under W.S. 21-15-109 are not sufficient to remedy the scheduled

need, as determined by the commission, the commission shall determine if the remedy requires capital outlay.

(e) For any building subject to paragraph (a)(iii) of this section, and when prioritizing buildings and facilities based upon condition pursuant to subsection (a) of this section, the commission shall consider criteria for building capacity established by commission rule and regulation which include:

(i) A comparison of the existing and projected student population served by each building to square footage guidelines established by the commission under W.S. 21-15-115(a) for that building;

(ii) An analysis of the number of classrooms within the building including an examination of the building square footage devoted to classrooms compared to the building total square footage;

(iii) An analysis of the building's square footage per student;

(iv) An examination of loading and utilization factors for that building to encourage the efficient use of classrooms; and

(v) Total acreage of the site on which the building is situated.

**Section 2.** W.S. 21-15-117(a)(ii) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 24, 2011.

## Chapter 72

### STATE FAIR

Original Senate File No. 7

AN ACT relating to the state fair; extending the time to remove improvements; clarifying duties of the director of the department of agriculture; making conforming amendments; repealing the allocation of funds to county fair associations; and providing for an effective date.

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

**Section 1.** W.S. 11-10-101 through 11-10-104, 11-10-107 and 11-10-115 are amended to read:

**11-10-101. Department of agriculture to conduct; where held; purpose; awards generally.**

The department of agriculture shall hold an annual state fair at Douglas,

Wyoming, where all important products of the state shall be recognized according to merit by premiums or rewards for excellence offered out of an appropriation provided by the legislature. No person shall collect any award until he furnishes to the department, ~~if requested,~~ a complete history in writing of how the exhibit was produced and all other information concerning the entry that would be of interest or benefit to the general public.

**11-10-102. Supervision generally.**

The general charge and supervision of the state fair is under the director of the department of agriculture. The director may employ a competent manager and other employees necessary for the proper conduct and management of the fair and fairgrounds. The director is responsible for the proper disbursement of all funds appropriated for the operation and maintenance of the fair.

**11-10-103. Reversion of fairgrounds to donor.**

If the state fails for three (3) consecutive years to hold a state fair, the lands used for the purpose of a state fair shall revert to the person donating them, the state having the right to remove all buildings, fences and improvements of whatever nature within ~~three (3) twenty-four (24)~~ months after the date on which the fair should have been held. All buildings, fences and improvements remaining on the land after the expiration of the ~~three (3) twenty-four (24)~~ months shall become the property of the owner of the land.

**11-10-104. Catalogues.**

At least three (3) months before any annual fair, the director of the department of agriculture shall have a catalogue prepared and copies ~~sent to the county clerks of the state~~ available for distribution to any person requesting it.

**11-10-107. Power of board to acquire land; authority to make rules and regulations; renting and use of fairgrounds; gambling and liquor prohibited.**

The board may acquire by donation or lease in the name of the state any lands necessary for conducting the state fair, and may make all rules and regulations necessary for the conduct and government of the exhibitions, the sale of privileges, and the proper control, operation and conduct of the state fair not inconsistent with the constitution and laws of this state. The board may rent out or donate the use of the state fairgrounds for stabling and training stock and holding stock sales. The grounds may be used free of charge for encampment grounds for the state militia under the direction of the adjutant general of the state. The board ~~in its discretion~~ may permit the grounds and facilities to be used for other purposes and may charge fees as it deems necessary to pay the expenses of maintaining the grounds and facilities. The board shall not permit any gambling device of any nature to be operated on the grounds, or permit any unlawful betting, or

permit any intoxicating liquors to be sold thereon except as provided by W.S. 12-4-505.

**11-10-115. State fair advisory board; membership.**

(a) There is created the state fair advisory board which shall serve as advisor to the board of agriculture on the operation of the state fair and the operation and maintenance of the state fairgrounds. The state fair advisory board shall consist of ten (10) members, one (1) member appointed by each of the seven (7) members of the board of agriculture appointed pursuant to W.S. 11-2-102(b), one (1) member appointed by the Converse county board of commissioners, one (1) member appointed by the dean of the University of Wyoming college of agriculture from the Wyoming cooperative extension service, and one (1) member selected by the Wyoming vocational agriculture teachers association from its membership. The state fair advisory board members shall receive no salary in the performance of their duties but shall receive mileage and per diem the same as state employees as provided by W.S. 9-3-102.

(b) The state fair advisory board member appointed by the Converse county board of commissioners, the state fair advisory board member appointed by the dean of the University of Wyoming college of agriculture and the state fair advisory board member selected by the Wyoming vocational agriculture teachers association shall serve a four (4) year term. All other state fair advisory board members shall serve at the pleasure of the person who appointed the state fair advisory board member and in no event shall the term of any state fair advisory board member exceed the corresponding term of the appointing board of agriculture member.

**Section 2.** W.S. 11-10-110 is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved February 24, 2011.

## Chapter 73

### AQUATIC INVASIVE SPECIES-RECIPROCITY

Original Senate File No. 39

AN ACT relating to game and fish; providing for reciprocal agreements with adjoining states recognizing aquatic invasive species program fees; and providing for an effective date.

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

**Section 1.** W.S. 23-4-206 is created to read:

**23-4-206. Reciprocal aquatic invasive species program agreements**

**with adjoining states authorized; water subject to agreements; implementing orders.**

(a) The commission is authorized to enter into reciprocal agreements with corresponding state officials of adjoining states for purposes of providing for the recognition of aquatic invasive species programs at least as restrictive as those in Wyoming, for boating by residents of this state and adjoining states upon artificial impoundments of water forming the boundary between this state and adjoining states. The agreements may include provisions by which each state shall honor the aquatic invasive species program fees of the other state. Watercraft operators from the other state shall display proof of payment of the appropriate aquatic invasive species program fee from the other state and any additional reciprocity fee to the state of Wyoming set by mutual agreement of the states.

(b) It is the primary purpose of this section to provide a method whereby the boating opportunities afforded upon artificial impoundments of water forming the boundary between this state and adjoining states may be mutually enjoyed by the residents of Wyoming and the residents of adjoining states.

(c) The commission is authorized to establish orders as provided in this act to implement any agreements under this section.

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

Approved February 24, 2011.

## Chapter 74

### CAMPAIGN FINANCE-ORGANIZATIONS

Original Senate File No. 3

AN ACT relating to campaign finance; providing that restrictions on expenditures to advocate the election or defeat of a candidate do not apply to organizations as specified; providing a definition; conforming state law to a United States Supreme Court ruling; requiring notification in advertising; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 22-25-102(a), (b) and by creating a new subsection (k), 22-25-106(b)(i) and by creating a new subsection (h), 22-25-107(a)(vii) and 22-25-110(a) and by creating a new subsection (c) are amended to read:

**22-25-102. Contribution of funds or election assistance restricted; limitation on contributions; right to communicate; civil penalty.**

(a) Except as otherwise provided in this section, no organization of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity except a political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101, directly or indirectly through any officer, member, director or employee, shall contribute funds, other items of value or election assistance directly to aid, promote or prevent the nomination or election of any candidate or group of candidates, or to aid or promote the interests, success or defeat of any political party. No person shall solicit or receive a payment or contribution from an organization prohibited from making contributions under this subsection.

(b) Except as otherwise provided in this section, only a natural person, political party, or a political action committee or a candidate's campaign committee organized under W.S. 22-25-101 shall contribute funds or election assistance in order to aid, promote or prevent the nomination or election of directly to any candidate or group of candidates, or in order to aid or promote the interests, success or defeat of any political party. No person shall solicit or receive a political payment or contribution from any source other than a natural person, political party, political action committee or candidate's campaign committee organized under W.S. 22-25-101.

(k) The prohibitions in this section shall not be construed to prohibit any organization of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity from exercising its first amendment rights to make independent expenditures for speech expressly advocating the election or defeat of a candidate. For purposes of this subsection, "independent expenditure" means an expenditure that is made without consultation or coordination with a candidate or an agent of a candidate whose nomination or election the expenditure supports or whose opponent's nomination or election the expenditure opposes.

#### **22-25-106. Filing of campaign reports.**

(b) Reports of itemized statements of receipt and statements of receipts and expenditures, and statements of termination shall be made with the appropriate filing officers specified under W.S. 22-25-107 and in accordance with the following:

(i) Except as otherwise provided in this section, any political action committee, candidate's campaign committee, or any political action committee formed under federal law or the law of another state that contributes to a Wyoming political action committee or to a candidate's campaign committee, any organization making an independent expenditure under W.S. 22-25-102(k), and any other organization supporting or opposing any ballot proposition which expends any funds in any primary, general or special election shall file an itemized statement of receipts at least seven (7) days before the election current to any day from the eighth day up to the fourteenth day before the election and shall also file a statement of

receipts and expenditures within ten (10) days after a primary, general or special election;

(h) In addition to any other report required by this section, an organization required by W.S. 22-25-110(c) to report expenditures shall report as follows:

(i) The report shall identify the organization making the expenditure and the individual acting on behalf of the organization in making the expenditure;

(ii) The report shall be filed at least seven (7) days before the next primary, general or special election with information current to any day from the eighth day up to the fourteenth day before the election;

(iii) If not previously reported, the report shall include the disclosure of any source of funding to the organization in excess of one thousand dollars (\$1,000.00) to further the expenditure.

**22-25-107. Where statements to be filed.**

(a) All statements required under this chapter shall be filed as follows:

(vii) Any political action committee or organization supporting or opposing any statewide initiative or referendum petition drive, any statewide ballot proposition or any candidate for statewide office and any organization making an independent expenditure under W.S. 22-25-102(k) and filing pursuant to W.S. 22-25-106(b)(i) or (h) shall file statements required by this section with the secretary of state.

**22-25-110. Campaign advertising in communications media.**

(a) It is unlawful for a candidate, political action committee, organization, including organizations making expenditures pursuant to W.S. 22-25-102(k), candidate's campaign committee, or any political party central committee to pay for campaign literature or campaign advertising in any communication medium without printing or announcing the candidate, organization or committee sponsoring the campaign advertising or campaign literature. The communications media in using the campaign advertising shall print or announce the name of the candidate, organization or committee paying for the advertising.

(c) Any organization making an expenditure pursuant to W.S. 22-25-102(k) which is subject to this subsection and in excess of five hundred dollars (\$500.00) shall report the expenditure as specified in W.S. 22-25-106(h).

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

Approved February 24, 2011.



**Chapter 75****MANAGEMENT AUDIT COMMITTEE SUBPOENA POWER**

Original House Bill No. 160

AN ACT relating to legislative oversight; authorizing the chairman and vice-chairman of the management audit committee to issue subpoenas as specified; and providing for an effective date.

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

**Section 1.** W.S. 28-1-109(a) and 28-8-107 by creating a new subsection (h) are amended to read:

**28-1-109. Issuance and service of subpoena; privilege of witness; witness fees and expenses.**

(a) The presiding officer of either house of the legislature, the council, or a committee may issue a subpoena upon request of a majority of the members of the body. Subpoenas also may be issued on behalf of the management audit committee as provided by W.S. 28-8-107(h).

**28-8-107. Auditing of state agencies; management audit committee; factors to be considered in audit reports; subpoena power.**

(h) The management audit committee may exercise the subpoena power granted by W.S. 28-1-109(a) by unanimous request of the chairman and vice-chairman or upon the request of a majority of the members of the committee.

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

Approved February 24, 2011.

**Chapter 76****MAIL BALLOT ELECTIONS**

Original Senate File No. 23

AN ACT relating to elections; providing for special mail ballot elections after an election is declared null and void; providing procedures for special mail ballot elections; and providing for an effective date.

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

**Section 1.** W.S. 22-16-123 is created to read:

**22-16-123. Special mail ballot elections; procedures.**

(a) A special mail ballot election, as provided in this section, may be held in response to a determination under W.S. 22-16-122(a).

(b) In a special mail ballot election, official ballots shall be prepared and all other pre-election procedures followed as otherwise provided by law or rules promulgated by the secretary of state, except that special mail ballot packets shall be prepared as follows:

(i) The election official shall mail to each qualified elector entitled to vote in the special mail ballot election, at the last address appearing in the registration records, a special mail ballot packet, which shall be marked "DO NOT FORWARD-ADDRESS CORRECTION REQUESTED," or any other similar statement which is in accordance with United States postal service regulations. Packets shall be mailed not sooner than twenty-five (25) days and not later than fifteen (15) days before an election for elections held in accordance with W.S. 22-16-122(d) or (e). Packets shall be mailed not sooner than forty-five (45) days and not later than forty (40) days before an election for elections held in accordance with W.S. 22-16-122(f) unless the court order provides otherwise;

(ii) The ballot or ballot label shall contain the following warning:

**WARNING**

The criminal laws regulating the conduct of elections contained in chapter 26 of the Wyoming Election Code of 1973, as amended, apply with equal force to elections by mail.

(iii) Not sooner than twenty-five (25) days and not later than 4:00 p.m. on election day for elections held in accordance with W.S. 22-16-122(f), mail ballots shall be made available at the election official's office for voters entitled to vote in the election but whose address has changed or who did not receive their ballot in the mail and for voters allowed by law to register and vote the day of the election;

(iv) A voter may obtain a replacement ballot if the ballot was destroyed, spoiled, lost or for some other reason not received by the voter. In order to obtain a replacement ballot, the voter shall sign a sworn statement specifying the reason for requesting the replacement ballot. The statement shall be presented to the election official no later than 4:00 p.m. on election day. The election official shall keep a record of each replacement ballot issued in accordance with this paragraph. A replacement ballot may be transmitted directly to the applicant at the election official's office or may be mailed to

the voter at the address provided in the application. Replacement ballots may be cast no later than 5:00 p.m. on election day;

(v) Upon receipt of a ballot, the voter shall mark the ballot, sign and complete the return-verification envelope and comply with the instructions provided with the ballot. The voter may return the marked ballot to the election official by United States mail or by depositing the ballot at the office of the election official or the designated depository no later than 5:00 p.m. on election day;

(vi) Once the ballot is returned, it shall not be returned to the voter. The election official shall first qualify the submitted ballot by examining the verification envelope and comparing the information on the envelope to the poll list to determine whether the ballot was submitted by a voter who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the official shall place a number next to the voter's name in the poll book. The election official shall then open and separate the ballot from the envelope and place the ballot in a ballot box so as to keep the voter's ballot private;

(vii) All deposited ballots shall be counted as provided in this act and rules promulgated by the secretary of state. A special mail ballot shall be valid and counted only if it is returned in the return-verification envelope, the affidavit on the envelope is signed by the voter to whom the ballot was issued and the information on the envelope is verified as provided in paragraph (vi) of this subsection. If the election official determines that a voter to whom a replacement ballot has been issued has voted more than once, the official shall only count the first ballot received from that voter;

(viii) The election official shall provide a minimum of one (1) polling place on the day of election which may be the election official's office and shall be open between the hours of 7:00 a.m. and 7:00 p.m.

(c) If any special mail ballot packet mailed under paragraph (b)(i) of this section to a physical address, not including a post office box, is returned by the postal service, the county clerk, or the secretary of state if the election involves more than one (1) county, shall investigate the validity of the address. If the county clerk or secretary of state determines that the address is not at a location that a voter could inhabit, the county clerk or secretary of state shall remove the address from the registration records until the county clerk or secretary of state receives proof that the address is habitable by a voter.

**Section 2.** W.S. 22-16-122(d), (e) and by creating a new subsection (f) is amended to read:

**22-16-122. Election declared null and void; special election.**

(d) The special election shall be held if necessary no later than the third Tuesday after the primary election and may be held by a special mail ballot election as provided in W.S. 22-16-123. Any candidate may appeal the decision of the canvassing board in the same manner as he would contest an election under this act. However, this appeal shall be filed in the district court no later than the first Monday following the meeting of the canvassing board whose decision is being appealed. The special election shall be conducted by the county clerk as nearly as possible in the manner of a primary election, except that registration at the polls shall not be permitted. If the election is held as a special mail ballot election, the election shall be held as provided in W.S. 22-16-123.

(e) The special election shall be held if necessary on the third Tuesday after the general election and may be held by a special mail ballot election as provided in W.S. 22-16-123. Not more than fourteen (14) nor less than five (5) days before the special election the county clerk shall publish at least once in a newspaper of general circulation in the county a proclamation setting forth the date of the election, the offices to be filled at the election including the terms of the offices, the number of persons required by law to fill the offices, the requirements for filing statements of campaign receipts and expenditures, and any other pertinent information. The special election shall be conducted by the county clerk as nearly as possible in the manner of a general election. If the election is held as a special mail ballot election, the election shall be held as provided in W.S. 22-16-123.

(f) A court ordered election may be held by special mail ballot election as determined by the county clerk or by the secretary of state if the election involves more than one (1) county.

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

Approved February 24, 2011.

## Chapter 77

### ABOLITION OF WORTHIER TITLE DOCTRINE

Original House Bill No. 157

AN ACT relating to property conveyances; abolishing the doctrine of worthier title; and providing for an effective date.

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

**Section 1.** W.S. 34-1-137 is amended to read:

**34-1-137. Fees tail prohibited; future interests of fees tail; worthier**

**title doctrine abolished.**

(a) The creation of fees tail is not permitted. The use in an otherwise effective conveyance of property of language appropriate to create a fee tail, creates a fee simple in the person who would have taken a fee tail. Any future interest limited upon such an interest is a limitation upon the fee simple and its validity is determined accordingly.

(b) The doctrine of worthier title is abolished as a rule of law and as a rule of construction. Language in a will, trust agreement, beneficiary designation or other governing instrument describing the beneficiaries of a disposition as "heirs," "heirs at law," "next of kin," "distributees," "relatives" or "family" or language of similar import, does not create or presumptively create a reversionary interest in the transferor.

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

Approved February 24, 2011.

**Chapter 78****COUNTIES-ELECTION DISTRICTS**

Original Senate File No. 14

AN ACT relating to county commissions; providing for districting by single member or multi-member districts, at large representation or any combination thereof; providing authority to county commissions to create and amend county commissioner districts without election as specified; providing terms of county commissioners subject to districting and redistricting; and providing for an effective date.

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

**Section 1.** W.S. 18-3-501(h) and by creating a new subsection (k) is amended to read:

**18-3-501. Composition; election for increasing the number; term; quorum; election for districting; procedures.**

(h) If the proposition for districting is approved, the board of county commissioners shall devise a districting plan dividing the county into ~~five~~ (5) districts as nearly equal in population as practicable considering the geographic, economic and social characteristics of the county. The districting plan shall be made before March 1 next following the election at which the proposition for districting is approved and shall be effective as of March 1 the following year. The districting plan may provide that any commissioner elected after the effective date of the districting plan shall reside in and represent the district from which he is elected by the electors of that district, and, beginning January 1, 2012, that commissioners may

serve at large or that district representation may be apportioned in any combination of single member, multi-member and at large representation, provided that in all cases commissioners represent a population as nearly equal as is practicable considering the geographic, economic and social characteristics of the county. Commissioners in office on the effective date of the districting plan shall serve the county at large until the regular expiration of their term. The districting plan shall designate which districts shall elect county commissioners in the general election next following the effective date of the districting plan. In any county in which the voters approved increasing the number of commissioners and districting at the same election, the districting plan shall also designate which district shall elect a county commissioner at the next general election for a term of two (2) years, as provided by subsection (b) of this section. The ballot shall state the term in the designated district to be for two (2) years. Thereafter, all terms shall be four (4) years.

(k) If required to do so pursuant to a final court order or changes in population affecting the constitutionality of a current districting plan, the board of county commissioners may by resolution devise a districting or redistricting plan dividing the county into any number of districts necessary to meet the requirements of the court order or necessary to address the population changes. A districting or redistricting plan devised under this subsection may include single member or multi-member districts in which the candidates must reside and which are apportioned by population, districts in which candidates are elected at large, or any combination of districts in which candidates must reside and are apportioned by population or are elected at large provided that in all cases commissioners represent a population as nearly equal as is practicable considering the geographic, economic and social characteristics of the county. A districting or redistricting plan created under this subsection shall not be subject to a vote of the electors and shall go into effect after the next general election and shall be subject to the following:

(i) An initial districting plan created under this subsection shall provide for at least fifty-one percent (51%) of the commissioners to serve an initial term of two (2) years and the remainder to serve an initial term of four (4) years. Thereafter, all terms shall be four (4) years. The terms of all commissioners serving at the time of the approval of the districting plan shall expire at the end of the current year and all offices created under this subsection shall be filled at the general election held on the effective date of the districting plan;

(ii) For a redistricting plan, commissioners in office on the effective date of the districting plan shall serve the county at large until the regular expiration of their term, if practical. The county commission shall determine whether honoring the four (4) year terms is practical.

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

Approved February 24, 2011.

**Chapter 79****CHILD PROTECTION SHELTER CARE AND INITIAL HEARINGS**

Original House Bill No. 28

AN ACT relating to children; amending provisions of the Child Protection Act relating to shelter care hearings and initial hearings; adding definitions; eliminating the opportunity to admit or deny allegations at a shelter care hearing unless an initial hearing is held in conjunction with a shelter care hearing; clarifying time to demand a jury trial; and providing for an effective date.

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

**Section 1.** W.S. 14-3-402(a) by creating new paragraphs (xxi) through (xxiii) and by renumbering (xxi) as (xxiv), 14-3-409(a), (c) and (d)(intro), 14-3-410(b), 14-3-422(a), 14-3-423(b) and 14-3-426(a) and by creating a new subsection (g) are amended to read:

**14-3-402. Definitions.**

(a) As used in this act:

(xxi) "Initial hearing" means a hearing held in accordance with W.S. 14-3-426;

(xxii) "Shelter care hearing" means a hearing held in accordance with W.S. 14-3-409;

(xxiii) "Transfer hearing" means a hearing held in accordance with W.S. 14-6-237;

~~(xxi)~~(xxiv) "This act" means W.S. 14-3-401 through 14-3-440.

**14-3-409. Taking of child into custody; shelter care hearing where no court order; conditional release; evidence; rehearing.**

(a) When a child is taken into temporary protective custody without a court order or under an ex parte emergency order, a petition as provided in W.S. 14-3-412 shall be promptly filed and presented to the court. ~~An informal~~ A shelter care hearing shall be held as soon as reasonably possible not later than forty-eight (48) hours, excluding weekends and legal holidays, after the child is taken into temporary protective custody to determine if further shelter care is required pending further court action. Written notice stating the time, place and purpose of the hearing shall be given to the child and to his parents, guardian or custodian.

~~(c) The parents, guardian or custodian shall be given an opportunity to admit or deny the allegations in the petition. If the allegations are admitted, the court shall make the appropriate adjudication and may~~

~~proceed immediately to a disposition of the case, provided the court has the predisposition report and multidisciplinary team recommendations, in accordance with the provisions of W.S. 14-3-429, except that a commissioner acting in the absence or incapacity of the judge may take testimony to establish a factual basis and accept an admission and perform all other requirements of the initial hearing but shall not proceed to disposition. If denied, An initial hearing may be held in conjunction with a shelter care hearing, provided the requirements of W.S. 14-3-413, 14-3-414 and 14-3-426 have been met. The court shall set a time not to exceed sixty (60) days for an adjudicatory hearing, unless the court finds good cause to delay or postpone the hearing. In no case shall the court hold the adjudicatory hearing more than ninety (90) days after the date the petition is filed.~~

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

**14-3-410. Shelter care hearing conducted by commissioner; authority and duty; review by court.**

~~(b) The commissioner may make any order concerning the child's release or continued shelter care as authorized to the judge under W.S. 14-3-409. If the child is not released after the hearing, the commissioner shall promptly file with the court a complete written resume of the evidence adduced at the hearing and his reasons for not releasing the child. The commissioner shall conduct the hearing pursuant to W.S. 14-3-409, except that if the parent who had been advised of his rights wishes to admit the allegations, the court may take testimony to establish a factual basis and accept the admission and perform all other requirements of the initial hearing but shall not enter the adjudication or proceed to disposition. The hearing shall be conducted in the presence of counsel and guardian ad litem, if so appointed. The commissioner may also appoint counsel, appoint a guardian ad litem, order a predisposition report, appoint a multidisciplinary team, issue subpoenas or search warrants, order physical or medical examinations and authorize emergency medical, surgical or dental treatment all as provided in this act. The commissioner shall not make final orders of adjudication or disposition.~~

**14-3-422. Advising of right to counsel required; appointment of counsel; verification of financial condition.**

~~(a) At their first appearance before the court and at their initial hearing the child's parents, guardian or custodian shall be advised by the court of their right to be represented by counsel at every stage of the proceedings including appeal, and to employ counsel of their own choice.~~



**14-3-423. Rights of parties generally; demand for and conduct of jury trial.**

(b) A party against whom a petition has been filed or the district attorney may demand a trial by jury at an adjudicatory hearing. The jury shall be composed of jurors selected, qualified and compensated as provided by law for the trial of civil matters in the district court. The jury may be drawn from the jury panel of the district court or a special jury panel may be drawn from "jury box number three (3)" containing the names of persons residing within five (5) miles of the city or town where the trial is to be held, whichever the court directs. Demand for a jury trial must be made to the court not later than ten (10) days after the party making the demand is advised of his right to a jury trial at the initial hearing. No deposit for jury fees is required. Failure of a party to demand a jury is a waiver of this right.

**14-3-426. Initial hearing; adjudicatory hearing; entry of decree and disposition; evidentiary matters; continuance of disposition hearing.**

(a) ~~At their~~ There shall be an initial hearing. The initial hearing, which may be held in conjunction with the shelter care hearing provided the requirements of W.S. 14-3-413, 14-3-414 and 14-3-426 have been met. The initial hearing may also be held after a shelter care hearing or a transfer hearing. At the initial hearing, the child and his parents, guardian or custodian shall be advised by the court of their rights under law and as provided in this act. They shall also be advised of the specific allegations in the petition and given an opportunity to admit or deny them. They shall also be advised of the possible liability for costs of treatment or services pursuant to this act. It is not necessary at the initial appearance hearing for the district attorney to establish probable cause to believe the allegations in the petition are true. When a shelter care hearing is held in accordance with W.S. 14-3-409, a separate initial hearing is not required if the child and his parents, guardian or custodian were present at the shelter care hearing and advised by the court as provided in this subsection. If the allegations are admitted, the court shall make the appropriate adjudication and may proceed immediately to a disposition of the case, provided the court has the predisposition report and multidisciplinary team recommendations, in accordance with the provisions of W.S. 14-3-429, except that a commissioner acting in the absence or incapacity of the judge may take testimony to establish a factual basis and accept an admission and perform all other requirements of the initial hearing but shall not proceed to disposition.

(g) In the absence or incapacity of the judge, the initial hearing may be conducted by a district court commissioner.

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

Approved February 24, 2011.

**Chapter 80****UNLAWFUL PROTESTING AT A FUNERAL-AMENDMENTS**

Original House Bill No. 248

AN ACT relating to crimes and offenses; providing criminal penalties for a protest directed at a funeral or memorial service as specified; increasing the buffer zone between a funeral or memorial service and a protest directed at a funeral or memorial service as specified; and providing for an effective date.

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

**Section 1.** W.S. 6-6-105 is amended to read:

**6-6-105. Unlawful protesting at a funeral; penalties.**

A person commits 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, if he protests, pickets, or otherwise causes a breach of the peace within ~~three hundred (300)~~ nine hundred (900) feet of a cemetery, church, building or other facility at which a funeral or memorial service is being conducted, and if the protest, picket or other action occurs within one (1) hour prior to, during or within one (1) hour after the funeral or memorial service and the protest, picket, or breach of the peace is directed at the funeral or memorial service.

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

Approved March 2, 2011.

**Chapter 81****STATE FUNDED CONSTRUCTION PROJECTS/PREFERENCE PROVISIONS**

Original Senate File No. 144

AN ACT relating to administration of government; modifying procurement requirements for expenditures for capital construction projects through the remainder of the fiscal biennium; modifying and specifying preference requirements; providing for waivers of the requirements; authorizing modifications by executive order; providing for further study; and providing for an effective date.

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

**Section 1.** W.S. 16-6-1001 is created to read:

**ARTICLE 10****CAPITAL CONSTRUCTION PROJECTS TEMPORARY RESTRICTIONS**

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

(a) Unless otherwise prohibited by federal law, any funds appropriated or authorized for expenditure during the fiscal biennium ending June 30, 2012, which have not been encumbered, obligated by contract or designed as of January 17, 2011, for capital construction projects shall be subject to the restrictions of this section which shall be construed where possible as complimentary and consistent with other statutory requirements relating to competitive bidding and contractor preferences. To the extent the restrictions in this section are inconsistent with other state statutes, this section shall supersede all such inconsistent provisions and shall govern. This section shall be applied as follows:

(i) This paragraph shall apply to any alternate design and construction delivery method as defined in W.S. 16-6-701(a)(v):

(A) All contracts shall require the construction manager at risk or design builder to conduct an open bid process in compliance with Wyoming contractor preference laws before awarding any subcontracts for work to be performed for the project;

(B) Unless exempted pursuant to subparagraph (C) of this paragraph the construction manager at risk or design builder shall award to responsible Wyoming resident contractors not less than seventy percent (70%) of the value of the total subcontract work to be performed for the project;

(C) The requirement of subparagraph (B) of this paragraph may be waived in part upon a written determination that:

(I) The work to be performed is specialized or of such a scale that it can be more suitably performed by out-of-state contractors;

(II) The bid amounts submitted by responsible Wyoming subcontractors exceed one hundred five percent (105%) of the costs of out-of-state providers for equivalent quality of work or services;

(III) The enforcement of the requirement would unreasonably delay completion of construction;

(IV) There were insufficient responsible Wyoming contractors submitting bids to make the seventy percent (70%) requirement; or

(V) If the requirement of subparagraph (B) of this paragraph is waived in part, the remaining value of the total subcontract work to be performed for the project is subject to the requirement of subparagraph (B)

of this paragraph.

(D) Any waiver shall be approved in writing by the following persons:

(I) For projects to be completed by the state of Wyoming, by the director of the department of administration and information;

(II) For projects to be completed by the University of Wyoming, by the president of the university and the president of the board of trustees;

(III) For projects subject to review by the school facilities commission, by the director of the school facilities commission and the chairman of the board of the school facilities commission;

(IV) For projects completed by a community college, by the community college president and its chairman of the board of trustees;

(V) For all other projects, by the respective governing body.

(E) Any approved waiver shall be documented in writing and provided to the governor and the joint appropriations interim committee.

(ii) Unless exempted pursuant to subparagraph (D) of this paragraph, this paragraph shall apply to all construction delivery methods:

(A) The procurement of furniture, fixtures and equipment shall be done by competitive bid based upon either:

(I) Generic specifications; or

(II) Specifications addressing performance standards and functional requirements determined by the agency, but without specification of individual brands or manufacturers.

(B) No person who was employed by the agency to prepare the bid documents, whether with or without compensation, shall be eligible to bid on the final bid package;

(C) A five percent (5%) preference shall be granted to responsible Wyoming resident suppliers for procurements subject to this paragraph;

(D) The requirements of subparagraph (A) or (B) of this paragraph may be waived for furniture, fixtures or equipment upon a written determination that the furniture, fixtures or equipment requirements of the project are so specialized or that an item or type of furniture, fixture or equipment is so unique or uncommon that failure to waive the requirements would materially impair the functionality of the project. Waivers under

this subparagraph shall be approved by the persons listed in subparagraph (a)(i)(D) of this section and are subject to subparagraph (a)(i)(E) of this section.

(iii) All bids shall be opened in public in an office of the agency soliciting the bid;

(iv) Contractor progress payments shall be made only after the agency has been supplied with applicable lien waivers signed by the materialman, subcontractor or laborer, as applicable, or upon the contractor's affidavit that all materialmen, subcontractors and laborers have been paid for that portion of payment requested, less any contracted amounts held for retainage or for which there is a reasonable basis for dispute.

(b) No funds subject to this section shall be expended unless the contracting agency has submitted a plan to the governor and the joint appropriations interim committee which promotes the employment of responsible Wyoming resident design firms, including professional architectural and engineering services as defined by W.S. 9-2-1028(a)(v), in the planning and design phases of facilities funded with monies subject to this section. The plans shall allow for partnerships between responsible Wyoming design firms, including professional architectural and engineering services, and nonresident firms when necessary to secure specialized services required for a project. The contracting agency shall evaluate and consider overall qualifications, residency, fee proposal, past performance and level of services in the final decisions.

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

(d) The governor may modify any requirement of this section by executive order if he determines it to be necessary to promote effective competitive bidding. Any order shall be effective only until June 30, 2012 or until superseded by law.

(e) This section is repealed effective June 30, 2012.

**Section 2.** The joint appropriations interim committee shall study the impacts of the statutory changes under this act and shall propose

permanent changes to contractor preference laws consistent with this act. The committee shall further propose changes to the resident preference laws as it determines necessary to effectively enforce those laws and to deter violations of those provisions. The committee shall present its recommendations for consideration in the 2012 budget session.

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

Approved March 2, 2011.

## Chapter 82

### PUBLIC WORKS AND CONTRACTS-2

Original House Bill No. 111

AN ACT relating to public works and contracts; amending definitions; modifying limitations on subcontracting; granting rulemaking authority; requiring investigations; providing for penalties and modifying penalty amounts; providing conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 16-6-101(a)(i)(intro), (C), by creating new subparagraphs (J) and (K) and (ii), 16-6-102(e), 16-6-104, 16-6-111, 16-6-120 and 16-6-206 are amended to read:

#### **16-6-101. Definitions.**

(a) As used in this act:

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

(C) A corporation organized under the laws of the state;

(I) With at least fifty percent (50%) of the issued and outstanding shares of stock in the corporation owned by persons who have been residents of the state for one (1) year or more prior to bidding upon the contract or responding to a request for proposal;~~and~~

(II) Which maintains~~has maintained~~ its principal office and place of business within the state; for at least one (1) year; and

(III) The president of the corporation has been a resident of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal;

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

(I) Has continuously maintained a principal office and place of business within the state for at least one (1) year;

(II) Has continuously employed not less than fifteen (15) full-time Wyoming resident employees within the state for one (1) year or more prior to bidding upon the contract or responding to a request for proposal; and

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

(K) A business entity which qualifies as a resident pursuant to this paragraph shall not lose that residency solely due to a conversion under the provisions of W.S. 17-26-101 or other reorganization as a different business entity.

(ii) "Principal office and place of business" means a headquarters or administrative center where:

(A) The high level officers or management direct, control and coordinate the business activities; ~~are conducted or controlled; and~~

(B) The key business functions are conducted, including, but not limited to project bidding.

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

(e) The department ~~may~~shall make investigations as necessary to determine whether any person is eligible to receive or continue to hold a certificate of residency. The department may require or permit any person to file a statement in writing at any time, under oath or otherwise as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation under this section, the director of the department or any person designated by him may administer oaths and affirmations, subpoena witnesses, and compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records, which the director or designated person deems relevant or material to the inquiry. In case of refusal to obey a subpoena issued to any person, any Wyoming district court, upon application by the director, may issue to the person an order

requiring him to appear before the director or the officer designated by him, to produce documentary evidence if so ordered, or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt of court. The burden of proof regarding the status of the residency is on the person whose residency is in question.

**16-6-104. Preference for Wyoming materials required in contracts.**

~~Resident Wyoming laborers, workmen and mechanics shall be used upon all work enumerated in W.S. 16-6-102 whenever possible and any contract let shall so provide.~~ Wyoming materials and products of equal quality and desirability shall have preference over materials or products produced outside the state and any contract let shall so provide.

**16-6-111. Penalty for violating work hours provisions.**

Any person who violates this act is guilty of a misdemeanor punishable by a fine of not more than ~~five hundred dollars (\$500.00)~~, imprisonment in the county jail for not more than ~~six (6) months~~, or both ~~seven hundred fifty dollars (\$750.00)~~.

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

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

(b) A person, partnership, association, limited partnership, registered limited partnership, registered limited liability company or corporation and any officer or member thereof that intentionally falsifies information under this act shall be:

(i) Fined seven hundred fifty dollars (\$750.00) for each violation for each day during which the violation continues;

(ii) Barred from bidding on any state contract or submitting any request for proposal on any state project for one (1) year from the date the violation is corrected.

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

(d) In the event a contractor fails to comply with an order from the department, the director shall refer the matter to the appropriate district or county attorney for enforcement of the department's order.

**16-6-206. Failure to employ state laborers; penalty.**

(a) A person who willfully or intentionally fails to use Wyoming laborers as required in this act is guilty of a misdemeanor punishable by a fine of not more than ~~five hundred dollars (\$500.00)~~ or by imprisonment for



~~not more than thirty (30) days seven hundred fifty dollars (\$750.00).~~ Each separate case of failure to employ Wyoming laborers on public works projects constitutes a separate offense.

(b) In the event a second offense occurs, the person shall be barred from bidding on any state contract or submitting any request for proposal on any state project for one (1) year from the date the violation is corrected.

**Section 2.** W.S. 16-6-101(a)(i)(H) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 83

### MANUFACTURING TAX EXEMPTION

Original House Bill No. 143

AN ACT relating to taxation and revenue; extending the sales and use tax exemption for manufacturing equipment as specified; amending related reporting requirements; and providing for an effective date.

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

**Section 1.** W.S. 39-15-105(a)(viii)(O)(intro), (b)(intro) and (i) and 39-16-105(a)(viii)(D)(intro), (b)(intro) and (i) 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, ~~2011~~ 2017, 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:

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

initiation of the exemption and shall include:

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

### **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, 2011~~2017, 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:

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

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

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

Approved March 2, 2011.

## **Chapter 84**

### **CONCEALED WEAPONS**

Original Senate File No. 47

AN ACT relating to concealed weapons; authorizing the carrying of concealed weapons by persons without a concealed weapon permit as specified; amending a restriction on where a concealed firearm may be carried; specifying penalties for a second or subsequent offense;

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)(intro), (ii), (iii), by creating a new paragraph (iv) and (t)(intro) 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 for a first offense, or a felony punishable by a fine of not more than two thousand dollars (\$2,000.00), imprisonment for not more than two (2) years, or both, for a second or subsequent offense, unless:

(ii) The person possesses a permit under this section;~~or~~

(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; ~~or~~

(iv) The person does not possess a permit issued under this section, but otherwise meets the requirements specified in paragraphs (b)(i) through (vi), (viii) and (ix) of this section and possession of the firearm by the person is not otherwise unlawful.

~~(t) No permit issued person authorized to carry a concealed weapon pursuant to paragraphs (a)(ii) through (iv) of this section or any permit issued from any other state shall authorize any person to carry a concealed firearm into:~~

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

Approved March 2, 2011.

## Chapter 85

### HATHAWAY STUDENT SCHOLARSHIP PROGRAM

Original Senate File No. 101

AN ACT relating to the Hathaway student scholarship program; authorizing extension of community college attendance under specified scholarships; specifying application; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1304(b) and by creating a new subsection (g) is amended to read:

**21-16-1304. Hathaway opportunity, performance and honor scholarships.**

(b) Scholarships under this section shall be for a maximum of the equivalent of eight (8) full-time semesters. Except as specified under subsection (g) of this section, a scholarship under this section shall be available for attendance at a Wyoming community college for not more than a maximum of the equivalent of four (4) full-time semesters.

(g) Notwithstanding subsection (b) of this section, a scholarship received under this section for attendance at a Wyoming community college for four (4) full-time semesters may be extended for continued attendance at a Wyoming community college by a student who otherwise remains eligible for that scholarship under this article, and that student has earned a certificate or degree from a Wyoming community college or has otherwise successfully completed sufficient courses for eligibility to enroll in courses within a program offered by a Wyoming community college which leads to a professional degree. A scholarship extended under this subsection shall not exceed the maximum equivalent of eight (8) full-time semesters when combined with the four (4) full-time semesters of initial community college attendance under the scholarship and shall not support enrollment in coursework at an institution other than a Wyoming community college or the University of Wyoming.

**Section 2.** Any student receiving an opportunity, performance or honor scholarship whose initial year of eligibility as determined under W.S. 21-16-1303(d) occurred prior to the fall semester of the 2011-2012 academic year shall, for the 2011-2012 academic year and each academic year thereafter for which the student maintains scholarship eligibility under W.S. 21-16-1301 through 21-16-1310, be entitled to extend community college attendance under his scholarship in accordance with this act.

**Section 3.**

(a) On or before November 1, 2011, the University of Wyoming and the Wyoming community college commission, in consultation with each Wyoming community college, shall report to the joint education interim committee and to the joint appropriations interim committee on the following with respect to students awarded Hathaway scholarships:

(i) Standardization of remediation requirements for Wyoming high school graduates awarded a Hathaway student scholarship and enrolling in the university or a community college;

(ii) Recommendations for improving student completion data, both for degrees and certificates, including comparisons between Hathaway

scholarship recipients and the general student population, and improvement targets for all student completion and retention rates;

(iii) Description of support services available to students requiring remediation, together with data on program effectiveness, and recommendations for improvement.

**Section 4.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 86

### EMINENT DOMAIN-WIND ENERGY COLLECTOR SYSTEMS-2

Original House Bill No. 230

AN ACT relating to condemnation; extending the moratorium on the power of condemnation for the erection, placement or expansion of collector systems associated with commercial facilities generating electricity from wind; and providing for an effective date.

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

**Section 1.** W.S. 1-26-815(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~~, 2013 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.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the

Wyoming Constitution.

Approved March 2, 2011.

## Chapter 87

### LARGE PROJECT FUNDING

Original Senate File No. 62

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 2011; amending funding and timing for specified previously approved large projects; requiring specified conservation easements to include the state of Wyoming as a third party beneficiary as specified; requiring certifications regarding kickbacks and gifts; providing appropriations; providing for reversion of funds; and providing for an effective date.

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

**Section 1.** W.S. 9-15-601 through 9-15-614 are created to read:

#### ARTICLE 6 2011 LARGE PROJECT FUNDING

##### **9-15-601. Golden Willow Ranch easement I.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Golden Willow Ranch easement I:

(i) Project sponsor: Wyoming Stock Growers Agricultural Land Trust;

(ii) Project purpose: Permanent use restriction on approximately seven thousand eighty-four (7,084) acres in Sheridan county in order to:

(A) Preclude loss of habitat for deer, antelope, sharp-tailed grouse, songbirds and other species; and

(B) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million seventy-five thousand dollars (\$2,075,000.00);

(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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-602. Mowry Ranch conservation easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Mowry Ranch easement:

(i) Project sponsor: Wyoming Stock Growers Agricultural Land Trust;

(ii) Project purpose: Permanent use restriction on approximately two thousand thirty-five (2,035) acres in Carbon county in order to:

(A) Preclude loss of habitat for mule deer, antelope, elk, amphibians, fisheries, songbirds and other species;

(B) Secure habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million forty-five thousand dollars (\$2,045,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor four hundred fifty thousand dollars (\$450,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred fifty thousand dollars (\$450,000.00) 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, 2014.

**9-15-603. McKinney Ranch conservation easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: McKinney Ranch conservation easement:

(i) Project sponsor: The Conservation Fund;

(ii) Project purpose: Permanent use restriction on approximately two thousand seven hundred (2,700) acres in Fremont county in order to:

(A) Preclude loss of habitat for mule deer, sage grouse, antelope, amphibians, songbirds and other species;

(B) Secure migration routes and crucial habitats for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million two hundred seventy thousand dollars (\$1,270,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred fifty thousand dollars (\$250,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred fifty thousand dollars (\$250,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-604. Little Snake River aspen.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Little Snake River aspen:

(i) Project sponsor: Little Snake River Conservation District;

(ii) Project purpose: Removal of conifers and stimulation of aspen production in areas where aspen are a primary habitat for a variety of wildlife species on approximately twelve thousand (12,000) acres in Carbon county in order to:



(A) Improve hydrologic and watershed function, including water yield and use; and

(B) Restore and maintain habitat for native and game species including deer, elk, moose, mountain grouse, songbirds and small mammals.

(iii) Project description: Eradication of encroaching species and landscape restoration;

(iv) Total project budget: One million six hundred thousand (\$1,600,000.00);

(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 one thousand eight hundred eight dollars (\$101,808.00) 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, 2014.

**9-15-605. North Piney moose habitat.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: North Piney moose habitat:

(i) Project sponsor: The Conservation Fund;

(ii) Project purpose: Permanent use restriction on approximately ten thousand (10,000) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, sage grouse, antelope, amphibians, songbirds and other species;

(B) Secure migration routes and crucial habitat for sage grouse in a core population area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Eight million dollars (\$8,000,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust

account board is authorized to grant to the sponsor one million dollars (\$1,000,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one million dollars (\$1,000,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-606. Savery Creek riparian habitat.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Savery Creek riparian habitat:

(i) Project sponsor: Little Snake River Conservation District;

(ii) Project purpose: Stream habitat restoration, irrigation system improvements and bank stabilization on a large watershed in Carbon county in order to:

(A) Improve hydrologic and watershed function, including water yield and flood abatement; and

(B) Maintain habitat for native fish and wildlife species including mule deer, moose, songbirds, waterfowl and amphibians.

(iii) Project description: Reestablishment of functional stream through placement of stream altering structures and vegetation;

(iv) Total project budget: Three million one hundred fifty-three thousand six hundred seventy-five dollars (\$3,153,675.00);

(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 one hundred sixty-three thousand eight hundred thirty dollars (\$163,830.00) 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, 2014.

**9-15-607. Fish Creek/Green River habitat.**

(a) Authorization is granted for funding of the following large project as

provided in this section.

(b) Project: Fish Creek/Green River habitat:

(i) Project sponsor: The Conservation Fund;

(ii) Project purpose: Permanent use restriction on approximately one thousand five hundred (1,500) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, sage grouse, antelope, amphibians, waterfowl, songbirds and other species;

(B) Secure migration routes and crucial habitat for native fish, moose, elk and mule deer; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million six hundred thousand dollars (\$1,600,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred thousand dollars (\$300,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-608. Tyler Place conservation easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Tyler Place conservation easement:

(i) Project sponsor: Wyoming Land Trust;

(ii) Project purpose: Permanent use restriction on approximately one thousand six hundred (1,600) acres in Sublette county in order to:

(A) Preclude loss of habitat for moose, mule deer, antelope, sage grouse, waterfowl, songbirds and other species;

(B) Maintain essential migration routes for antelope, sage grouse

and mule deer; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million one hundred nine thousand seven hundred fifty dollars (\$2,109,750.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor four hundred thousand dollars (\$400,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred thousand dollars (\$400,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-609. Badwater Ranch conservation easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Badwater Ranch conservation easement:

(i) Project sponsor: The Conservation Fund;

(ii) Project purpose: Permanent use restriction on approximately twenty thousand (20,000) acres in Fremont county in order to:

(A) Preclude loss of habitat for mule deer, elk, sage grouse, antelope and other species;

(B) Provide hunting access to approximately sixty-six thousand (66,000) acres of public and private lands; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Three million three hundred twenty thousand dollars (\$3,320,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor five hundred thousand dollars (\$500,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board five hundred thousand dollars (\$500,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-610. Alta open lands.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Alta open lands:

(i) Project sponsor: Jackson Hole Land Trust;

(ii) Project purpose: Permanent use restriction on approximately four hundred ninety-one (491) acres in Teton county in order to:

(A) Preclude loss of habitat for elk, mule deer, moose, bighorn sheep and other species;

(B) Maintain open lands and essential migration routes in a heavily developed habitat area; and

(C) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Four million dollars (\$4,000,000.00);

(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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-611. Vee Cross Ranch conservation easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Vee Cross Ranch conservation easement:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Permanent use restriction on approximately two thousand one hundred (2,100) acres in Lincoln county in order to:

(A) Preclude loss of habitat for moose, mule deer, elk, sage grouse, waterfowl, songbirds and other species;

(B) Maintain essential migration routes for moose, waterfowl, mule deer and elk;

(C) Allow for public access to public lands that have not been accessible; and

(D) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million thirty-one thousand two hundred dollars (\$2,031,200.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor four hundred thousand dollars (\$400,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred thousand dollars (\$400,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-612. Angle N Ranch conservation easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Angle N Ranch conservation easement:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Permanent use restriction on approximately three thousand thirty-six (3,036) acres in Weston county in order to:

(A) Preclude loss of habitat for deer, elk, sharp-tailed grouse, turkey, songbirds and other species; and

(B) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million five hundred seventeen thousand six hundred eighty dollars (\$1,517,680.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred thousand dollars (\$300,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-613. Little Snake River restoration.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Little Snake River restoration:

(i) Project sponsor: Little Snake River Conservation District;

(ii) Project purpose: Stream habitat restoration, irrigation system improvements and bank stabilization on portions of a watershed comprising approximately six and one-half (6.5) miles of river in Carbon county in order to:

(A) Improve hydrologic and watershed function, including water yield and use; and

(B) Maintain habitat for native fish and wildlife species including deer, songbirds, waterfowl and amphibians.

(iii) Project description: Reestablishment of functional stream through placement of stream altering structures and vegetation;

(iv) Total project budget: One million eight hundred forty-three thousand two hundred dollars (\$1,843,200.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred forty-five thousand dollars (\$245,000.00) 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 purposes of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2014.

**9-15-614. HF Bar Ranch conservation easement.**

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: HF Bar Ranch conservation easement:

(i) Project sponsor: Rocky Mountain Elk Foundation;

(ii) Project purpose: Permanent use restriction on approximately two thousand (2,000) acres in Johnson county in order to:

(A) Preclude loss of habitat for deer, elk, sharp-tailed grouse, turkey, songbirds and other species; and

(B) Maintain agricultural production.

(iii) Project description: Conservation easement;

(iv) Total project budget: Four million thirty-five thousand dollars (\$4,035,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor eight hundred thousand dollars (\$800,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board eight hundred thousand dollars (\$800,000.00) 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, 2014.

**Section 2.** W.S. 9-15-302(b)(iv) through (vi), 9-15-309(b)(iv) through (vi) and 9-15-508(b)(iv) through (vi) are amended to read:

**9-15-302. Wyoming Range Aspen Enhancement.**

(b) Project – Wyoming Range Aspen Enhancement:

(iv) Total project budget: ~~Two million four hundred forty thousand dollars (\$2,440,000.00)~~ Two million twenty thousand dollars (\$2,020,000.00) over an anticipated period of approximately ~~three (3)~~ four (4) years;

(v) Project grant: The Wyoming wildlife and natural resource trust



account board is authorized to grant to the sponsors ~~six hundred thirty thousand dollars (\$630,000.00)~~ seven hundred forty thousand dollars (\$740,000.00) over a period of not more than ~~three (3)~~ four (4) 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. In addition to any amounts appropriated prior to 2011, 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, ~~2013~~ 2014.

#### **9-15-309. Yellowtail CRM II.**

(b) Project – Yellowtail CRM II:

(iv) Total project budget: ~~One million seven hundred eighty thousand dollars (\$1,780,000.00)~~ Two million dollars (\$2,000,000.00) over an anticipated period of approximately ~~three (3)~~ five (5) years;

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor ~~four hundred thousand dollars (\$400,000.00)~~ five hundred ten thousand dollars (\$510,000.00) over a period of not more than ~~six (6)~~ five (5) 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. In addition to any amounts appropriated prior to 2011, 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, ~~2013~~ 2014.

**9-15-508. Laramie River Restoration.**

(b) Project: Laramie River Restoration:

(iv) Total project budget: ~~One million one hundred eighty thousand three hundred ninety-three dollars (\$1,180,393.00)~~ One million four hundred twenty-eight thousand six hundred eleven dollars (\$1,428,611.00) 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)~~ four hundred forty-seven thousand six hundred eleven dollars (\$447,611.00) 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. In addition to any amounts appropriated prior to 2011, there is appropriated from the income account to the board one hundred three thousand six hundred eleven dollars (\$103,611.00) 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, ~~2013~~ 2014.

**Section 3.** Each conservation easement for which funding is authorized under Section 1 or 2 of this act shall include the state of Wyoming as a third party beneficiary with the right to enforce the terms of the agreement and, if the easement is transferred or extinguished, the right to recover the state's pro rata share of funds provided for the creation of the easement up to one hundred percent (100%) of the funds granted by the state for the creation of the easement.

**Section 4.** Before any distribution of funds is made pursuant to the appropriations authorized by Sections 1 and 2 of this act, the person receiving the funds shall certify that no gratuities, kickbacks, gifts, commissions, contingency fees or other considerations have been or will be made in connection with the appropriation or the associated grant made by the Wyoming wildlife and natural resource trust account board.

**Section 5.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 2, 2011.

## Chapter 88

### GENERAL GOVERNMENT APPROPRIATIONS

Original Senate File No. 1

AN ACT relating to supplemental appropriations for the operation of state government; increasing or decreasing certain amounts; adjusting the number of authorized positions; modifying prior appropriations; making additional appropriations; making certain appropriations subject to the terms and conditions specified; providing transfers of certain funds as specified; and providing for an effective date.

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

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

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

- (h) "FF" means federal funds;
- (j) "IS" means the agency's account within the internal service fund;
- (k) "PF" means the retirement account created by W.S. 9-3-407(a);
- (m) "PR" means private funding sources;
- (n) "RB" means revenue received from the issuance of revenue bonds;
- (o) "SR" means an agency's account within the special revenue fund;
- (p) "S1" means earmarked water development account I created by W.S. 41-2-124(a)(i);
- (q) "S2" means earmarked water development account II created by W.S. 41-2-124(a)(ii);
- (r) "S3" means the budget reserve account;
- (s) "S4" means the local government capital construction account funded by W.S. 9-4-601(a)(vi) and (b)(i) and 39-14-801(e)(ix);
- (t) "S5" means the school foundation program account within the special revenue fund;
- (u) "S6" means the school capital construction account within the special revenue fund;
- (w) "S7" means the highway account within the special revenue fund;
- (y) "S8" means the game and fish account within the special revenue fund;

- (z) "S0" means other funds identified by footnote;
- (aa) "T1" means the omnibus permanent land fund;
- (bb) "T2" means the miners' hospital permanent land income fund;
- (cc) "T3" means the state hospital permanent land fund;
- (dd) "T4" means the training school permanent land fund;
- (ee) "T6" means the university permanent land income fund;
- (ff) "T7" means the state employee group insurance flexible benefits account;
- (gg) "T0" means other expendable trust funds administered by individual agencies for specific functions within the agencies' authority;
- (hh) "TT" means the tobacco settlement trust income account.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 2.</b> Sections 001, 002, 003, 006, 007, 008, 010, 020, 024, 039, 040, 045, 048, 051, 057, 060, 066, 067, 080, 101, 120, 121, 137, 160, 167, 205, 036, 052 and 054 of 2010 Wyoming Session Laws, Chapter 39, Section 2 are amended to read:				

**Section 001. OFFICE OF THE GOVERNOR**

<b>PROGRAM</b>				
Administration <sup>1,2,5,6,7,8,9</sup>	7,302,690			7,302,690
	<u>9,272,690</u>			<u>9,272,690</u>
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 SR	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>	13,647,288	29,112,580	619,310	43,379,178
	<u>15,617,288</u>			<u>45,349,178</u>

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

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

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

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 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 disaster.

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.

5. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall only be expended for purposes of this footnote. The governor may review whether there is a need to make deep water ports available to receive rail shipments of large volumes of Wyoming nonrenewable natural resources. If the governor determines there is a need and that benefits would accrue to the state in securing that availability, he may expend not more than two hundred fifty thousand dollars (\$250,000.00) of this general fund appropriation to support efforts to do so.

6. Of this general fund appropriation, six hundred ten thousand dollars (\$610,000.00) shall only be expended for the purposes of evaluating impacts and formulating mitigation strategies associated with mineral exploration and production in southeastern Wyoming. The governor shall allocate these funds to the state engineer to ensure water right and usage compliance issues

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
are adequately addressed, and to the department of transportation for evaluation of road impacts. One (1) at-will position is authorized through June 30, 2012, for the purposes stated in this footnote. This additional position shall not be included in the 2013-2014 standard budget request.	\$	\$	\$	\$
7. <u>Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall only be expended for purposes of staffing transitions in the governor's office. 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.</u>				
8. <u>Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be used for purchasing chinaware and flatware for the governor's residence.</u>				
9. <u>Of this general fund appropriation, one million dollars (\$1,000,000.00) shall only be expended for purposes of grants to rural fire districts impacted by mineral exploration and production in southeast Wyoming. Any rural fire district impacted may submit to the board of county commissioners of the county in which it is located a request for grant funds. The applicable boards of county commissioners may review the requests and submit to the governor's office an application for the award of a grant if the board finds the grant will support the purchase of supplies or equipment necessary to the standard operation of the rural fire district to mitigate the impacts of mineral exploration and production. No grant funds shall be used for any major equipment purchase. The governor's office shall establish a time period or periods for grant applications and for awarding grants to impacted rural fire districts. In awarding grants the governor's office shall consider the impact of development and local and other resources available to the impacted rural fire districts, and shall give priority consideration to those rural fire districts lacking resources to address impacts. Grants under this footnote shall be limited to not more than four hundred thousand dollars (\$400,000.00) awarded in any individual county.</u>				



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 002. SECRETARY OF STATE</b>				
<b>PROGRAM</b>				
Administration <sup>1,2,3.</sup>	6,159,008		73,866 SR	6,232,874
	<u>6,179,008</u>			<u>6,252,874</u>
Securities Enforcement			555,639 SR	555,639
Bucking Horse & Rider			<u>200,200 AG</u>	<u>200,200</u>
<b>TOTALS</b>	<u>6,159,008</u>	<u>0</u>	<u>829,705</u>	<u>6,988,713</u>
	<u>6,179,008</u>			<u>7,008,713</u>

**AUTHORIZED EMPLOYEES**

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

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.

3. Of this general fund appropriation, twenty thousand dollars (\$20,000.00) shall only be expended for printing an updated state directory.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 003. STATE AUDITOR</b>				
<b>PROGRAM</b>				
Administration <sup>1</sup> .	17,733,735			17,733,735
GF License Revenue Recoupment	1,700,000			1,700,000
State Employee Compensation <sup>2</sup> .	7,704,495		73,000	7,777,495
Employee Insurance <sup>4</sup> .	8,700,000			8,700,000
Brucellosis Testing <sup>2</sup> .	500,000			500,000
<b>TOTALS</b>	<u>19,433,735</u> 36,338,230	<u>0</u>	<u>73,000</u> 73,000	<u>19,433,735</u> 36,411,230

<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 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.

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

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

3. (a) Of this general fund appropriation, seven million one hundred four thousand four hundred ninety-five dollars (\$7,104,495.00), and of this S5 other funds appropriation, seventy-three thousand dollars (\$73,000.00) shall only be used for adjustments to executive branch state employees, excluding employees of the University of Wyoming, for market pay adjustments as determined by the most recently completed administration and information salary comparison study. The budget division of the department of administration and information shall work cooperatively with the human resources division to determine the distribution of these funds to state agencies and provide to the auditor's office the expenditure details. The auditor shall distribute these funds as directed by the department.

(b) Of this general fund appropriation, up to six hundred thousand dollars (\$600,000.00) may be used for adjustments for judicial branch employees, subject to the following:

(i) Using the executive branch salary comparison study specified in part (a) of this footnote, the budget division and the human resources division of the department of administration and information shall work cooperatively with the supreme court and the district court judicial conference to determine a market pay equivalent for each judicial branch employee position;

(ii) The administrator of the human resources division shall certify to the governor's office a report including the division's final determinations under part (b)(i) of this footnote, specifying the position and market pay equivalent. The report also shall be provided to the joint appropriations interim committee;

(iii) The governor shall review the report and if he finds it accurately reflects market pay equivalents for the judicial employees, he may authorize the auditor to distribute to the supreme court funds appropriated under this part (b) for market pay adjustments for judicial branch employees, but no adjustment shall result in a salary in excess of the percentage of market pay adjustment provided to executive branch employees under part (a) of this footnote.

(c) Any funds not expended pursuant to part (b) of this footnote may be expended on executive branch adjustments as provided

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

in part (a) of this footnote. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 2, 2011.]

4. Of this general fund appropriation, eight million seven hundred thousand dollars (\$8,700,000.00) shall only be expended for increased costs of state employees' and officials' group health insurance premiums. Up to six million dollars (\$6,000,000.00) may be utilized by the University of Wyoming, and up to two million seven hundred thousand dollars (\$2,700,000.00) may be utilized by executive, legislative and judicial branch agencies for the purposes of this footnote. The administration and information budget division in consultation with the administration and information human resources division and the University of Wyoming, shall determine the expenditure amount necessary to pay for the employer share of increased premium costs, within the limits set forth in this footnote, and shall provide to the state auditor's office detailed expenditure information. The auditor shall distribute these funds as directed by the department. These funds shall not be transferred or used for any other purposes, and any unexpended amounts remaining on June 30, 2012 shall revert to the budget reserve account.

**Section 006. ADMINISTRATION AND INFORMATION**

PROGRAM		
Director's Office <sup>1</sup> .	2,486,526	2,486,526
Professional Licensing Boards	1,537,807	1,537,807
Budget Division	2,094,650	2,094,650
General Services <sup>2</sup> .	<del>33,697,763</del>	
	<u>33,964,551</u>	
	889,860	<u>50,557,321</u>
		52,056,109
Construction Management Division		25,620,897
Human Resources Division	465,437	7,116,104
Employees Group Insurance	390,162,458	IS

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Information Technology	203,402		8,000,000 T7 <del>56,845,377 IS</del> <u>57,433,065 IS</u>	398,162,458 <del>57,048,779</del> <u>57,636,467</u>
Economic Analysis	1,279,007			1,279,007
State Library	5,126,815	1,141,116	4,053,364 AG	10,321,295
CIO <sup>3-4</sup>	<u>7,304,041</u>			<u>7,304,041</u>
<b>TOTALS</b>	<u>84,463,768</u> <u>84,730,556</u>	<u>1,141,116</u>	<u>477,924,001</u> <u>479,743,689</u>	<u>563,528,885</u> <u>565,615,361</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 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:

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

- 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.

4. Commencing July 1, 2011 the chief information officer employed pursuant to W.S. 9-1-222 shall be an employee of the department of administration and information, shall serve at the pleasure of the governor, and shall be identified as an at-will employee of the department.

**Section 007. WYOMING MILITARY DEPARTMENT**

PROGRAM			
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 <sup>4</sup>		1,050,306 S5	22,595,183
Veterans' Services	1,701,418	21,544,877	1,862,041
	1,826,418	160,623	<u>1,994,541</u>
Oregon Trail Vets Cemetery	481,536	7,500 SR	501,536
	531,536	20,000 SR	<u>551,536</u>
Military Support to Civilian Auth.	178,500		178,500

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Civil Air Patrol	<u>213,459</u>			<u>213,459</u>
TOTALS	<u>17,530,161</u> <u>17,705,161</u>	<u>31,026,535</u>	<u>1,618,689</u> <u>1,626,189</u>	<u>50,175,385</u> <u>50,357,885</u>
AUTHORIZED EMPLOYEES				
Full Time	217			
Part Time	<u>50</u>			
TOTAL	267			

1. No general funds shall be included in the agency's 2013-2014 standard budget request for the national guard youth challenge program.

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

PROGRAM				
Public Defenders Statewide	17,009,919		3,079,201 SR	20,089,120
	<u>17,209,919</u>			<u>20,289,120</u>
Guardian Ad Litem	<u>3,695,605</u>		<u>933,217 SR</u>	<u>4,628,822</u>
TOTALS	<u>20,705,524</u> <u>20,905,524</u>	<u>0</u>	<u>4,012,418</u>	<u>24,717,942</u> <u>24,917,942</u>
AUTHORIZED EMPLOYEES				

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Full Time	<u>70-72</u>			
Part Time	<u>19</u>			
TOTAL	<u>89 91</u>			
<b>Section 010. DEPARTMENT OF AGRICULTURE</b>				
<b>PROGRAM</b>				
Administration Division	3,152,338		5,000 SR	3,157,338
Ag Education and Information			20,000 IS	20,000
Consumer Protection Division	<u>11,983,399</u>	1,048,369	351,396 AG	
	<u>12,006,399</u>		742,987 SR	<u>14,126,151</u>
Natural Resources Division <sup>1</sup> .	<u>5,016,960</u>	76,250	675,000 S1	<u>5,768,210</u>
	<u>7,876,960</u>			<u>8,628,210</u>
Pesticide Registration	1,187,500			1,187,500
State Fair <sup>2</sup> .	<u>2,823,825</u>		182,075 AG	
	<u>3,073,825</u>			
Weed & Pest Control			503,086 SR	503,086
Predator Management			<u>575,086 SR</u>	<u>3,830,986</u>
Wyoming Beef Council	5,122,730		700,000 SR	700,000
			2,181,159 AG	5,122,730
Wyoming Wheat Mktg Comm			7,000 SR	2,188,159
Leaf Cutter Bee			120,500 SR	120,500
TOTALS	<u>29,286,752</u>	<u>1,124,619</u>	<u>12,904 SR</u> 5,501,107	<u>35,912,478</u>



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
	<u>32,419,752</u>		<u>5,573,107</u>	<u>39,117,478</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.
2. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall be deposited into an account from which funds may be expended as provided in this footnote to finance and promote the 100th state fair celebration at the 2012 Wyoming state fair. The board of agriculture may accept contributions for these same purposes. Upon receipt of a total of at least one hundred thousand dollars (\$100,000.00) in these contributions the director of the department of agriculture shall authorize a matching distribution of this general fund appropriation from the state fair celebration account to the Wyoming state fair account for the purposes specified in this footnote. The director may authorize subsequent additional matching fund distributions from the state fair celebration account to the state fair account on a monthly basis. Funds remaining in the state fair celebration account on June 30, 2013 shall revert to the general fund. The appropriation specified in this footnote together with any general fund appropriation contained in 2011 Senate File 0057 as enacted into law, shall not exceed a total of two hundred fifty thousand dollars (\$250,000.00). This appropriation shall be reduced as necessary to meet that limitation.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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**Section 020. DEPT. OF ENVIRONMENTAL QUALITY**

**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	<u>5,164,238</u>	4,482,222		<u>9,646,460</u>
Industrial Siting	539,431			<u>11,146,460</u>
Solid Waste Management	<u>6,220,152</u>	<u>2,269,828</u>	<u>3,550,057 SR</u>	<u>12,040,037</u>
<b>TOTALS</b>	<u>35,113,984</u>	17,859,839	<u>16,281,837</u>	<u>69,255,660</u>
	<u>36,613,984</u>			<u>70,755,660</u>

**AUTHORIZED EMPLOYEES**

Full Time	267-268
Part Time	<u>0</u>
<b>TOTAL</b>	<u>267-268</u>

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  
 \$ \$ \$ \$

**Section 024. STATE PARKS & CULTURAL RESOURCES**

PROGRAM

Administration & Support	3,906,163			3,906,163
Cultural Resources <sup>1,2</sup>	<del>12,001,437</del>	2,476,096	70,000 EF	
	<u>13,076,437</u>		2,386,386 IS	17,195,478
			261,559 SR	<u>18,270,478</u>
St Parks & Hist. Sites	17,517,378	3,882,947	30,000 EF	
	<u>18,047,378</u>		6,075,355 SR	27,505,680
TOTALS	<u>33,424,978</u>	<u>6,359,043</u>	<u>8,823,300</u>	<u>48,607,321</u>
	35,029,978			<u>50,212,321</u>

AUTHORIZED EMPLOYEES

Full Time	177
Part Time	<u>91</u>
TOTAL	268

1. Of this general fund appropriation, one million nine hundred thousand dollars (~~\$1,900,000.00~~) two million nine hundred thousand dollars (\$2,900,000.00) 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
	\$	\$	\$	\$

2. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended to purchase shelving. No expenditure for this purpose shall be made without written authorization from the director of the department of administration and information, who shall only approve the expenditure after ascertaining that the shelving will be moveable from the division's current location and remain functional if the division's storage facility is relocated.

**Section 039. WILDLIFE/NATURAL RES TRUST**

PROGRAM				
Administration	548,854			548,854
Wildlife/Natural Resource Trust Proj <sup>1</sup> .	6,000,000		5,152,500	11,152,500
Wildlife Trust Account <sup>2</sup> .	2,500,000			2,500,000
	5,000,000			5,000,000
TOTALS	<u>9,048,854</u>	<u>0</u>	<u>5,152,500</u>	<u>14,201,354</u>
	11,548,854			16,701,354

AUTHORIZED EMPLOYEES

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

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

APPROPRIATION FOR by W.S. 9-15-103(a).  
 GENERAL FUND FEDERAL FUND OTHER FUNDS TOTAL APPROPRIATION  
 \$ \$ \$ \$

**Section 040. GAME AND FISH COMMISSION**

PROGRAM			
Aquatic Invasive Species	610,976		1,060,976
Vet Svcs Program (Brucellosis, CWD)	3,411,327	450,000 SR	3,411,327
Sage Grouse Planning & Protection	1,807,646		1,807,646
Wolf Management	777,769		777,769
Comprehensive Wildlife Mgmt. Strategies	1,323,251		1,323,251
TOTALS	<u>7,930,969</u>	<u>0</u>	<u>7,919,993</u>
		450,000	8,380,969

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

**Section 045. DEPARTMENT OF TRANSPORTATION<sup>2</sup>.**

PROGRAM			
Administration <sup>3</sup> .		3,806,193 S7	
Administrative Services	168,150	24,613 SR	3,830,806
		33,240,985 S7	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Law Enforcement		2,652,321	1,836,000 SR 75,682,368 S7 60,000 SR	35,245,135
Wyolink	2,545,000		1,301,624 IS 3,907,617 S7	78,394,689 3,846,624
Aeronautics Administration		310,300	2,405,010 IS	4,217,917
Operational Services	13,503,711		8,720,860 S7	2,405,010
Airport Improvements <sup>4,5</sup>	<u>17,453,379</u>			<u>59,626,759</u>
GF Appropriation to Commission <sup>1,6,7</sup>	<u>50,000,000</u>			<u>63,576,427</u>
	<u>95,000,000</u>			<u>50,000,000</u>
<b>TOTALS</b>	<u>66,048,711</u>	<u>40,532,959</u>	<u>130,985,270</u>	<u>237,566,940</u>
	<u>114,998,379</u>			<u>286,516,608</u>

**AUTHORIZED EMPLOYEES**

Full Time	567
Part Time	<u>0</u>
<b>TOTAL</b>	567

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.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
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.				
4. <u>Of this general fund appropriation, three million nine hundred forty-nine thousand six hundred sixty-eight dollars (\$3,949,668.00) shall only be expended to ensure that all Wyoming communities with commercial air service are supported through June 30, 2012. The aeronautics commission is hereby directed to examine its prioritization process for determining necessary funding levels and methods of distribution to prioritized programs to ensure adequate resources are available through June 30, 2012, and shall report its findings to the governor. This appropriation shall not be included in the agency's 2013-2014 standard budget request.</u>				
5. <u>The aeronautics commission shall examine the effectiveness of investments of general fund monies in securing commercial air service for Wyoming communities, and shall report its findings to the joint appropriations interim committee, the select committee on air transportation and the joint transportation, highways and military affairs interim committee not later than December 1, 2011.</u>				
6. <u>Of this general fund appropriation forty-five million dollars (\$45,000,000.00) shall not be included in the agency's 2013-2014 standard budget request.</u>				
7. <u>Of this general fund appropriation, five million dollars (\$5,000,000.00) shall be deposited to an account which shall only be expended for a railroad quiet zone program administered by the department and transportation commission in conformity with the standards prescribed in 49 C.F.R. Part 222, for the establishment of quiet zones or the installation of wayside horns to minimize the sounding of locomotive horns in populated areas. Program projects shall be prioritized in accordance with the 2009 Wyoming Quiet Zone study conducted by the department and the transportation commission pursuant to 2008 Wyoming Session Laws, Chapter 48, Section 335. Matching funds shall be required as provided in 2008 House Bill 108 as passed by</u>				

APPROPRIATION FOR GENERAL FUND FEDERAL FUND OTHER FUNDS TOTAL APPROPRIATION

\$ \$ \$ \$

the House of Representatives, except that the required matching rates from sponsoring governmental entities shall be five percent (5%) from those entities within the bottom seven (7) counties on the assessed valuation order list, twenty-five percent (25%) from the middle eight (8) counties on that list and fifty percent (50%) from the top eight (8) counties on that list. The commission shall commit funds for the projects based upon the prioritization list to the extent that the expenditure of state general funds is within the amount specified in this footnote. If a local governmental entity has not committed required funding to undertake a project, the commission may fund lower priority projects as funds allow. For each project the funds shall be utilized for the lowest cost, most feasible proposal as determined by diagnostic review, or as otherwise recommended by the 2009 Wyoming Quiet Zone study. Any costs for improvements exceeding the lowest cost, most feasible proposal or recommendation shall be paid by the local entity. The commission shall report to the joint appropriations interim committee projects that have been funded together with a prioritization list of projects that remain unfunded, and funds remaining from this appropriation as of December 1, 2011.

**Section 048. DEPARTMENT OF HEALTH**

PROGRAM				
Director's Office	19,763,852	4,528,423		24,292,275
	<u>20,363,852</u>			<u>24,892,275</u>
Rural & Frontier Health <sup>1</sup>	3,903,736	9,550,219	10,000 SR	14,698,955
			1,235,000 TT	
			5,513,664 A4	
			12,357,193 SR	
			<u>27,500 TT</u>	
			<u>42,500 TT</u>	
Community & Family Health <sup>14</sup>	26,907,533	24,006,021		68,811,911
				<u>68,826,911</u>
Health Care Financing <sup>2,3,4,5,13</sup>	438,171,384	517,277,545	29,928,793 AR	
	<u>506,503,799</u>	<u>605,852,259</u>	<u>48,928,793 AR</u>	
			10,370,991 SR	



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
State Health Officer <sup>15</sup>	1,599,113 <u>2,064,338</u>	13,925,805	500,000 TT 152,400 SR	995,648,713 <u>1,172,155,842</u>
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 <u>3,350,540 TT</u>	15,927,318 <u>16,392,543</u>
Mental Health/Substance Abuse <sup>7,8,9,12</sup>	182,863,573 <u>183,063,573</u>	16,392,160	2,800,832 SR 1,376,946 T3 24,691,092 TT	22,855,025 <u>23,055,025</u>
Developmental Disabilities	122,850,281 <u>124,415,278</u>	5,324,672	105,000 AG <u>938,000 A4</u> 4,477,517 SR <u>324,600 T3</u> 998,000 T4 <u>324,600 T4</u>	228,124,603 <u>228,324,603</u>
Division on Aging <sup>10,11</sup>	33,574,352 <u>34,664,352</u>	13,344,716	248,500 AG	134,020,070 <u>135,585,067</u>
TOTALS	<u>836,142,158</u> 908,394,795	<u>615,327,183</u> 703,901,897	<u>107,052,052</u> 126,867,052	<u>1,543,822,438</u> 1,739,163,744

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

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

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.
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 to other state agencies, local law enforcement entities and other individuals or organizations. Notwithstanding W.S. 9-4-204(t)(i)(A) the department is

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

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. 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,

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

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 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~~) forty-two thousand five hundred dollars (~~\$42,500.00~~) 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.

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

15. Of this general fund appropriation, three hundred eighty-three thousand dollars (\$383,000.00) shall only be expended for the purposes of funding education, training and stipends for local emergency medical services providers. The agency shall not include funding for this purpose in its 2013-2014 standard budget request.

**Section 051. LIVESTOCK BOARD**

PROGRAM				
Administration <sup>2</sup>	1,816,693	16,449	361,185	1,833,142
	<u>1,827,499</u>		<u>SR</u>	<u>2,205,133</u>
Animal Health	1,902,225			1,902,225
Brucellosis <sup>1</sup>	1,271,013	7,200		1,278,213
Estrays <sup>2</sup>	50,000			50,000
Brand Inspection	2,870,824		69,178	8,623,430
			<u>AG</u>	<u>8,665,430</u>
			5,683,428	<u>1,900,000</u>
			<u>SR</u>	<u>15,587,010</u>
Predator Control Fees	<u>7,910,755</u>	<u>23,649</u>	<u>1,900,000</u>	<u>16,001,001</u>
TOTALS	<u>7,921,561</u>		<u>SR</u>	

**AUTHORIZED EMPLOYEES**

Full Time	20
Part Time	<u>0</u>
TOTAL	20

1. For the period beginning July 1, 2010 and ending June 30, 2012, the department is authorized to provide reimbursements

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

3. As part of any computerization effort by the board, the board shall include efforts to process and issue G-forms electronically and efforts to maintain a database to allow timely tracking and monitoring of G-forms at the Cheyenne office.

**Section 057. COMMUNITY COLLEGE COMMISSION**

<b>PROGRAM</b>				
Administration	6,312,081	758,141		7,070,222
State Aid <sup>4</sup>	<del>213,516,854</del>			<del>213,516,854</del>
	<u>216,939,386</u>			<u>216,939,386</u>
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	

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
600,000				
Public Television <sup>2</sup>	3,567,987			3,567,987
	<u>4,537,694</u>			<u>4,537,694</u>
TOTALS	<u>232,659,372</u>	<u>2,726,990</u>	<u>3,800,000</u>	<u>239,186,362</u>
	<u>237,051,611</u>			<u>243,578,601</u>

AUTHORIZED EMPLOYEES

Full Time	16
Part Time	<u>0</u>
TOTAL	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.
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.
3. (a) Of this general fund appropriation, five hundred fifty-seven thousand seven hundred seven dollars (\$557,707.00) shall be deposited into the Wyoming Public Television Endowment Account and shall be administered as follows:
  - (i) Funds from the Wyoming Public Television Endowment Account shall be transferred by the state treasurer to a

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

Wyoming Public Television matching funds account to equally match each cash gift received by Wyoming Public Television and deposited to the matching funds account. A match shall be paid by the state treasurer from the Wyoming Public Television Endowment Account at the time any accumulated amount actually deposited to the matching funds account totals ten thousand dollars (\$10,000.00) or more;

(ii) The state treasurer shall make transfers to the Wyoming Public Television matching funds account not later than the end of the calendar quarter following the quarter during which gifts to the matching funds account total at least ten thousand dollars (\$10,000.00). If gifts are made through a series of payments or transfers, no matching funds shall be transferred under this footnote until the total value of all payments or transfers actually received totals at least ten thousand dollars (\$10,000.00);

(iii) Funds in the matching funds account shall remain inviolate and only the interest income earned from investments of the monies in the matching funds account may be distributed. The state treasurer shall distribute income from the matching account to the community college commission annually. The community college commission shall distribute these funds together with other appropriated funds to the central Wyoming community college district board for the operations and programming of Wyoming Public Television pursuant to W.S. 21-18-105(b);

(iv) Income from earnings on the Wyoming Public Television Endowment Account shall be credited to the general fund;  
(v) Funds appropriated pursuant to this footnote shall be continuously appropriated pursuant to the terms of this footnote until June 30, 2016, at which time all unexpended, unobligated funds not transferred to the matching funds account shall revert to the general fund.

4. Of this general fund appropriation and for the period commencing on the effective date of this footnote through June 30, 2012, not more than forty-five thousand dollars (\$45,000.00) shall be expended by the Wyoming community college commission to



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
oversee and monitor the implementation of the minimum educational standards required under the post-secondary education enrollment options program pursuant to W.S. 21-20-201. Working with high schools, community colleges and boards of cooperative educational services, the commission shall, not later than January 1, 2012, report to the joint education interim committee on compliance with the requirements of W.S. 21-20-201, together with an analysis and reporting of revenues and expenditures under this program.				
<b>Section 060. STATE LANDS AND INVESTMENTS</b>				
<b>PROGRAM</b>				
Operations <sup>1,2</sup>	17,269,515	47,672,580	1,640,000 S1	
	<u>17,319,515</u>		1,172,229 S5	<del>70,305,135</del>
			2,550,811 SR	<u>70,355,135</u>
Forestry	8,251,196	856,923	2,226,000 SR	11,334,119
County Emergency Suppression			350,000 AG	2,580,000
			2,230,000 SR	8,209,529
Fire	4,033,149	4,176,380	33,400,000 S4	33,400,000
Mineral Royalty Grants			2,000,000 AG	6,150,000
Federal Forestry Grants		6,150,000		<u>2,000,000</u>
Transportation Enterprise Fund		58,855,883	45,569,040	<del>133,978,783</del>
<b>TOTALS</b>	<u>29,553,860</u>			<u>134,028,783</u>
	<u>29,603,860</u>			

AUTHORIZED EMPLOYEES  
Full Time 108

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Part Time				
TOTAL	<u>4</u>			
	112			

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

2. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended to construct a partition fence around the perimeter of Ranch A. No expenditure shall be made for these purposes unless one-half (1/2) of the costs are borne by owners of adjacent lands as provided for in W.S. 11-28-106. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), unexpended and unobligated funds appropriated with this footnote shall not lapse on June 30, 2012, but shall revert to the general fund on June 30, 2014.

**Section 066. WYOMING TOURISM BOARD**

PROGRAM				
Wyoming Tourism Board <sup>L</sup>	24,893,642		3,600 SR	24,897,242
	<u>26,243,642</u>			<u>26,247,242</u>
TOTALS	<u>24,893,642</u>	<u>0</u>	<u>3,600</u>	<u>24,897,242</u>
	<u>26,243,642</u>			<u>26,247,242</u>

AUTHORIZED EMPLOYEES  
Full Time 0

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

1. Of this general fund appropriation, one million three hundred fifty thousand dollars (\$1,350,000.00) shall only be expended to maximize marketing efforts in markets in which the tourism board has an established advertising presence.

**Section 067. UNIVERSITY OF WYOMING**

PROGRAM				
State Aid <sup>1,2,4,5</sup>	354,416,350			354,416,350
	360,035,008		26,800,000	386,835,008
	<u>1,000,000</u>		<u>0</u>	<u>1,000,000</u>
NCAR MOU <sup>2</sup>	355,416,350			355,416,350
TOTALS	361,035,008		26,800,000	387,835,008

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

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.

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

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 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.

3. Appropriations of other funds denoted as S0 in this program mean the university's share of federal mineral royalties received under the provisions of W.S. 9-4-601(a)(iv).

4. Of this general fund appropriation, a total of three million five hundred thousand (\$3,500,000.00) shall only be deposited into the University of Wyoming endowment challenge account established under W.S. 21-16-903 and the university academic facilities challenge account established under W.S. 21-16-1402. These funds shall be deposited by the state treasurer to each account as requested by the university to match qualifying contributions as provided in W.S. 21-16-901 through 21-16-904 or W.S. 21-16-1401 through 21-16-1403. Pending distribution to each challenge account these funds shall be invested by the state treasurer with earnings distributed equally to each challenge account. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, unencumbered and unobligated funds authorized for distribution under this footnote shall not lapse as of June 30, 2012, but shall revert on June 30, 2016.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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5. On or before December 1, 2011, the university shall report to the joint appropriations and joint education interim committees on university programs and student services which assist or support student academic success, together with recommendations for improvement of student year-to-year retention and completion of degree programs. The report shall provide the committee with a comprehensive review of existing programs and services, an evaluation of program effectiveness and recommended measures required to improve student retention and degree completion.

**Section 080. DEPARTMENT OF CORRECTIONS**

<b>PROGRAM</b>				
Corrections Operations <sup>1..2..3..4</sup>	<u>23,720,119</u> 24,161,832	216,307	3,715,517 SR	
Field Services	35,914,467		135,300 TO	<del>27,993,432</del>
Honor Conservation Camp	23,123,627		573,439 SR 72,178 TO	<u>28,435,145</u> 39,664,100
Women's Center	<u>21,518,172</u> 21,682,227	100,000	164,251 TT 561,151 SR	23,933,495
Honor Farm	18,982,661		210,134 TO 2,535,657 TT	<u>24,925,114</u> 25,089,169

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
State Penitentiary	84,395,220 <u>84,614,555</u>		410,952 SR 95,469 TO 153,300 TT 5,212 AG	20,439,162
WY Medium Correctional Institution	66,807,424 <u>70,184,706</u>		1,536,560 SR 198,000 TO 635,105 TT 1,414,000 SR	86,770,097 <u>86,989,432</u>
TOTALS	<u>274,461,690</u> <u>278,664,075</u>	<u>316,307</u>	<u>21,335,158</u>	<u>296,113,155</u> <u>300,315,540</u>

AUTHORIZED EMPLOYEES	
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

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

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.

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 standard~~ budget request for fiscal year ~~2012~~ years 2013 and 2014.

4. ~~Of this general fund appropriation, three hundred ninety-one thousand seven hundred thirteen dollars (\$391,713.00) shall only be expended for unanticipated utility costs at the Wyoming women's center, the Wyoming state penitentiary and the Wyoming medium correctional institution. Funds for these purposes shall be transferred to the specified institutions through the B-11 process. In developing the agency's 2013-2014 standard budget request, funding for utility costs shall be limited to estimates based on rates current at the time of budget preparation.~~

**Section 101. SUPREME COURT**

PROGRAM				
Administration	7,821,728	286,602	150,000 SR	<del>8,258,330</del>
Judicial Nominating Committee	<u>7,901,728</u>			<u>8,338,330</u>
	15,001			15,001

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
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>	<del>40,362,797</del> <u>40,442,797</u>	<u>286,602</u>	<u>8,066,337</u>	<del>48,715,736</del> <u>48,715,736</u>

48,795,736

**AUTHORIZED EMPLOYEES**

Full Time	199
Part Time	<u>26</u>
<b>TOTAL</b>	<u>225</u>

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.

**Section 120. JUDICIAL DISTRICT 1A**

<b>PROGRAM</b>	863,869			863,869
Administration	<u>937,805</u>			<u>937,805</u>
<b>TOTALS</b>	<u>863,869</u>	<u>0</u>	<u>0</u>	<u>863,869</u>



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$ 937,805	\$	\$	\$ 937,805

AUTHORIZED EMPLOYEES	
Full Time	34
Part Time	10
TOTAL	4

**Section 121. JUDICIAL DISTRICT 1B**

PROGRAM	853,875			853,875
Administration	927,811			927,811
TOTALS	853,875	0	0	853,875
	927,811			927,811

AUTHORIZED EMPLOYEES	
Full Time	34
Part Time	10
TOTAL	4

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

**Section 137. LARAMIE CO. DISTRICT 1C**

PROGRAM	995,304			995,304
Administration	<u>1,002,304</u>			<u>1,002,304</u>
TOTALS	<u>995,304</u>	<u>0</u>	<u>0</u>	<u>995,304</u>
	<u>1,002,304</u>			<u>1,002,304</u>

**AUTHORIZED EMPLOYEES**

Full Time	5
Part Time	<u>0</u>
TOTAL	5

**Section 160. COUNTY & PROSECUTING ATTORNEYS**

PROGRAM	5,521,500			5,521,500
Administration	<u>6,105,700</u>			<u>6,105,700</u>
TOTALS	<u>5,521,500</u>	<u>0</u>	<u>0</u>	<u>5,521,500</u>
	<u>6,105,700</u>			<u>6,105,700</u>

**AUTHORIZED EMPLOYEES**

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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
TOTAL	0			
 <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, 2</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>
TOTALS	32,842,539	<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>
TOTAL	131

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.

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

2. Pursuant to the modifications to the university's agreement with the University of Washington School of Medicine resulting from the direction provided by footnote 1 of this section, the University of Wyoming shall increase the number of available student seats from sixteen (16) to twenty (20) under W.S. 21-17-109 beginning with the 2011-2012 entering class.

**Section 205. EDUCATION-SCHOOL FINANCE**

<b>PROGRAM</b>				
School Foundation Pgm <sup>1,3,4</sup>	1,477,291,893	S5	1,477,291,893	1,477,291,893
	<u>1,477,301,893</u>	S5	<u>1,477,301,893</u>	<u>1,477,301,893</u>
Court Ordered Placements <sup>2</sup>	22,387,806	S5	22,387,806	22,387,806
Mill Levy Debt Pledge	3,750,000	S6	3,750,000	3,750,000
Foundation-Specials	34,688,000	S5	34,688,000	34,688,000
Education Reform	31,705,007	S5	31,705,007	31,705,007
Student Performance Data Systems	2,137,135	S5	2,137,135	2,137,135
School Foundation Program Recalibration	4,500,000	S5	4,500,000	4,500,000
<b>TOTALS</b>	<u>0</u>		<u>1,571,959,841</u>	<u>1,571,959,841</u>
	0		<u>1,576,469,841</u>	<u>1,576,469,841</u>

<b>AUTHORIZED EMPLOYEES</b>	
Full Time	5
Part Time	<u>0</u>
<b>TOTAL</b>	5

1. (a) The department shall review the national certification incentive program under W.S. 21-7-501. The review shall include

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

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).
- (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)~~ twenty-five thousand dollars (\$25,000.00) 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

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

department.

4. Effective school year 2011-2012, interest, capital gains and any other earnings attributable to funds subsequently recaptured pursuant to W.S. 21-13-102(b), which are held by a district during school year 2010-2011, excluding interest earnings on the separate major building and facility repair and replacement account established under W.S. 21-15-109, shall be deemed state revenues and shall be considered when determining the amount to be distributed to each district under W.S. 21-13-311.

**Section 036. BOARD OF MIDWIFERY**

PROGRAM				
Administration			13,742 SR	13,742
TOTALS	0	0	<u>13,742</u>	<u>13,742</u>

**AUTHORIZED EMPLOYEES**

Full Time				
Part Time				
TOTAL	0	0	0	

**Section 052. MEDICAL LICENSING BOARD**

PROGRAM				
Administration			1,584,883 SR	1,584,883
TOTALS	0	0	<u>1,627,129 SR</u>	<u>1,627,129</u>
			<u>1,584,883</u>	<u>1,584,883</u>
			<u>1,627,129</u>	<u>1,627,129</u>

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

AUTHORIZED EMPLOYEES				
Full Time	34			
Part Time	0			
TOTAL	<u>34</u>			

**Section 054. BOARD OF NURSING**

PROGRAM  
Administration & School Accred

2,579,859	SR			2,579,859
<u>2,656,965</u>	<u>SR</u>			<u>2,656,965</u>

TOTALS	<u>0</u>	<u>0</u>	<u>2,579,859</u>	<u>2,656,965</u>
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AUTHORIZED EMPLOYEES				
Full Time	8	10		
Part Time	0			
TOTAL	<u>8</u>	<u>10</u>		

[CAPITAL CONSTRUCTION]

**Section 3.** Sections 006, 057 and 067 of 2010 Wyoming Session Laws, Chapter 39, Section 3 are amended to read:

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 006. ADMINISTRATION AND INFORMATION<sup>1,2</sup></b>				
<b>PROGRAM</b>				
A&I State Bldg. Comm. Contingency <sup>4,5,10</sup>	<u>3,097,266</u>			<u>3,097,266</u>
	<u>6,854,532</u>			<u>6,854,532</u>
A&I Flex Contingency	<u>3,193,707</u>			<u>3,193,707</u>
	<u>6,387,414</u>		<u>650,000</u>	<u>6,387,414</u>
A&I Safeway Bldg. - Level 1 & II Design <sup>6</sup>	<u>2,861,481</u>			<u>2,861,481</u>
A&I Hathaway Building Renovation		677,000		677,000
Military Dept. Breaching Facility		3,000,000		3,000,000
Military Dept. Urban Assault Course		3,000,000		3,000,000
Military Dept. Shoot House Range				8,200,000
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	15,000,000		15,400,000
Military Dept. Medical Readiness Center	210,000			1,560,000
Military Dept. Afton Armory Rehab.	<u>125,000</u>	630,000		840,000
Military Dept. Worland Armory Rehab.	50,000			<u>125,000</u>
Military Dept. Cantonment Util. Upgrade	<u>575,000</u>			<u>50,000</u>
Military Dept. Vet Cemetery Road/Bridge <sup>3</sup>	<u>1,095,969</u>			<u>575,000</u>
Dept. of Ag. Livestock Pavilion <sup>5</sup>	<u>344,300</u>			<u>1,095,969</u>
Dept. of Revenue Liquor Warehouse			12,928,348	<u>344,300</u>
State Parks - Health & Safety			4,000,000	12,928,348
State Parks - Water Related Facilities			1,850,000	4,000,000
			1,850,000	1,850,000



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUND	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
State Parks - Territorial Prison				210,000
G&F ADA Compliant Outhouses	350,000		210,000 SR	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
G&F Wigwam Rearing Station	460,000			460,000
G&F ADA Compliant Comfort Stations	175,000			175,000
G&F Public Access Areas	55,000			55,000
G&F Elk Fence Upgrade	242,000			242,000
Dept. of Family Services - WBS Classroom Bldg			55,000 T1	55,000
Dept. of Family Svcs. WBS Design	850,000			850,000
WY Tourism Board Welcome Center <sup>3</sup>	14,598,000			14,598,000
Dept. of Corr. WWC Parent Child Program	40,359			40,359
Dept. of Corr. WHF Bldg. Study	67,133			67,133
TOTALS	<u>32,648,973</u>	<u>22,307,000</u>	<u>19,043,348</u>	<u>73,999,321</u>
	46,541,188		19,693,348	88,541,536

1. Any unexpended, unobligated funds remaining in a capitol-capital construction project budget upon completion of the project shall be deposited into the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j), and shall not be transferred or expended for any other purpose. Any reversion of unexpended, unobligated funds in any capital construction project budget contained in any prior capital construction appropriation from the general fund or budget reserve account, which occurs prior to July 1, 2012, shall also be deposited into the capitol building rehabilitation and restoration account, unless the appropriation specified another use of the reverted funds.

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

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. Such acquisitions shall be managed for contiguous land ownership by the department and to avoid the creation of private inholdings.

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.

4. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended to evaluate options for long-term remodeling or replacement of the governor's mansion.

5. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be expended for remodeling the governor's mansion.

6. Of this general fund appropriation, three hundred forty-four thousand three hundred dollars (\$344,300.00) shall only be expended for ventilation systems in buildings located at the state fair. The Wyoming attorney general shall investigate the possibility of warranty claims or potential recovery of damages from third parties due to improper design of the ventilation

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

systems.

7. The construction management division of the department of administration and information is authorized to expend up to two hundred thousand dollars (\$200,000.00) for landscaping at the state veterinary laboratory building in Laramie, from unexpended, unobligated funds appropriated in prior biennia for the construction of joint lab facilities that would otherwise revert to the capitol building restoration and rehabilitation account.

8. Prior to the completion of the Level II design for the Safeway building site, the state building commission shall hold public hearings and receive public comment pursuant to W.S. 9-5-107(f), 9-5-108(b)(ii), and chapter IV of the rules and regulations of the state building commission.

9. No funds from this appropriation shall be expended until a memorandum of agreement has been executed between the town of Evansville and the Wyoming military department specifying access to the roadway, required signage and responsibility for maintenance and repairs.

10. Of this general fund appropriation, four hundred fifty thousand dollars (\$450,000.00) shall only be expended for acquisition of lands for a new governor's mansion. The department of administration and information, construction management division, shall consult with a committee consisting of the first lady, two (2) senators appointed by the president of the senate and two (2) representatives appointed by the speaker of the house, prior to recommending expenditure of funds appropriated under this footnote. [LANGUAGE SHOWN AS STRICKEN VETOED BY GOVERNOR MARCH 2, 2011.]

**Section 057. COMMUNITY COLLEGE COMMISSION<sup>1,2,3.</sup>**

PROGRAM

CC Student Union/UWCC Building<sup>4.</sup>

32,000,000 PR

32,000,000

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
CC Music Building			<u>16,000,000</u> PR	<u>16,000,000</u>
EWC Workforce Dev./Manuf. Center			16,000,000 PR	16,000,000
EWC Center for Education Excellence			6,000,000 PR	6,000,000
LCCC/UW Joint Facility			8,200,000 PR	8,200,000
NWCCD Big West Academic Center			26,071,600 PR	26,071,600
			<del>15,167,487</del> PR	<del>15,167,487</del>
	<u>7,500,000</u>		<u>7,667,487</u> PR	
NWCCD Sheridan Armory Acquisition			8,642,337 PR	8,642,337
WWCC Wingate Hotel			5,900,000 PR	5,900,000
CC Early Childhood Learning Ctr.			<u>1,400,944</u> SR	<u>1,400,944</u>
CWC Health & Science Center	<u>6,550,000</u>		<u>11,500,000</u> PR	<u>18,050,000</u>
TOTALS	<u>0</u>	<u>0</u>	<del>117,981,424</del>	<del>117,981,424</del>
	<u>14,050,000</u>		<u>107,382,368</u>	<u>121,432,368</u>

1. Authorization for individual capital construction projects contained in this section shall expire on June 30, 2012 if the 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.
4. The total cost of construction of the joint facility, including the university's contribution of funding, shall not exceed thirty-two million dollars (\$32,000,000.00).

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUND \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 067. UNIVERSITY OF WYOMING</b>				
PROGRAM				
UW Fine and Performing Arts	<u>2,600,000</u>		33,000,000 RB	<u>35,600,000</u>
UW Downey Hall			6,000,000 RB	6,000,000
<u>UW/Casper College Joint Facility<sup>2,3,4</sup></u>			<u>10,000,000 RB</u>	
			<u>6,000,000 SO</u>	<u>16,000,000</u>
<u>UW/Sheridan College Joint Facility</u>	<u>300,000</u>			<u>300,000</u>
TOTALS <sup>1</sup> :	<u>0</u>	<u>0</u>	<u>39,000,000</u>	<u>39,000,000</u>
			<u>55,000,000</u>	<u>57,900,000</u>

1. This section is effective immediately.
2. Other funds designated as S0 are appropriated from federal mineral royalties previously received by the University of Wyoming under W.S. 9-4-601(a)(iv).
3. This appropriation, including proceeds from revenue bonds issued by the university, shall be used to acquire, as defined in W.S. 21-17-404(a)(i), the university's share of a joint facility on the campus of Casper College, which share of the joint facility is deemed a project as defined in W.S. 21-17-404(a)(xvii).
4. No proceeds from any sale of the UW-Casper College Poplar Street facility shall be expended without prior authorization by the legislature.

**Section 4.** Sections 300, 301, 306, 314, 330, 335(a)(intro), (b)(intro), (c)(intro), (d)(intro) and (e)(intro) and by creating new sections 342 through 355 are amended to read:

[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 Effective April 1, 2011, the state auditor shall transfer from the budget reserve account to the general fund all funds within or accruing to the budget reserve account in excess of one hundred eleven million eight hundred three thousand three hundred forty-eight dollars (\$111,803,348.00).~~

(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) ~~ninety-eight million seven hundred fifty thousand dollars (\$98,750,000.00)~~ shall be transferred to the legislative stabilization reserve account.

(c) All unappropriated, unobligated and unencumbered funds remaining in the general fund on June 30, 2012 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.

[MEDICAID CONTINGENCY APPROPRIATIONS PLAN]

**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. The department of health shall develop a comprehensive plan to review recipient eligibility every six (6) months. The department of health shall work cooperatively with the department of family services to ensure that all new electronic tracking systems in both departments include provisions for a six (6) month review timeline.

[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)~~ seven (7) of those positions shall be filled from the effective date of this section through June 30, 2012. The remaining two hundred forty-four (244) positions are eliminated and shall not be included in the 2013-2014 standard budget request submitted by the governor to the joint appropriations interim committee. This section is effective immediately.

[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)~~ six million dollars (\$6,000,000.00) 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.

[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 be distributed in two (2) equal payments as provided in subsections (b) through (e) of this section. Additionally, for fiscal year 2012 only, from the general fund there is appropriated ten million dollars (\$10,000,000.00) which shall be distributed in the manner provided in subsections (b) through (e) of this section, except that the entire distribution of these additional general funds shall occur on August 15, 2011. The



appropriations in this section shall be to the office of state lands and investments to be allocated pursuant to the following and as further provided in this section:

[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, except the additional general funds specified in the introductory subsection (a) of this section shall be distributed in a single distribution on August 15, 2011, subject to the following:

[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, except the additional general funds specified in the introductory subsection (a) of this section shall be distributed in a single distribution on August 15, 2011. From these distributions each county shall receive the following:

[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, except the additional general funds specified in the introductory subsection (a) of this section shall be distributed in a single distribution on August 15, 2011, subject to the following:

[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, except the additional general funds specified in the introductory subsection (a) of this section shall be distributed in a single distribution 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:

LOCAL GOVERNMENT DISTRIBUTIONS - II

[CAPITAL PROJECT FUNDING]

**Section 342.**

- (a) There is appropriated from the general fund, thirty-five million dollars (\$35,000,000.00) to the office of state lands and investments to be expended for the purpose of grants for capital improvement projects and subject to subsection (b) of this section shall be allocated for each county as follows:
- (i) To each county an amount equal to the amount allocated in this subsection multiplied by eighty percent (80%) divided by the total state population and multiplied by the county's population; plus
- (ii) To each county, an amount equal to the remainder of the amount allocated in this subsection multiplied by each county's inverse per capita assessed valuation factor computed as follows:
- (A) Divide each county's tax year 2010 assessed valuation by that county's population to compute county assessed valuation per capita and the total state tax year 2010 assessed valuation by the total state population to compute state assessed valuation per capita;
- (B) Divide the state assessed valuation per capita by each county's assessed valuation per capita to compute an inverse ratio for each county;
- (C) Sum all the county inverse ratios computed in subparagraph (B) of this paragraph for a state total inverse ratio;
- (D) Divide each county's inverse ratio by the state total inverse ratio to compute each county's inverse per capita assessed valuation factor.

(b) Funds subject to subsection (a) of this section shall not be distributed until after June 1, 2011 and shall only be expended for capital projects, including capital projects constructed by special districts. To be eligible for the grants, the board of county commissioners and the governing bodies of the cities and towns within that county that comprise at least seventy percent (70%) of the incorporated population shall certify to the state loan and investment board that they have reached agreement on the projects for which the funds will be used.

(c) For purposes of this section, population is to be determined by resort to the 2010 decennial federal census as updated by the bureau of census.

(d) In preparing the 2013-2014 biennial budget, the governor shall include a recommendation of one hundred twenty-five million dollars (\$125,000,000.00) from the general fund for appropriation to cities, towns and counties, if the general fund and budget reserve account total revenues for fiscal years 2013 and 2014 as projected by the consensus revenue estimating group in the October 2011 estimation process equal or exceed the general fund and budget reserve account projected total revenues in the January 2011 revenue estimates.

[DATA CENTER RECRUITMENT]

**Section 343.**

(a) There is appropriated from the general fund, fifteen million dollars (\$15,000,000.00) to the governor's office for the purposes of providing grants to cities, towns and counties for necessary public infrastructure to enable the recruitment and operation of data centers. The expenditure of this appropriation shall be subject to the following:

(i) The data center shall have:

(A) Entered into a contract or option for the purchase or lease of real property on which the data center is to be constructed and which is zoned to allow use of the property as a data center;

- (B) An anticipated construction cost of more than fifty million dollars (\$50,000,000.00);
- (C) Posted a bond securing repayment of all funds expended from any grant under this section on infrastructure for the site if construction of the data center has not commenced within three (3) years after the last expenditure of those funds.
- (ii) The proposed use of the grant funds shall be reviewed by the attorney general and the attorney general shall first determine that the infrastructure will be of substantial benefit to the public and that the use is lawful;
- (iii) The governor may require as a condition to any grant that the city, town or county enter into a cooperative agreement with the Wyoming business council or the Wyoming department of transportation to oversee the expenditure of the grant funds;
- (iv) If the governor has received multiple applications for the grant funds before approval of any grant, the grant funds shall be allocated in the governor's sole determination between the governmental entities based upon the anticipated assessed valuation of the projects and expected employment. No determination by the governor under this section is appealable.
- (b) Data storage, processing and service centers shall not be subject to the provisions of the Industrial Development Information and Siting Act, W.S. 35-12-101 through 35-12-119, regardless of whether the cost of construction exceeds the threshold amount established pursuant to that act. No impact assistance payments shall be made pursuant to W.S. 39-15-111(c) or 39-16-111(d) as a result of the construction of such a data center.

[COMMUNITY COLLEGES - ENDOWMENT]

**Section 344.**

There is appropriated three million five hundred thousand dollars (\$3,500,000.00) from the general fund to the state treasurer for deposit into the community college endowment challenge fund established under W.S. 21-16-1103. This appropriation shall be deposited in equal amounts to the challenge fund account of each community college. These funds shall be expended

as prescribed under W.S. 21-16-1101 through 21-16-1104.

[DEPARTMENT OF ENVIRONMENTAL QUALITY - FUNDING CORRECTION]

**Section 345.**

2010 Wyoming Session Laws, Chapter 97, Sections 4 and 5 are repealed and funds appropriated pursuant to section 4 of that act shall be deposited to the general fund.

[AML FUNDING - II]

**Section 346.**

(a) To the extent federal fiscal year 2011 funds resulting from the continuing appropriation of abandoned mine land funds are approved by congress, such funds are appropriated as set forth in this section.

(b) 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.

(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 (b) of this section for the period ending June 30, 2012 for the following projects:

- (i) Fifty million one hundred thousand dollars (\$50,100,000.00) for the abandoned mine reclamation program and operation of the mine subsidence insurance program;
- (ii) Twenty-five million four hundred two thousand seventy dollars (\$25,402,070.00) to the Wyoming water development office for the Gillette Madison water project;
- (iii) Fifty million dollars (\$50,000,000.00) to the department of administration and information for the Michael B. Enzi science, technology, engineering and mathematics (STEM) undergraduate teaching laboratory to be located on the University of Wyoming campus in Laramie as designated by the board of trustees of the university. The department of administration and information shall:
  - (A) Be the primary fiscal and contracting agent for the laboratory;
  - (B) Design and construct the laboratory to meet the programmatic needs specified by the University of Wyoming and to be consistent with campus construction standards, including landscaping; and
  - (C) Work in cooperation with and seek input from the University of Wyoming throughout the planning, design and construction process.
- (d) 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 (b) of this section to the University of Wyoming for the period ending June 30, 2012 for the following projects:
  - (i) One million fifty thousand dollars (\$1,050,000.00) for nonoperational and other administrative costs associated with the high plains gasification – advanced technology center prior to operations;
  - (ii) Six million two hundred forty-seven thousand nine hundred thirty dollars (\$6,247,930.00) for energy science graduate stipends and fellowships. Expenditures under this paragraph are subject to the following:

- (A) The University of Wyoming shall not supplant any existing graduate stipend or fellowship funding with these funds;
- (B) The University of Wyoming shall not expend more than one million dollars (\$1,000,000.00) per year from these funds;
- (C) The University of Wyoming shall establish minimum grade point average and graduate record examination score thresholds for qualifying students to ensure that only highly qualified candidates are awarded energy science graduate stipends or fellowship opportunities; and
- (D) The University of Wyoming shall provide an annual report to the joint appropriations interim committee, the joint minerals, business and economic development interim committee and the governor by November 1 of each year that this appropriation is in effect. The report shall detail the number of energy science graduate stipends and fellowships awarded with funding from this appropriation. The report shall also include information demonstrating that the University of Wyoming has complied with subparagraph (d)(ii)(B) of this section.
- (e) In the event that the funding referenced in subsection (a) of this section as approved by congress is not sufficient for all purposes specified in this section, the department of environmental quality shall submit grant applications to the federal office of surface mining to fully fund projects in the order listed in this section, to the extent funds are available.
- (f) 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 (d) 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 under paragraphs (d)(i) and (ii) of this section.
- (g) Except for funds subject to paragraph (c)(iii) and subsection (d) 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)(iii) shall not revert until June 30, 2015;

(ii) Paragraph (d)(i) shall not revert until June 30, 2014; and

(iii) Paragraph (d)(ii) shall not revert until June 30, 2018.

(h) No construction of the science, technology, engineering and mathematics building specified in paragraph (c)(iii) of this section shall commence until after the city of Laramie has resolved to vacate Lewis street between ninth and fourteenth streets, subject to the following:

(i) The city may, if necessary, reserve easements for access and utilities;

(ii) The university shall offer to acquire all real property in Laramie located on Lewis street between tenth and fourteenth streets;

(iii) The university shall develop, in consultation with the city of Laramie, a plan for the vacated Lewis street to allow for access for transit buses and vehicles including for special events, for access for emergency and utility vehicles and for continued access to any remaining privately owned parcels;

(iv) The city may vacate Lewis street in stages to accommodate community needs;

(v) The university shall develop a plan to incorporate consistent landscaping for the growth of the campus to the north of Lewis street; and

(vi) The university shall report to the joint appropriations interim committee not later than December 1, 2011 regarding



the status of any offers to affected real property owners, the vacation of Lewis street under this subsection and the landscaping and access plans required under this subsection.

(j) The university shall transfer three million five hundred thousand dollars (\$3,500,000.00) from the general funds appropriated for its block grant to establish a sinking fund for the science, technology, engineering and mathematics building specified in paragraph (c)(iii) of this section. The sinking fund shall be used to offset the costs associated with operations and maintenance of the building.

(k) Of the funds appropriated in paragraph (c)(iii) of this section, up to three million five hundred thousand dollars (\$3,500,000.00) may be used for furnishings, fixtures and equipment for the science, technology, engineering and mathematics building.

#### LEGISLATIVE SERVICE OFFICE

#### **Section 347.**

(a) There is appropriated from the general fund to the legislative service office the following amounts:

- (i) Seven hundred sixty-five thousand dollars (\$765,000.00) for development and implementation of the legislative management system;
- (ii) Sixty-two thousand dollars (\$62,000.00) for digitization of the house and senate digests;
- (iii) Thirty thousand six hundred seventy-five dollars (\$30,675.00) for computer software upgrades;
- (iv) Five thousand dollars (\$5,000.00) for the purchase of legislative procedure manuals.

(b) The unobligated portions of the following appropriations are hereby reappropriated to the legislative service office to be used for miscellaneous furnishings and projects:

(i) The remaining balance of funds originally appropriated to the legislative service office by 2008 Wyoming Session Laws, Chapter 47, Section 7(a) and carried forward and reappropriated to the legislative service office by 2010 Wyoming Session Laws, Chapter 53, Section 4(a)(i);

(ii) The remaining balance of funds appropriated to the legislative service office by 2010 Wyoming Session Laws, Chapter 53, Section 7(a)(ii).

LEGISLATIVE SERVICE OFFICE APPROPRIATIONS

**Section 348.** 2010 Wyoming Session Laws, Chapter 53, section 1 is amended to read:

**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 .....	\$6,298,338-6,798,338
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

<b>OUT-OF-STATE TRAVEL</b>	
Travel Expenses .....	122,800
Per Diem .....	186,900
<b>ANNUAL DUES</b>	
National Conference of State Legislatures.....	233,854
The Energy Council .....	64,000
Council of State Governments.....	168,473
<b>REGISTRATION FEES</b> .....	85,600
<b>TELECOMMUNICATIONS AND POSTAGE</b> .....	
	220,000
<b>GENERAL ADMINISTRATIVE SUPPORT [1.], [2.]</b> .....	1,495,630
(Information technology, copying, supplies and equipment, furniture, contract services, special projects, etc.)	
<b>STATUTES, SESSION LAWS AND DIGESTS</b> .....	<u>430,000</u>
<b>TOTAL</b> .....	<del>\$17,234,128</del> <u>17,734,128</u>
	<u>[SCHOOL CAPITAL CONSTRUCTION - II]</u>

**Section 349.**

(a) As used in this section, needs index priority shall be based upon the needs index priority used under 2010 Wyoming Session Laws, Chapter 39, Section 333.

(b) The following amounts are appropriated from the school capital construction account to the school facilities commission for the remainder of the 2011-2012 biennium for the specified purposes:

(i) For planning projects:

(A) One hundred thousand dollars (\$100,000.00) for the following planning projects subject to prescribed maximum amounts:

<u>Need Index Priority</u>	<u>School District</u>	<u>Project</u>	<u>Maximum Amount</u>
50	Fremont #2	High School	\$ 50,000
55	Carbon #1	High School	\$ 50,000
<u>Total</u>			<u>\$100,000</u>

(B) Up to five hundred thousand dollars (\$500,000.00) for the following planning projects, provided that this appropriation shall first be used to fund any planning project with a higher priority number than any project specified in this subparagraph if that project has been identified as underfunded:

<u>Needs Index Priority</u>	<u>School District</u>	<u>Project</u>

<u>14</u>	<u>Laramie #1</u>	<u>Elementary School</u>
<u>40</u>	<u>Campbell #1</u>	<u>Elementary School</u>
<u>52</u>	<u>Sweetwater #1</u>	<u>Alternative School</u>
<u>56</u>	<u>Natrona #1</u>	<u>Elementary School</u>
<u>60</u>	<u>Sweetwater #1</u>	<u>K-12 School</u>
<u>62</u>	<u>Natrona #1</u>	<u>Elementary School</u>
<u>64</u>	<u>Goshen #1</u>	<u>Elementary School</u>
<u>65</u>	<u>Natrona #1</u>	<u>Elementary School</u>
<u>74</u>	<u>Laramie #1</u>	<u>Middle School</u>
<u>154</u>	<u>Albany #1</u>	<u>High School</u>
<u>321</u>	<u>Albany #1</u>	<u>Elementary School</u>

(C) Any unexpended and unencumbered amounts remaining from the appropriation under subparagraph (b)(i)(B) of this section may be used to fund planning projects not specified under subparagraph (b)(i)(B) of this section if no higher priority project has been identified as underfunded;

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

(ii) Up to five million four hundred twenty-five thousand dollars (\$5,425,000.00) for the following design projects subject to prescribed maximum amounts:

<u>Needs Index Priority</u>	<u>School District</u>	<u>Project</u>	<u>Maximum Amount</u>
<u>31</u>	<u>Natrona #1</u>	<u>Elementary School</u>	<u>\$ 900,000</u>

37	<u>Uinta #1</u>	<u>Middle School</u>	<u>\$ 900,000</u>
43	<u>Sweetwater #2</u>	<u>Elementary School</u>	<u>\$ 25,000</u>
50	<u>Fremont #2</u>	<u>High School</u>	<u>\$ 850,000</u>
55	<u>Carbon #1</u>	<u>High School</u>	<u>\$ 850,000</u>
59	<u>Fremont #21</u>	<u>K-8 School</u>	<u>\$ 900,000</u>
233	<u>Johnson #1</u>	<u>Elementary School</u>	<u>\$1,000,000</u>
Total	<u>\$5,425,000</u>		

(iii) Up to three million four hundred fifty thousand dollars (\$3,450,000.00) for the following component level projects subject to prescribed maximum amounts:

<u>Index</u>	<u>School</u>	<u>Project</u>	<u>Maximum</u>
<u>Priority</u>	<u>District</u>		<u>Amount</u>
47	<u>Campbell #1</u>	<u>Elementary School</u>	<u>\$ 800,000</u>
96	<u>Platte #1</u>	<u>Elementary School</u>	<u>\$ 363,000</u>
102	<u>Goshen #1</u>	<u>High School</u>	<u>\$ 750,000</u>
117	<u>Big Horn #4</u>	<u>Elementary School</u>	<u>\$ 150,000</u>
173	<u>Albany #1</u>	<u>Elementary School</u>	<u>\$ 650,000</u>
188	<u>Laramie #1</u>	<u>Elementary School</u>	<u>\$ 125,000</u>
247	<u>Park #6</u>	<u>Middle School</u>	<u>\$ 500,000</u>
N/A	<u>Weston #1</u>	<u>Modular</u>	<u>\$ 112,000</u>
Total	<u>\$3,450,000</u>		

(iv) Up to two million two hundred thousand dollars (\$2,200,000.00) for land acquisitions, of which two million dollars (\$2,000,000.00) shall be available to the school facilities commission as a special contingency fund specifically for land acquisitions approved by the commission. Prior to expenditure of amounts available for land acquisitions from the special contingency fund, the commission shall report proposed acquisitions to the cochairmen of the joint appropriations interim

committee and the chairman of the select school facilities committee. In addition, the following amount shall be for the specified land acquisition subject to the prescribed maximum amount:

<u>Needs Index Priority</u>	<u>School District</u>	<u>Project</u>	<u>Maximum Amount</u>
N/A	<u>Converse #2</u>	<u>Purchase for parking lot</u>	<u>\$ 200,000</u>
<u>Total</u>	<u>\$ 200,000</u>		

(v) Up to two million six hundred forty-five thousand dollars (\$2,645,000.00) for the following ancillary building projects for the prescribed maximum amounts:

<u>Needs Index Priority</u>	<u>School District</u>	<u>Project</u>	<u>Maximum Amount</u>
N/A	<u>Big Horn #1</u>	<u>Bus Garage</u>	<u>\$ 150,000</u>
N/A	<u>Sheridan #1</u>	<u>Bus Garage</u>	<u>\$ 745,000</u>
N/A	<u>Teton #1</u>	<u>Central Administration Office</u>	<u>\$1,750,000</u>
<u>Total</u>	<u>\$2,645,000</u>		

(vi) Up to four million five hundred thirty-nine thousand two hundred four dollars (\$4,539,204.00) for the following demolition projects:

<u>Needs Index Priority</u>	<u>School District</u>	<u>Project</u>	<u>Maximum Amount</u>
N/A	<u>Big Horn #1</u>	<u>Demolition of middle and high school buildings</u>	
N/A	<u>Big Horn #3</u>	<u>Demolition of middle and high school swimming pool</u>	
N/A	<u>Campbell #1</u>	<u>Demolition of elementary school building</u>	
N/A	<u>Carbon #1</u>	<u>Demolition of elementary school buildings</u>	
N/A	<u>Goshen #1</u>	<u>Demolition of workshop building</u>	
N/A	<u>Natrona #1</u>	<u>Demolition of elementary school Building and residential buildings</u>	
N/A	<u>Park #1</u>	<u>Demolition of elementary and high school buildings</u>	
N/A	<u>Park #6</u>	<u>Demolition of elementary school building</u>	
N/A	<u>Uinta #1</u>	<u>Demolition of kitchen complex and middle school building</u>	
<p>(vii) <u>Up to one hundred sixty-four million five hundred seventy-five thousand two hundred twenty-four dollars (\$164,575,224.00) for the following capital construction projects subject to prescribed maximum amounts:</u></p>			
<u>Needs Index Priority</u>	<u>School District</u>	<u>Project</u>	<u>Maximum Amount</u>



21	<u>Lincoln #1</u>	<u>Completion of phases for High School</u>	\$ 13,300,000
24	<u>Crook #1</u>	<u>Elementary School</u>	\$ 9,500,000
25	<u>Natrona #1</u>	<u>Continuation of High School Projects</u>	\$ 84,000,000
35	<u>Sweetwater #1</u>	<u>Middle School</u>	\$ 13,000,000
43	<u>Sweetwater #2</u>	<u>Elementary School</u>	\$ 475,000
59	<u>Fremont #21</u>	<u>K-8 School</u>	\$ 25,000,000
86	<u>Converse #1</u>	<u>Elementary School</u>	\$ 9,300,224
233	<u>Johnson #1</u>	<u>Elementary School</u>	\$ 10,000,000
	<u>Total</u>		

(viii) The school facilities commission may transfer funds between projects funded under needs index priority 25 pursuant to paragraph (vii) of this subsection as necessary to complete the previously selected remedies for two (2) high school buildings, an alternative high school building and a shared high school facility. Any transfers under this paragraph shall be reported to the select school facilities committee within the monthly report required under 2010 Wyoming Session Laws, Chapter 39, Section 333(h).

(c) Any unexpended, unobligated amounts from funds appropriated under this section as of June 30, 2012, shall as provided under W.S. 21-15-122(a)(ii), be transferred to the common school permanent land fund, together with amounts deposited in the common school permanent land fund holding account pursuant to 2010 Wyoming Session Laws, Chapter 39, Section 333(g)(iii).

[AML FUNDING 2011-2012 FISCAL BIENNIUM REVERSION DATE CHANGES]

**Section 350.**

(a) Energy Projects:

(i) 2008 Wyoming Session Laws, Chapter 48, Section 320, as amended by 2009 Wyoming Session Laws, Chapter 159,

creating a new Section 339(e)(iii), as amended by 2010 Wyoming Session Laws, Chapter 39, Section 321 is amended to read:

**Section 339.**

(e) Except for funds subject to subsection (c) of this section, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2010. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated funds subject to:

(iii) Paragraph (c)(iii) for the school of energy resources uranium research center shall not revert until June 30, ~~2011~~ 2013;

[HEALTH EDUCATION GRANTS]

**Section 351.**

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the department of health, mental health and substance abuse division. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2012. 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 of health's standard 2013-2014 budget. This appropriation shall be expended only to provide grants and other funding to law enforcement agencies or other nonprofit organizations which provide prevention education related to:

- (i) Bullying, cyberbullying and internet safety;
- (ii) Prescription, over-the-counter and other drug abuses and addictions; or
- (iii) Decision making and positive, healthy choices.

[REVIEW AND REORGANIZATION OF WYOMING PROFESSIONAL TEACHING STANDARDS BOARD]

**Section 352.**

(a) Effective immediately and until June 30, 2012, expenditures by the Wyoming professional teaching standards board and its staff from the board's account within the special revenue fund shall be subject to review by the state superintendent of public instruction and the governor's office. The state superintendent shall report to the governor if the board has failed to comply with informational requirements imposed upon the board by this subsection. Upon receipt of a report of noncompliance, the governor shall take appropriate action to restrict board expenditures until the board has complied with those requirements. The governor shall certify to the auditor any exercise of his authority granted under this subsection, and shall specify the nature and duration of any expenditure restriction. The board shall:

- (i) In accordance with rules and regulations of the department of education, submit data elements collected from public school administrators, teachers and other school district personnel to the department of education for housing in the department's data base;
- (ii) Provide other information which may be required by the department in responding to needs of the legislature in conducting studies required by 2011 Senate File 0070 and 2011 House Bill 0127 as enacted into law.

[TRANSFER FROM PERMANENT LAND INCOME FUND]

**Section 353.**

There is transferred from the omnibus permanent land income fund referenced by W.S. 9-4-310(c)(iv) to the omnibus permanent land fund referenced by W.S. 9-4-310(a)(x) seven million dollars (\$7,000,000.00).

[MUNICIPAL SOLID WASTE LANDFILL ACCOUNT]

**Section 354.**

There is appropriated fifteen million dollars (\$15,000,000.00) from the budget reserve account to the municipal solid waste landfill account, which is hereby created. Amounts from the account shall only be expended for the remediation of high priority municipal solid waste landfill sites based on a priority list developed by the department of environmental quality and approved by the legislature. Remaining balances in this account shall not revert until further action of the legislature. The governor shall include additional funding of not less than fifteen million dollars (\$15,000,000.00) per year for this account for ongoing remediation efforts in his 2013-2014 budget recommendations.

[CRITICAL ACCESS AND RURAL HOSPITAL TECHNOLOGY GRANTS]

**Section 355.**

(a) There is appropriated one million dollars (\$1,000,000.00) from the general fund to the department of health. This appropriation shall be for the period ending June 30, 2012. This appropriation shall only be expended for the purpose of funding grants under this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012.

(b) The department of health shall, by rule and regulation, administer a grant program to fund technologies at critical access or rural hospitals, as defined in W.S. 35-1-1002(a)(ii), to meet requirements to become meaningful users of electronic health records under the American Recovery and Reinvestment Act of 2009. The department shall base criteria for grants under this section on the needs of hospitals to provide care and services and the needs of hospitals to meet the federal directive to convert to electronic health records. No single grant under the program shall exceed four hundred thousand dollars (\$400,000.00).

[EFFECTIVE DATE]

**Section 400.**

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

Approved March 2, 2011.

**Chapter 89****WYOMING VETERANS MEMORIAL HIGHWAY**

Original House Bill No. 139

AN ACT relating to highways, designating the “Wyoming Veterans Memorial Highway” as specified; requiring signage; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 24-1-134 is created to read:

**24-1-134. Wyoming veterans memorial highway.**

United States Highway 14-Alternate between the city boundaries of Cody, Wyoming and Powell, Wyoming shall be known as the “Wyoming Veterans Memorial Highway.”

**Section 2.** The Wyoming department of transportation shall install appropriate signage, in compliance with all federal and state law and regulation, identifying United States Highway 14-Alternate between the city boundaries of Cody, Wyoming and Powell, Wyoming as the “Wyoming Veterans Memorial Highway.”

**Section 3.** There is appropriated from the general fund to the Wyoming department of transportation five thousand dollars (\$5,000.00). 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 creating and installing the signage required by section 2 of this act and shall not be expended until five thousand dollars (\$5,000.00) has been received by the department of transportation from nonstate sources to assist in paying the costs of creating and installing the signage. 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 Wyoming department of transportation’s 2013-2014 standard biennial budget request.

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

Approved March 2, 2011.

**Chapter 90****STATE PARKS-ACQUISITION OF LANDS**

Original Senate File No. 33

AN ACT relating to state parks and cultural resources; authorizing the acceptance of lands as specified; authorizing the purchase of lands from the state board of land commissioners as specified; providing an appropriation; and providing for an effective date.

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

**Section 1.**

(a) The legislature authorizes the acceptance of the following lands to be managed by the department of state parks and historic sites upon final negotiation with the appropriate parties:

(i) Forty (40) acres of land in the NW 1/4 of the SW 1/4 of Section 23, Township 27 North, Range 66 West in Platte County known commonly as the Historic Golf Course at Guernsey State Park.

(b) The board of land commissioners is authorized and directed to convey its right, title and interest, in the surface estate of the following described parcel of land to the department of state parks and cultural resources:

(i) For inclusion into Curt Gowdy state park, one hundred fifty-seven (157) acres of land located in the North 1/2 of Section 16, Township 14 North, Range 70 West and in the North 1/4 of the Southwest 1/4 of Section 16, Township 14 North, Range 70 West.

**Section 2.**

(a) There is appropriated an amount not to exceed five hundred ninety-five thousand six hundred dollars (\$595,600.00) from the general fund to the state board of land commissioners for the period beginning with the effective date of this act and ending June 30, 2012 for purposes of funding the purchase provided in section 1(b) of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012.

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

Approved March 2, 2011.

## Chapter 91

### RECREATION SAFETY ACT-WAIVER ON BEHALF OF MINORS

Original Senate File No. 79

AN ACT relating to the Recreation Safety Act; clarifying and specifying assumption of risk relating to that act; modifying the listing of activities which constitute a sport or recreational opportunity; and providing for an effective date.

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

**Section 1.** W.S. 1-1-122(a)(iii) and 1-1-123 by creating a new subsection (d) are amended to read:

**1-1-122. Definitions.**

(a) As used in this act:

(iii) "Sport or recreational opportunity" means commonly understood sporting activities including baseball, softball, football, soccer, basketball, swimming, hockey, dude ranching, nordic or alpine skiing and other alpine sports, snowboarding, mountain climbing, outdoor education programs, river floating, hunting, fishing, backcountry trips, horseback riding and any other equine activity, snowmobiling and similar recreational opportunities and includes the use of private lands for vehicle parking and land access related to the sport or recreational opportunity;

**1-1-123. Assumption of risk.**

(d) The assumption of risk provisions in subsections (a) through (c) of this section apply irrespective of the age of the person assuming the risk.

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

Approved March 2, 2011.

## Chapter 92

### PRODUCTION STATES AGREEMENT

Original House Bill No. 217

AN ACT relating to the legislature; providing for legislative participation to develop an energy producing state agreement; specifying goals of the agreement; providing an appropriation and for a report; and providing for an effective date.

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

**Section 1.**

(a) Two (2) members of the Wyoming house of representatives appointed by the speaker of the house, and two (2) members of the Wyoming senate appointed by the president of the senate, shall be appointed to study and work with legislative members of other energy producing states to develop an Energy Producer State Agreement with the following goals:

(i) To encourage domestic development of energy in the United States, and to ensure continued development of each state's domestic natural resources;

(ii) To deliver a strong, unified voice to the federal government from the states that produce the energy that powers the nation's economy, by providing input on and participating in the development of existing and proposed federal legislation and federal regulatory processes, including the National Environmental Policy Act and the Endangered Species Act, and federal land access issues affecting the production of energy in the concerned states;

(iii) To eliminate or reduce overreaching federal legislation and identify and address consequences that result from delays and cancellations of economically viable energy projects.

(b) Legislators appointed pursuant to this act shall be authorized by Management Council to attend meetings as the Council determines necessary to accomplish the purposes of this act, and shall receive salary, per diem and mileage for the performance of their duties under this act as provided in W.S. 28-5-101. Appointed legislators shall provide a single report to the Council not later than September 1, 2011, including any suggested legislation for referral to the appropriate legislative committee for consideration.

**Section 2.** For purposes of this act, there is appropriated from the general fund twenty-four thousand five hundred dollars (\$24,500.00) to the legislative service office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012.

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

Approved March 2, 2011.



**Chapter 93****HUMAN REMAINS-TRAINING OF SEARCH AND RESCUE DOGS**

Original House Bill No. 243

AN ACT relating to human remains; providing for use of human remains by persons certified to train search and rescue animals; and providing for an effective date.

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

**Section 1.** W.S. 6-4-502(b)(iii), 35-4-601, 35-4-603, 35-4-605, 35-4-607 and 35-5-211(a) by creating a new paragraph (iv) are amended to read:

**6-4-502. Mutilation of dead human bodies; penalties; exceptions.**

(b) This section does not apply to:

(iii) Unclaimed dead human bodies delivered by state or county authorities to regularly chartered institutions for scientific research or persons certified by a state or local law enforcement agency to train search and rescue animals;

**35-4-601. Delivery of unclaimed bodies for anatomical study.**

Any member of the following boards or officers to-wit: The board of health of any city, town or county in the state; the mayor or common council of any city, and the officers or board having direction or control of any almshouse, prison hospital, house of correction or jail, in the state, shall, when so requested, surrender the dead bodies of such persons as may be required to be buried at the public expense, to any regularly licensed physician or dentist or medical college in the state or to a person certified by a state or local law enforcement agency to train search and rescue animals, in accordance with such rules as may be prescribed by the state department of health; such bodies to be used by said physician, dentist, or medical college or person, for the advancement of anatomical science or the training of search and rescue animals; preference being given to the faculty of any legally organized state medical college or school of anatomy, for their use in the instruction of medical students; provided that in no case shall the faculties or other officers of such medical college or school of anatomy require or receive from any medical student or students, for such body so furnished therein, any sum of money in excess of the actual cost of procuring the same.

**35-4-603. Restriction upon use of bodies; bond required of applicant; prohibited acts.**

It shall not be lawful for any person so receiving dead bodies to use the same, except for the prosecution of anatomical science or the training of search and rescue animals, or elsewhere than in this state; and the state department of health in its rules and regulations in regard to the distribution of the

same, may require each applicant to furnish a good and sufficient bond that the provisions of this act will be observed. Whosoever shall use said body for any other purpose, or shall remove the same beyond the limits of the state, or whosoever shall traffic, trade or deal with said bodies for a commercial purpose shall be deemed guilty of a misdemeanor and shall be fined, on conviction, not less than one hundred dollars (\$100.00) and be imprisoned in the county jail for a period of not less than thirty (30) days or more than one (1) year; the fine accruing from said conviction to be paid to the school fund of the county, wherein such offense was committed.

**35-4-605. Burial or cremation after use.**

It shall be the duty of all parties, who may secure dead bodies under provisions of this act, to bury the same decently in some public cemetery within a reasonable time after dissection or use, or cremate the same or make such other disposition as may be prescribed by the state department of health. For any violation of this provision, the party or parties so neglecting shall on conviction, forfeit or pay a penalty of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not less than six (6) months nor more than twelve (12) months or both, at the discretion of the court; such penalties to be sued for by the school officers or anyone interested therein, for the benefit of the school fund of the county in which the offense shall have been committed.

**35-4-607. Who may have bodies in possession.**

Any regularly licensed physician or dentist of the state, any medical student who is a regular matriculate of a recognized medical college, under authority of such physician, any person certified by a state or local law enforcement agency to train search and rescue animals or any person authorized by the Revised Uniform Anatomical Gift Act may have in his possession human dead bodies, or parts thereof, lawfully obtained, for the purpose of anatomical inquiry or dissection or for training of search and rescue animals.

**35-5-211. Persons that may receive anatomical gift; purpose of anatomical gift.**

(a) An anatomical gift may be made to the following persons named in the document of gift:

(iv) A person certified by a state or local law enforcement agency to train search and rescue animals.

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

Approved March 2, 2011.

**Chapter 94****NATIONAL GUARD-EMERGENCY DEPLOYMENT PROFESSIONAL LICENSING**

Original House Bill No. 124

AN ACT relating to the military; exempting certain licensure requirements during active state duty as specified; and providing for an effective date.

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

**Section 1.** W.S. 19-9-401 by creating a new subsection (d) is amended to read:

**19-9-401. National Guard members granted certain exemptions.**

(d) Any member of the Wyoming national guard who possesses a license or credentials to practice a trade or profession in another jurisdiction, or who meets the requirements of the Wyoming national guard for the practice of any professional, mechanical, teaching, training or other skill, may perform that practice, skill, trade or profession without first being licensed or otherwise possessing credentials under any Wyoming licensure laws during those times that he is serving in the Wyoming national guard in a state active service status.

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

Approved March 2, 2011.

**Chapter 95****NATIONAL GUARD-DISPOSAL OF LAND**

Original House Bill No. 246

AN ACT relating to the military department and the board of land commissioners; specifying the procedures for transferring property to another governmental entity; specifying procedures for the transfer of property where the military department is not the only title holder; and providing for an effective date.

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

**Section 1.** W.S. 19-7-103(b)(xii) is amended to read:

**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:

(xii) He may dispose of lands, buildings or fixtures under the control of the department by sale, exchange or other transfer. He may execute deeds for such transfers in the name of the state. Money from such sale, exchange or transfer may be utilized for the acquisition of additional lands, buildings or fixtures within the same budget biennium. Any such sale, exchange or other transfer shall be conducted in accordance with the provisions of W.S. 36-9-101, 36-9-102 and 36-9-104 through 36-9-120, except these provisions of W.S. title 36, chapter 9 shall not apply when both the title to the land and to all buildings thereon is solely in the name of the department or any division of the department and the provisions of W.S. 9-2-1016(b)(viii) also shall not apply when both the title to the land and to all buildings thereon is solely in the name of the department or any division of the department. The sections of title 36 identified in this paragraph and W.S. 9-2-1016(b)(viii) also shall not apply when any such sale, exchange or other transfer is to another governmental entity, state agency or local government, as defined in W.S. 1-39-103, even if the title to the land and to all buildings thereon are not solely in the name of the department or a division thereof;

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

Approved March 2, 2011.

## Chapter 96

### QUARANTINE OF ANIMALS

Original House Bill No. 18

AN ACT relating to the quarantine of animals; providing for testing, vaccination and quarantine of diseased animals; providing for testing, vaccination, quarantine and sale of animals imported into Wyoming; repealing requirements for the dipping and spraying of animals; providing for a penalty; providing conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 11-1-103, 11-19-101 by creating a new subsection (b) and by renumbering (b) as (c), 11-19-103(b), (e) and by creating a new subsection (j) and 11-19-111 by creating new subsections (d) and (e) are amended to read:

**11-1-103. Penalty for violations.**

A person who violates any of the following sections commits 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 for the first offense, or by imprisonment for not more than one (1) year, a fine of not more than one thousand five hundred dollars (\$1,500.00), or both for second or subsequent offenses: W.S. 11-6-210(a) or (f), 11-18-112, 11-19-101, 11-19-102, 11-19-103, 11-19-111, 11-19-401, 11-20-114, 11-20-117, 11-20-229, 11-20-230, 11-21-104, 11-22-118, 11-23-106, 11-23-207, 11-24-106 and 11-30-114. A person who violates board rules promulgated pursuant to W.S. 11-18-103(a)(v) shall be subject to the penalties specified in this section.

**11-19-101. Duties of state veterinarian generally; failure to comply with provisions; penalty.**

(b) The state veterinarian may inspect, treat, test, vaccinate, quarantine or sell any animal imported into Wyoming in violation of W.S. 11-19-111 or any rules promulgated thereunder.

~~(b)~~(c) Any person failing to comply with this section shall be punished as provided in W.S. 11-1-103.

**11-19-103. Quarantine of diseased animals generally; treatment, testing and vaccination thereof; effect of failure to obey order of state veterinarian; appeal; stay of action.**

(b) Whenever the state veterinarian finds any infectious or contagious disease among domestic animals in any section of the state he shall take such steps as will prevent the spread of the disease. ~~As a sanitary measure, he~~ The state veterinarian may inspect and compel the ~~dipping, spraying or other treatment, testing, vaccination or quarantine~~ of all such animals in Wyoming found to be infected or exposed to the disease or imported in violation of W.S. 11-19-111 or any rules promulgated thereunder, under such rules and regulations as he may adopt. Any order or regulation made by the state veterinarian is subject to review, modification or annulment by the board at any subsequent meeting.

(e) If the owner or persons in charge of animals ordered treated, tested, vaccinated or quarantined after reasonable notice determined by the veterinarian, fail to ~~dip, spray or otherwise treat, test, vaccinate or quarantine~~ such animals as ordered, the veterinarian may seize or cause such animals to be seized and ~~dipped, sprayed or otherwise treated, tested, vaccinated or quarantined~~ and may hold and sell the animals, or part thereof as necessary to pay all costs of inspection, seizing, caring for, ~~dipping, spraying or other treatment~~ treating, testing, vaccinating or quarantining together with cost of sale. The sale shall be made at the time and place and in the manner prescribed by the veterinarian. Not less than three (3) days nor more than fifteen (15) days notice of the time, place and purpose of the sale shall be given by the veterinarian to the owner or persons in charge of the animals, by personal service within the county in which the animals are being held if possible, and if not possible then

such notice may be given either by personal service outside of the county or by advertisement in any paper selected by the veterinarian. The state veterinarian shall only sell the livestock after all other remedies have been exhausted.

(j) Any person failing to comply with this section shall be punished as provided in W.S. 11-1-103.

**11-19-111. Regulation of importation of livestock; prohibited acts; penalties; applicability.**

(d) The state veterinarian may inspect, treat, test, vaccinate, quarantine or sell any livestock imported into Wyoming in violation of W.S. 11-19-111 or any rules promulgated thereunder. Any order or regulation made by the state veterinarian is subject to review, modification or annulment by the governor or the board at any subsequent meeting.

(e) An order of the state veterinarian under subsection (d) of this section shall be subject to appeal and due process as provided in W.S. 11-19-103.

**Section 2.** W.S. 11-19-103(c) and (d) is repealed.

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

Approved March 2, 2011.

## Chapter 97

### WYOMING VETERINARY MEDICAL PRACTICE ACT-2

Original House Bill No. 7

AN ACT relating to veterinarians; amending definitions relating to the practice of veterinary medicine; increasing board member salaries; eliminating the function of secretary-treasurer of the board of veterinary medicine; providing for a license renewal grace period; providing for a late fee; providing exceptions for emergency veterinary care; requiring continuing education; increasing penalties; and providing for an effective date.

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

**Section 1.** W.S. 33-30-202(a) by creating a new paragraph (ix), 33-30-203(a) by creating new paragraphs (xii) and (xiii), 33-30-204(e) and (g) through (k), 33-30-206(b), 33-30-207(c), 33-30-211(a), (b) and by creating a new subsection (e) and 33-30-214(a) are amended to read:

**33-30-202. Definitions.**

(a) When used in this act, these words and phrases, unless the context

otherwise indicates, shall be defined as follows:

(ix) "Animal health emergency" means any event or situation involving animal disease or animal welfare that threatens public welfare and the viability of animal industries, including, but not limited to, incursion of foreign animal disease, natural disaster and bioterrorism.

### **33-30-203. License required; exceptions.**

(a) No person may practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This act shall not be construed to prohibit:

(xii) Any person who, without expectation of compensation, provides emergency veterinary care at the site in an emergency or disaster situation;

(xiii) The state veterinarian from deputizing licensed veterinarians to assist as deputy state veterinarians in case of an emergency as provided in W.S. 11-18-103(a)(ii). The state veterinarian may request the assistance of licensed veterinarians from other states as needed in emergency situations without requiring Wyoming licensure.

### **33-30-204. Board of veterinary medicine.**

~~(e) Each member of the board shall be paid twenty-five dollars (\$25.00) for each day or substantial portion thereof that he is engaged in the work of the board, in addition to such reimbursement for travel and per diem allowance as is normally receive compensation from the veterinary medicine account for each day actually spent in the performance of his official board duties at the salary rate provided in W.S. 28-5-101(d) and per diem and mileage as allowed to state employees.~~

~~(g) At the annual meeting the board shall organize by electing from its membership a president and vice-president and such other officers as may be prescribed by rules. Officers of the board shall serve for terms of one (1) year and until successors are elected, without limitation on the number of terms an officer may serve. The president shall serve as chairman at the board meetings, except that in his absence the vice-president shall serve as chairman. The state veterinarian shall be ex officio member of the board and serve as secretary-treasurer of the board and shall receive no compensation, for any duties imposed upon him by the board, except that he is entitled to the normal travel expenses allowed to state employees.~~

~~(h) The duties of the secretary-treasurer-board shall include but not be limited to carrying on the correspondence of the board, keeping keep permanent accounts and records of all receipts and disbursements by the board and minutes of all board proceedings, including the disposition of all applications for licenses, and keeping keep a register of all persons currently licensed by the board. The secretary-treasurer-board shall, as required by~~

W.S. 9-2-1014, report to the governor and the Wyoming Veterinary Medical Association as to the transactions of the board. In all court actions or proceedings pertaining to this act, a transcript of any record or any part thereof, which is certified to be a true copy by the ~~secretary-treasurer board~~, shall be entitled to admission in evidence.

(j) All board records shall be open to public inspection during regular office hours of the ~~secretary-treasurer board~~; except, information received by the board through inspection and investigations involving the question of licensure shall be confidential and shall not be disclosed except as may be judicially required.

(k) All money shall be received and collected as provided by law. The state treasurer shall credit the money to a separate account. All expenses of the board and all expenses incurred in connection with the administration of this act shall be paid from the account by requisition signed by ~~the secretary-treasurer of a person designated by~~ the board in a manner provided by law for payment of other state expenses. The account shall be a continuing account and shall not be subject to reversion to the state's general fund.

**33-30-206. Application for license; fee; determination of qualifications.**

(b) If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under W.S. 33-30-208, the board may forthwith grant him a license. If an applicant is found not qualified to take the examination or does not qualify for a license without examination, the ~~secretary-treasurer of the board~~ shall immediately notify the applicant in writing of such finding and the grounds therefor. A licensee whose license is revoked or an applicant found unqualified shall be afforded an opportunity for a hearing to be conducted in accordance with the Wyoming Administrative Procedure Act. Any applicant who is found not qualified shall be allowed the return of his application fee.

**33-30-207. Examinations generally.**

(c) After each examination the ~~secretary-treasurer board~~ shall notify each examinee of the result of his examination, and the board shall issue licenses to the persons successfully completing the examination. The ~~secretary-treasurer board~~ shall record the new licenses and issue certificates of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

**33-30-211. Expiration and renewal of licenses; fees; veterinarians on active duty with armed services; duplicate licenses; continuing education.**

(a) All licenses shall expire annually on December 31 of each year and shall be renewed by registration with the board and payment of the registration



renewal fee established and published by the board. On December 1 of each year, the ~~secretary-treasurer-board~~ shall mail a notice to each licensed veterinarian that his license will expire on December 31 and provide him with a form for reregistration. The ~~secretary-treasurer-board~~ shall issue annual certificates of registration to all persons registering under this act.

(b) Any person who shall practice veterinary medicine after the expiration of his license and wilfully or by neglect fail to renew such license shall be practicing in violation of this act, ~~provided that, The board may, by rule establish a grace period for license renewal not to exceed sixty (60) days and establish a late fee for license renewal which shall not exceed the annual renewal fee.~~ At the discretion of the board, any person not practicing in the state may renew an expired license within five (5) years of the date of its expiration by making written application for renewal and paying the current renewal fee plus a late fee and all delinquent renewal fees. After five (5) years have elapsed since the date of the expiration, a license may not be renewed, but the holder must make application for a new license.

(e) The renewal under subsection (a) of this section shall be accompanied by evidence satisfactory to the board of compliance with this chapter and completion of continuing education activities as established by rules and regulations of the board.

### **33-30-214. Penalty for violation; injunction.**

(a) ~~Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be violates W.S. 33-30-101 through 33-30-215 is guilty of a misdemeanor and upon conviction for a first offense shall be fined not more than one hundred dollars (\$100.00), or imprisoned for no more than ninety (90) days punishable by a fine of not more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than six (6) months, or both, fined and imprisoned; provided that Each act of such unlawful practice shall constitute a distinct and separate offense.~~

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

Approved March 2, 2011.

## **Chapter 98**

### **ANIMAL REMEDIES**

Original Senate File No. 65

AN ACT relating to livestock; repealing existing livestock remedy provisions and creating animal remedy provisions; providing definitions; providing exemptions; providing for powers and duties of the director of the department of agriculture; providing for registration and

fees; providing for audits; providing requirements for packaging and labeling; providing for inspections and sampling; providing for rulemaking; providing for notice and seizure; providing for penalties; and providing for an effective date.

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

**Section 1.** W.S. 11-17-201 through 11-17-209 are created to read:

ARTICLE 2  
ANIMAL REMEDIES

**11-17-201. Short title.**

This article is known and may be cited as the “Wyoming Animal Remedies Act.”

**11-17-202. Definitions; exemptions.**

(a) As used in this article:

(i) “Advertisement” means any representation, other than on the label, disseminated in any manner or by any means, relating to animal remedies as defined in this article;

(ii) “Animal” means any animate being, which is not human, endowed with the power of voluntary action;

(iii) “Animal remedy” means any drug, combination of drugs, proprietary medicine, biological product and combinations of drugs and other ingredients, other than for food or cosmetic purposes, which is prepared or compounded for animal use, except as exempted by the director;

(iv) “Antimicrobial resistance” means the result of microbes changing in ways that reduce or eliminate the effectiveness of drugs, chemicals or other agents intended to cure or prevent infections;

(v) “Brand name” means any word, name, symbol or device, or any combination thereof, identifying the animal remedy of a distributor or registrant and distinguishing it from that of others;

(vi) “Department” means the Wyoming department of agriculture;

(vii) “Director” means the director of the Wyoming department of agriculture;

(viii) “Distribute” means to offer for sale, sell, exchange or barter any animal remedy;

(ix) "Distributor" means any person who distributes animal remedies;

(x) "Dosage form" means an animal remedy prepared in tablets, pills, capsules, ampules, boluses or other units suitable for administration as an animal remedy;

(xi) "Drug" means an animal remedy:

(A) Recognized in the official United States pharmacopoeia, the official United States homeopathic pharmacopoeia, the official national formulary, or any supplement to any of these publications;

(B) Recognized by the United States food and drug administration;

(C) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals;

(D) Prepared for external or internal use in the mitigation of parasites in or on animals;

(E) Intended to affect the structure or any function of the body of animals;

(F) Intended for use as a component of any combined animal remedy specified in subparagraphs (A) through (E) of this paragraph.

(xii) "Drug" does not include a device or its components, parts or accessories;

(xiii) "Label" means a display of written, printed or graphic matter upon or affixed to the immediate container of any animal remedy;

(xiv) "Labeling" means any label and other written, printed or graphic matter upon an animal remedy and any of its containers or wrappers accompanying the animal remedy. "Labeling" also includes any advertisement or brochure promoting the animal remedy including but not limited to television, internet, other electronic medium or pamphlets;

(xv) "Medicated feed" means commercial or custom feed which contains drug ingredients intended for the cure, mitigation, treatment or prevention of diseases of animals or which contains drug ingredients intended to affect the structure or any function of the body of animals;

(xvi) "Official sample" means any sample of an animal remedy taken by and designated as official by the director or his agent;

(xvii) "Product name" means the name of the animal remedy which

identifies it as to kind, class or specific use;

(xviii) "Registrant" means the person who registers animal remedies under the provisions of this article. The registrant may also be the distributor;

(xix) "This act" means W.S. 11-17-201 through 11-17-209.

(b) Nothing in this article shall apply to:

(i) A medicated feed;

(ii) A product registered with the department and recognized as a pesticide;

(iii) Any animal remedy intended solely for investigational, experimental or laboratory use by qualified persons, provided the animal remedy is plainly labeled "for investigational use only";

(iv) Any person licensed to practice veterinary medicine in Wyoming, when acting within the scope of that license.

**11-17-203. Powers and duties of the director; promulgation of rules; interagency cooperation.**

(a) The director shall enforce the provisions of this article and may prescribe the form of tags, stamps or labels to be used to show that the registration has been properly filed.

(b) The director may refuse to register any application not in compliance with this article and may cancel any registration subsequently found not to be in compliance with the law. No registration shall be refused or cancelled until the registrant has been given an opportunity to be heard before the director and to amend his application in order to bring the application into compliance.

(c) The director may sample any animal remedy as he deems necessary.

(d) The director shall conduct any investigation he deems necessary to enforce this article.

(e) The director may refuse the registration of any animal remedy if available facts indicate that the product proposed is of negligible or no value for correcting, alleviating or mitigating animal injuries or diseases for which it is intended, or the director may suspend or revoke any use for flagrant violation of this article.

(f) The director may determine whether a manufacturer or distributor

shall be registered under the commercial feed or an animal remedy law.

(g) The director shall cause animal remedies, which are found or believed not to comply with this article to be withheld from sale pending compliance with this article.

(h) Whenever the director or his authorized agent finds or has reasonable cause to believe an animal remedy is adulterated or misbranded under any provision of W.S. 11-17-207(d), he shall affix to the animal remedy a tag or other appropriate marking, giving notice that the animal remedy is, or is suspected of being, adulterated or misbranded and has been detained and warning all persons not to dispose of the animal remedy in any manner until permission is given by the director or the court. Any animal remedy suspected of being adulterated or misbranded may be removed from display by the manufacturer or vendor, but shall be left on the premises. No person shall dispose of a detained animal remedy in violation of this section.

(j) If an animal remedy detained pursuant to subsection (g) or (h) of this section is found, after examination and analysis, to be adulterated or misbranded, the director may petition the judge of any court of competent jurisdiction in whose jurisdiction the animal remedy is detained for an order to condemn the animal remedy. If the director finds that the detained animal remedy is not adulterated or misbranded he shall remove the tag or marking.

(k) The director may promulgate rules and regulations for animal remedies necessary for the efficient enforcement of this article. Procedures for promulgation shall be those outlined in the Wyoming Administrative Procedure Act.

(m) The director may cooperate with and enter into agreements with other Wyoming agencies including the state veterinarian, other states and agencies of the federal government in order to carry out the purpose and provisions of this article.

#### **11-17-204. Registration; fees; audit.**

(a) Any manufacturer of animal remedies, except the United States department of agriculture, shall register each product before distribution in Wyoming. The application for registration shall be submitted on forms furnished by the director and shall be accompanied by a label or other printed matter describing the product. Upon approval by the director or his agent, a copy of the registration shall be furnished to the applicant. All registrations are effective from the date of approval and expire on December 31 each year.

(b) Every registrant of animal remedies shall pay a registration fee of twenty dollars (\$20.00) per product.

(c) An applicant may appeal the denial of a registration in accordance with the Wyoming Administrative Procedure Act.

(d) The department may conduct a product compliance audit to assure compliance of this article. The audit shall consist of label and registration reviews. A registrant may appeal any negative audit in accordance with the Wyoming Administrative Procedure Act.

**11-17-205. Labeling.**

(a) Any animal remedy distributed in Wyoming shall be accompanied by a legible label bearing the following information:

(i) The name and principal address of the manufacturer or person responsible for placing the animal remedy on the market;

(ii) The name, brand or trade-mark under which the animal remedy is sold;

(iii) An accurate statement of the minimum net contents of the package, lot or parcel, the contents stated by weight in the case of solids, by volume in the case of liquids, and by both count and weight or volume per dose in the case of dosage forms;

(iv) The common or usual name and quantity of each active ingredient;

(v) Adequate directions for use;

(vi) Adequate warnings against use in conditions, whether pathological or normal, where its use may be dangerous to the health of animals, or against unsafe dosage, methods or duration of methods, administration, or application, in such manner and form, as are necessary for the protection of animals.

(b) Any word, statement or other information appearing on the label shall also appear on the outside container or wrapper, if any, of the retail package of the animal remedy or shall be easily legible through the outside container or wrapper of the animal remedy.

**11-17-206. Professional supervision required for preparation and packaging of remedies.**

(a) No person shall compound, manufacture, make, produce, pack, package or prepare within Wyoming any animal remedy to be offered for sale or distribution unless the compounding, manufacture, making, producing, packaging, packing or preparing is done with adequate equipment under

the supervision of a licensed veterinarian, a graduate chemist, a licensed pharmacist, a licensed physician or some other person as may be approved by the director after an investigation and a determination by the director that he is qualified by scientific or technical training or by experience to perform the duties of supervision as may be necessary to protect animal health and public safety.

(b) No person shall make a claim that an animal remedy is antimicrobial resistant without verification and support documentation of the American Veterinary Medical Association.

**11-17-207. Right of access to establishments and information relating to manufacturing; sampling and analysis.**

(a) The director or his agent shall have access during normal business hours to any establishment or facility in which an animal remedy is manufactured, transported or held for distribution and to information relating to the manufacture, transportation and distribution of the animal remedy for purposes of sampling and inspection.

(b) Any method of sampling and analysis shall be as approved by the director from current established methods. In any case not covered by an approved method, or in any case where methods are available in which improved applicability has been demonstrated, the director may approve the appropriate methods from other sources. The director, in determining whether an animal remedy is deficient in any component, shall be guided solely by the official sample analyzed in accordance with approved methods. For purposes of this article, the results of official analysis shall be final, unless it is determined by the director that a resample is warranted. If a distributor or registrant requests a resample of an animal remedy based upon the director's findings of a deficiency, all costs associated with the resampling and analysis shall be borne by the distributor or registrant. If the results of the resampling establish the result of the first analysis was invalid, the department shall bear the costs associated with the resampling. Any requests for a resample to the director shall be made in writing.

(c) The director shall make or cause to be made under his direction, analysis and examinations of samples of animal remedies furnished to him by the director to determine whether the animal remedy sampled conforms with this article and shall certify the results of the examinations to the director.

(d) When the inspection and analysis of an official sample indicates an animal remedy has been adulterated or misbranded, the results of analysis shall be forwarded by the director to the distributor and the purchaser.

(e) Any animal remedy that is manufactured and distributed under registration from and under the supervision of the United States department

of agriculture, and in compliance with the regulations of that department shall not be considered adulterated or misbranded.

(f) An animal remedy shall be deemed to be misbranded under the following circumstances:

(i) It is not properly labeled;

(ii) It is not labeled as required in W.S. 11-17-205 and in regulations promulgated under this article;

(iii) If the label is false or misleading;

(iv) If the information required on the label is not conspicuous and clear and if any word, statement or other information required to appear on the label is not prominently placed conspicuously on the label, as compared with other words, statements, designs or devices in the labeling and in such terms, as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(v) It is distributed under the name of another animal remedy;

(vi) If the recommended dosage is dangerous to the health of animals when used in the dosage or with the frequency or duration prescribed, recommended or suggested in the labeling of the animal remedy.

(g) An animal remedy shall be deemed to be adulterated if:

(i) It consists in whole or in part of any filthy, putrid or decomposed substance;

(ii) It bears or contains any poisonous or deleterious substance which may render it injurious to health under customary or usual use;

(iii) Its container is composed of any injurious or deleterious substance which may render the animal remedy injurious to health;

(iv) It was prepared, packed or held under unsanitary conditions where the animal remedy may have become contaminated with filth or where the animal remedy may have been rendered injurious to animal health;

(v) Its composition, purity, strength or quality falls below or differs from that which it is purported or is represented to possess by its labeling. The director shall allow a reasonable tolerance from such representation as is in accordance with good manufacturing practices.

(h) No person shall forge, counterfeit, simulate or falsely represent



or without proper authority use, any mark, stamp, tag, label or other identification device required by W.S. 11-17-205.

(j) No person shall alter, mutilate, destroy, obliterate or remove any part of the labeling of any animal remedy if the act results in the animal remedy being misbranded, or do any other act, while the animal remedy is being held for sale, which results in the misbranding of the animal remedy.

(k) All provisions for enforcement of animal remedies found to be short weight shall be administered by the department under W.S. 40-10-117 through 40-10-136 of the Wyoming weights and measures law.

**11-17-208. Warning to distributor; seizure and order of disposition; application for release; hearing.**

(a) When the director or his authorized agent finds that an animal remedy is mislabeled, misbranded or adulterated, or that it does not conform to its label guarantee, he may issue a written statement warning the distributor or registrant that the animal remedy is considered to be in violation of the law. This statement is a warning only to the distributor or registrant that if the animal remedy is distributed further the director may pursue further action. If the distributor, registrant or manufacturer heeds the warning and corrects the violation within the time allowed by the director, no further action shall be taken.

(b) If it appears that any manufacturer, distributor, registrant or any other person responsible for animal remedies has not corrected the reason for the warning in subsection (a) of this section or has violated this article, the director shall cause notice to be given to the manufacturer, distributor, registrant or person that a hearing will be had at a date and place named in the notice. The director or his authorized agent shall hold a hearing in accordance with the Wyoming Administrative Procedure Act. If the manufacturer, distributor, registrant or person fails to appear at the time and place designated in the notice, the director or his authorized agent shall conduct the hearing as though the manufacturer, distributor, registrant or person were present. If it is established by the hearing to the satisfaction of the director that prosecution is warranted the director shall provide to the Wyoming attorney general:

(i) A certification of the facts;

(ii) An official report of the result of the hearing; and

(iii) A copy of the analysis or other examination which bears on the case.

(c) Any lot of an animal remedy not in compliance with requirements of laws or regulations is subject to seizure on complaint of the director to a

court of competent jurisdiction in the county in which the animal remedy is located. If the court finds the animal remedy in violation and orders the condemnation of the animal remedy, it shall be disposed of in any manner consistent with the quality of the animal remedy and the laws of Wyoming. In no instance shall the disposition of the animal remedy be ordered by the court without first giving the manufacturer, distributor or registrant an opportunity to apply to the court for release of the animal remedy or for permission to process or relabel the animal remedy to bring it into compliance with the law.

**11-17-209. Prohibited acts; penalty; additional sanctions.**

(a) It is unlawful for any person to:

(i) Sell or distribute in Wyoming any animal remedy without having attached or furnished such stamps, labels or tags as required by this article;

(ii) Impede, prevent or attempt to prevent the director or his agent in the performance of his lawful duties;

(iii) Sell, offer for sale or distribute in Wyoming any animal remedy without complying with the requirements of this article;

(iv) Sell or distribute in Wyoming any animal remedy when the manufacturer or distributor is not registered with the department as required by this article;

(v) Manufacture, sell, deliver, hold or offer for sale any animal remedy that is adulterated or misbranded;

(vi) Give a guaranty which is false, except a person who relied on a guaranty to the same effect signed by, and containing the name and address of the person from whom he received the animal remedy in good faith;

(vii) Disseminate any advertisement which is false or misleading in any respect, but no person or medium for the dissemination of any advertisement, except the manufacturer, packer, distributor, or seller of the animal remedy to which a false advertisement relates, is subject to the penalties for violations of this article, by reason of the dissemination by him of the false advertisement, unless he refused, on the request of the director to furnish the name and address of the manufacturer, packer, distributor, seller or advertising agency which caused him to disseminate the advertisement;

(viii) Sell or offer to sell any biological product that has not been kept in refrigeration under conditions prescribed by the rules and regulations promulgated and adopted by the director.

(b) Any person violating any provision of W.S. 11-17-201 through 11-17-209 or rules or regulations thereunder is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned in the county jail for not more than one (1) year, or both, for the first offense, and upon conviction for a subsequent offense shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned in the county jail for not more than one (1) year, or both. Any offense committed more than three (3) years after a previous conviction shall be considered a first offense.

(c) In addition to the penalty provided in subsection (b) of this section, the distribution of any animal remedy mixed or adulterated with any substance injurious to animals is subject to seizure and condemnation as the court may direct. The court may in its discretion release the animal remedy seized when the requirements of law have been complied with, and upon payment of all costs and expenses incurred by the state in any proceedings connected with the seizure.

**Section 2.** W.S. 11-17-101 through 11-17-108 are repealed.

**Section 3.** This act shall be effective July 1, 2011.

Approved March 2, 2011.

## Chapter 99

### AGRICULTURAL GAS TAX REFUND PROGRAM

Original House Bill No. 153

AN ACT relating to fuel tax; providing for a gasoline tax refund for certain gasoline purchased and used for agricultural purposes as specified; providing procedures; amending related provisions; repealing conflicting provision; and providing for an effective date.

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

**Section 1.** W.S. 39-17-101(a)(i), 39-17-107(a)(iv)(C) and 39-17-109(c)(iv) and by creating a new paragraph (vi) are amended to read:

#### **39-17-101. Definitions.**

(a) As used in this article:

(i) "Agricultural purposes" means the cultivation of soil, raising or harvesting any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, grazing, training and management of livestock, bees, poultry, furbearing animals and wildlife for gain, sale

or profit, but excluding a custom operation; ~~No person shall be granted an agricultural credit under W.S. 39-17-105(c) unless that person had gross revenues from agricultural products including the furnishing of pasture, forage, care or management of livestock averaging not less than ten thousand dollars (\$10,000.00) during the preceding two (2) calendar years;~~

**39-17-107. Compliance; collection procedures.**

(a) Returns and reports. The following shall apply:

(iv) On or before the last day of each month:

(C) Each distributor or importer shall submit a statement to the department in a format required by the department ~~which may include the amount of bulk delivery tax credits granted under W.S. 39-17-105(c)~~ for the preceding calendar month for the purpose of obtaining a refund from the department for taxes paid pursuant to this section.

**39-17-109. Taxpayer remedies.**

(c) Refunds. The following shall apply:

(iv) On or before the last day of each month every distributor shall submit a statement to the department on forms furnished by or in a format required by the department ~~which may include the amount of bulk delivery tax credits granted under W.S. 39-17-105(c)~~ for the preceding calendar month for the purpose of obtaining a refund from the department for taxes paid pursuant to W.S. 39-17-107(a)(i);

(vi) Gasoline purchased for agricultural purposes as defined in W.S. 39-17-101(a)(i) is qualified for a refund of the license tax imposed under W.S. 39-17-104(a)(i) and (ii) as declared by the applicant. Any person claiming a refund of the agricultural gas tax for which the license tax has been paid shall submit a record of purchases and shall specify the percentage of such purchases qualifying for the refund on a form provided by or in a format required by the department, along with receipts detailing the bulk gallons purchased and license taxes paid. The department shall establish by rule a form or the format for applying for the refund under this subsection. The refund form and receipts shall be invalid if not submitted to the department within one (1) year following the date of purchase. Not to exceed sixty (60) days following submission of the information required by this paragraph, the department shall issue a refund of the qualified gasoline license tax.

**Section 2.** W.S. 39-17-105(c) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 100

### PROTECTION OF LIVESTOCK ANIMALS

Original Senate File No. 10

AN ACT relating to livestock animals; limiting certain animal protection provisions to livestock animals; providing for the protection of livestock animals; adding a definition; providing exceptions; providing an increased penalty for repeat offenses; repealing the authority of any person to furnish food and water to impounded animals deprived of the same; and providing for an effective date.

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

**Section 1.** W.S. 11-29-115 is created to read:

**11-29-115. Use of agricultural and livestock management practices.**

(a) Nothing in this chapter prohibits:

(i) The use of Wyoming industry accepted agricultural or livestock management practices or any other commonly practiced animal husbandry procedure used on livestock animals, as defined by W.S. 11-29-101(a)(vi);

(ii) A Wyoming licensed veterinarian from treating a livestock animal as authorized by the Wyoming Veterinary Medical Practice Act;

(iii) Any rodeo event employing animal care practices generally accepted within the rodeo industry, whether the event is performed in a rodeo, jackpot or similar arena;

(iv) A person from humanely destroying a livestock animal.

**Section 2.** W.S. 11-29-101(a)(iii) and by creating a new paragraph (vi) and by amending and renumbering (vi) as (vii), 11-29-103, 11-29-106, 11-29-108 through 11-29-111 and 11-29-114(a), (b)(i), (ii) and (c) through (e) are amended to read:

## CHAPTER 29

### PROTECTION OF LIVESTOCK ANIMALS

**11-29-101. Definitions.**

(a) As used in this act:

(iii) “Torture,” ~~“torment”~~ or “cruelty” means every act, omission or neglect whereby the willful and malicious infliction of pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief;

(vi) "Livestock animal" means:

(A) Any bovine, including domestic bison, equine, swine, sheep, goat, domesticated camelid animal, ratite bird, rabbit or poultry; or

(B) Any animal used or harvested for any good and proper purpose including but not limited to food, fiber, fur, leather, medical research and byproducts; or

(C) Any animal used or trained for work, sport, exhibit or entertainment.

(vi)(vii) "This act" means W.S. 11-29-101 through ~~11-29-113~~ 11-29-115.

**11-29-103. Livestock animals to be fed while confined; ownership; penalties.**

(a) Every person who ~~impounds~~ ~~confines~~ or causes to be ~~impounded~~ ~~confined~~ any livestock animal ~~in any pound or corral~~, under the laws of this state, shall supply to the livestock animal during confinement a sufficient quantity of wholesome food and water.

(b) A livestock animal is the private property of its owner.

~~(b)(c) Any person convicted of violating A violation of this section shall be imprisoned not exceeding is a misdemeanor punishable by imprisonment for not more than six (6) months, or fined a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) seven hundred fifty dollars (\$750.00), or both except that a subsequent offense is a high misdemeanor punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.~~

**11-29-106. Livestock board; authority to prevent cruelty; penalty for interference with officer.**

Any peace officer, agent or officer of the board may lawfully interfere to prevent the perpetration of any act of cruelty upon any livestock animal in his presence. Any person who interferes with, obstructs or resists any peace officer or officer or agent of the board in the discharge of his duty shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand five hundred dollars (\$1,500.00), or imprisoned not more than one (1) year, or both.

**11-29-108. Livestock board; seized livestock animals and vehicles; lien on seized chattels; civil action for unpaid expenses.**

When any person arrested under this act is in charge of any vehicle drawn

by or containing any livestock animal cruelly treated as defined in W.S. 6-3-203 at the time of arrest, any peace officer, agent or officer of the board may take charge of the livestock animal and vehicle and its contents, and give notice thereof to the owner, if known, and shall provide for them until their owner takes possession of them. The board or local government shall have a lien on the livestock animals, the vehicle and its contents for the expense of the care and provision. The expense or any part remaining unpaid may be recovered by the board or local government in a civil action.

**11-29-109. Livestock board; care of abandoned livestock animals; civil action for expenses; lien.**

Any peace officer, agent or officer of the board may take charge of any livestock animal found abandoned, neglected or cruelly treated as defined in W.S. 6-3-203. He shall give notice to the owner, if known, and may care and provide for the livestock animal until the owner takes charge of the livestock animal is released or destroyed. The expenses of care and provision is a charge against the owner of the livestock animal and collectible from the owner by the board or by the local government employing the peace officer taking charge of the livestock animal in a civil action. The board or local government may detain the livestock animals until the expense for food, shelter and care is paid and shall have a lien upon the livestock animals therefor. This lien shall be filed as provided pursuant to W.S. 29-7-101 through 29-7-106.

**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 disposing of the livestock 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 disposal, at least five (5) days previous thereto, and by posting three (3) notices of the time and place of the 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 disposal.

**11-29-111. Livestock board; destruction of diseased or injured livestock animals.**

Any peace officer, agent or officer of the board may destroy or cause to be destroyed any livestock animal in his charge when in his judgment and by the written certificate of two (2) reputable citizens called to view the animal in his presence, one (1) of whom may be selected by the owner of the animal if he so requests the judgment of a Wyoming licensed veterinarian or the judgment of the livestock animal owner, the livestock animal appears to be severely injured, severely disabled, diseased past recovery or unfit for any useful purpose. There shall be no right for any future indemnity or payment to the owner for the destruction of any livestock animal destroyed and the peace officer, agent or officer of the board shall be held harmless while acting in accordance with this section.

**11-29-114. Impoundment of livestock animals; cost of care for livestock animals; providing for bond.**

(a) Any peace officer, agent or officer of the board may take possession of any livestock animal treated cruelly as determined by a Wyoming licensed veterinarian or veterinarian employed by the board.

(b) The owner of the livestock animal impounded under subsection (a) of this section, and who has been cited under W.S. 6-3-203, shall be required to post a bond with the circuit court in the county where the livestock animal was impounded. The bond shall be:

(i) In an amount the circuit court determines is sufficient to provide for the livestock animal's board, nutritional care, veterinary care and diagnostic testing for at least ninety (90) days including the day on which the livestock animal was impounded; and

(ii) Filed with the circuit court within ten (10) days after the livestock animal is impounded.

(c) When the bond expires, if the owner of the livestock animal desires to prevent disposition of the livestock animal by the board, the owner shall post a new bond with the court as described in subsection (b) of this section.

(d) If a bond is not posted under subsection (b) or (c) of this section, the board shall ~~determine final disposition~~ dispose of the livestock animal ~~in accordance with reasonable practices for the humane treatment of animals as defined in W.S. 11-24-101(a)(iv)~~. The owner of the livestock animal shall be liable for all costs associated with the final disposition of the livestock animal under this subsection.

(e) If a bond has been posted in accordance with subsection (b) or (c) of this section, the agency employing the officer, or the board, may draw from the bond the actual costs as described in subsection (b) of this section, from the date of initial impoundment to the date of final disposition of the livestock animal.

**Section 3.** W.S. 11-29-101(a)(i), 11-29-104 and 11-29-113 are repealed.

**Section 4.** This act is effective July 1, 2011.

Approved March 2, 2011.



**Chapter 101****SUBDIVISIONS-WATER STUDY**

Original House Bill No. 63

AN ACT relating to subdivisions; providing for submission of report of study results involving water rights and plans for resolution of water rights conflicts as specified; and providing for an effective date.

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

**Section 1.** W.S. 18-5-306(a)(vi)(intro), (B)(III), (IV), (C)(IV) and (V) is amended to read:

**18-5-306. Minimum requirements for subdivision permits.**

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section and may exempt from paragraph (xii) of this subsection the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(vi) A study evaluating the water supply system proposed for the subdivision and the adequacy and safety of the system. The study results shall, at a minimum, include the following:

(B) For all water supply systems except individual on-lot wells, a report submitted by the subdivider demonstrating the adequacy and safety of the proposed water supply system. The report shall address, at a minimum, the following issues:

(III) List of all surface and groundwater rights which will be used or which may will likely be affected, including state engineer application and permit numbers and description of expected effects identified by the study;

(IV) Plans for the mitigation of water right conflicts resulting which will likely result from the use of water within the proposed subdivision, as identified by the study, unless such conflicts are deemed not to exist to the satisfaction of the board;

(C) Where individual on-lot wells are proposed as the water supply system, a report submitted by the subdivider demonstrating the safety and adequacy of the water supply system shall address, at a minimum, the following:

(IV) List of all surface and groundwater rights which will be used or which may will likely be affected, including state engineer application

and permit numbers, and description of expected effects identified by the study; and

(V) Plans for the mitigation of water right conflicts ~~resulting which will likely result~~ from the use of water within the proposed subdivision, as identified by the study, unless such conflicts are deemed not to exist to the satisfaction of the board.

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

Approved March 2, 2011.

## Chapter 102

### SUBDIVISION-PERIMETER PARTITION FENCING

Original Senate File No. 55

AN ACT relating to subdivisions; requiring subdivision perimeter partition fences as specified; providing for no liability of livestock owners for damages occurring on subdivided land; and providing for an effective date.

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

**Section 1.** W.S. 11-28-106 is amended to read:

**11-28-106. Construction and maintenance of partition fences.**

(a) Except as otherwise provided, the owner of any lawful fence which is or becomes a partition fence separating the owner's land from that belonging to some other person may require the person to pay for one-half (1/2) of what it would or does actually cost to construct the partition fence. In case of refusal, the owner may maintain a civil action against the person refusing and is entitled to recover one-half (1/2) of what it would or did actually cost to construct that portion of the partition fence used by the person and costs of suit. The joint users of a partition fence shall contribute to the cost of maintenance in proportion to their respective interests and if either refuses to pay his share of the cost of maintenance, the other may recover maintenance costs in the manner provided for recovering the cost of construction.

(b) For subdivisions as defined in W.S. 18-5-302(a)(vii), the subdivider shall be responsible for the construction of a perimeter partition fence on any part of the subdivision adjacent to lands upon which livestock can be legally run at large. The costs of the perimeter partition fence shall be paid for by the parties in accordance with subsection (a) of this section. The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land.

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

Approved March 2, 2011.

## Chapter 103

### INSURANCE-SURPLUS LINES

Original House Bill No. 242

AN ACT relating to insurance; providing for interstate cooperation in regulation of surplus lines; providing for computation of tax on surplus lines; providing definitions; repealing inconsistent provisions; and providing for an effective date.

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

**Section 1.** W.S. 26-11-123 is created to read:

#### **26-11-123. Interstate insurance regulatory cooperation.**

To carry out the purposes of the Nonadmitted and Reinsurance Reform Act of 2010, 15 U.S.C. 8201 et seq., the commissioner may participate in a nonadmitted insurance multistate agreement or compact for the purposes of collecting, allocating and disbursing premium taxes attributable to the placement of nonadmitted insurance, providing for uniform methods of allocation and reporting among nonadmitted insurance risk classifications, sharing information among states relating to nonadmitted insurance premium taxes and providing for the determination of recommended uniform eligibility standards for nonadmitted insurers.

**Section 2.** W.S. 26-11-103(a), 26-11-112 by creating a new subsection (e) and 26-11-118 by creating new subsections (c) through (g) are amended to read:

#### **26-11-103. Definitions.**

(a) As used in this chapter:

(i) "Admitted insurer" means an insurer licensed to engage in the business of insurance in this state;

~~(i)~~(ii) "Broker" means a surplus line broker licensed as such under this chapter;

~~(ii)~~(iii) "Export" means to place in an unauthorized insurer under this surplus line law insurance covering a subject of insurance resident, located or to be performed in Wyoming;

(iv) “Home state” means as follows:

(A) Except as provided in subparagraph (B) of this paragraph, “home state” means, with respect to an insured:

(I) The state in which an insured maintains its principal place of business or, in the case of an individual, the individual’s principal residence;  
or

(II) If one hundred percent (100%) of the insured risk is located out of the state referred to in subdivision (I) of this subparagraph, the state to which the greatest percentage of the insured’s taxable premium for that insurance contract is allocated.

(B) If more than one (1) insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term “home state” means the home state, as determined pursuant to subparagraph (A) of this paragraph, of the member of the affiliated group that has the largest percentage of premium attributed to it under the insurance contract.

(v) “Nonadmitted insurance” means any property and casualty insurance not licensed to do the business of insurance in this state;

(vi) “Reciprocal state” means a state that has:

(A) Entered into a nonadmitted insurance compact; or

(B) Otherwise adopted the allocation schedule and reporting forms prescribed by a multistate agreement for nonadmitted insurance.

~~(iii)~~(vii) “Recognized financial institution” means an institution that is organized or licensed under the laws of the United States or any state and is insured by the federal deposit insurance corporation.

**26-11-112. Surplus line broker’s license; authority for issuance; application; fee; applicable law.**

(e) For insureds whose home state is Wyoming, a person shall not procure a contract of surplus lines insurance for the insured with a nonadmitted insurer unless the person possesses a current surplus lines insurance license issued by the commissioner.

**26-11-118. Tax on surplus lines.**

(c) In addition to the full amount of gross premiums charged by the insurer for the insurance, every surplus lines producer shall collect and pay to the commissioner a sum equal to three percent (3%) of the gross premiums charged, assessments, membership fees, subscriber fees, policy fees and service fees less any return premiums, for surplus lines insurance provided by the surplus lines producer. Where the insurance covers

properties, risks or exposures located or to be performed both in and out of Wyoming, the sum payable shall be computed based on:

(i) An amount equal to three percent (3%) on that portion of the gross premiums allocated to this state; plus

(ii) An amount equal to the portion of the premiums allocated to other states or territories on the basis of the tax rates and fees applicable to other properties, risks or exposures located or to be performed outside of Wyoming; less

(iii) The amount of gross premiums allocated to this state and returned to the insured.

(d) The tax on any portion of the premium unearned at termination of insurance having been credited by the state to the surplus lines producer shall be returned to the policyholder directly by the surplus lines producer. The surplus lines producer is prohibited from rebating, for any reason, any part of the tax.

(e) Annually, on or before March 1, each surplus lines broker shall pay the premium tax due for the policies written during the preceding calendar year as shown by his annual statement filed with the commissioner unless more frequent reporting and payment is required by participation in a multistate compact, reciprocal agreement or clearinghouse pursuant to subsection (g) of this section.

(f) If a surplus lines policy procured through a surplus lines producer covers properties, risks or exposures only partially located or to be performed in Wyoming, the tax due shall be computed on the portions of the premiums which are attributable to the properties, risks or exposures located or to be performed in this state. In determining the amount of premiums taxable in Wyoming, all premiums written, procured or received in Wyoming shall be considered written on properties, risks or exposures located or to be performed in Wyoming, except premiums which are properly allocated or apportioned and reported as taxable premiums of a reciprocal state.

(g) The commissioner may participate in a multistate compact, reciprocal agreement or clearinghouse with other states for the purpose of collecting, allocating and disbursing any funds collected pursuant to subsection (c) of this section. To the extent that other states where portions of the properties, risks or exposures reside have failed to enter into a compact or reciprocal allocation procedure with Wyoming, the net premium tax collected shall be retained by this state.

**Section 3.** W.S. 26-11-118(a) and (b) is repealed.

**Section 4.** This act is effective July 1, 2011.

Approved March 2, 2011.

**Chapter 104****REAL ESTATE BROKERS AND SALESMEN REVISIONS-2**

Original Senate File No. 119

AN ACT relating to real estate brokers and salesmen; making general revisions throughout the Real Estate License Act; amending and repealing provisions as required; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 33-28-101, 33-28-102 by creating a new subsection (b), 33-28-103(a)(iii) through (vi), 33-28-104, 33-28-105(a), (c)(intro), (v), (e) through (g) and by creating a new subsection (h), 33-28-106(a), (b), (c)(intro), (ii), (iii), (d), (e)(intro), (i), (iii), (vi), (vii), (viii)(intro), (f) (intro) by creating new paragraphs (viii) through (xvii), (g)(intro), (i), (k) and by creating new subsections (n) and (o), 33-28-107(b), 33-28-108, 33-28-109(a) through (c), 33-28-110(a), (b)(intro), (i), (iii), (iv), (d) and (f), 33-28-111(a)(intro), (v), (vi)(intro), (A), (ix),(xiii) through (xx), (xxiii), (xxv) through (xvii), (xxix)(intro) and (A), 33-28-112(b), 33-28-114, 33-28-115, 33-28-117, 33-28-118(a) through (e), 33-28-119(a), (c) through (g) and by creating new subsections (h) and (j), 33-28-121, 33-28-122, 33-28-123, 33-28-201(b), 33-28-202(a), (c) and (d)(intro), 33-28-204, 33-28-302(a), (b), (c), (e), (f), (h)(intro), (i), (iii)(intro), (j), (k), (n), (p) and (q), 33-28-303(f) and (g), 33-28-305(b)(ii)(J), 33-28-306(a)(intro), (i) and (iv) and 33-28-308(a), (c), (d), (f) and (h) are amended to read:

**33-28-101. Short title; license required.**

This act shall be known and may be cited as the “Real Estate License Act.” ~~of 1971”. From and after the effective date of this act~~ It is unlawful for any person to engage in or conduct, directly or indirectly, or to advertise or hold himself out as engaging in ~~or conducting the business, real estate activity~~ or acting in the capacity of a ~~real estate broker, associate broker or a real estate salesman~~ licensee within this state without first obtaining a license as a ~~broker, associate broker or salesman,~~ as provided in this act.

**33-28-102. Definitions.****(b) As used in this act:**

(i) “Active license” means a real estate license that has not been inactivated, suspended or revoked;

(ii) “Advance fee” means a fee claimed, charged or received for a listing, advertisement or offer to sell or lease real estate issued primarily for promoting the sale or lease of real estate;

(iii) “Aggregate limit” means a provision in an insurance contract limiting the maximum liability of an insurer for a series of losses in a given

time period, such as the policy term;

(iv) "Associate broker" means an individual who has qualified as a broker under this act, is licensed under a responsible broker and does not have supervisory responsibilities;

(v) "Auction," when used as a noun, means a method of sale at a predetermined date and time, by means of one (1) or more exchanges between an auctioneer and prospective purchasers either in person verbally or physically, or by regular mail, telecommunications, the internet or an electronic transmission, the exchanges consisting of one (1) or more offers to sell made by the auctioneer and offers to purchase made by prospective purchasers, with the right to acceptance of offers to purchase residing with the auctioneer. "Auction" includes a sale of real estate in which there has been a solicitation or invitation by advertisement to the public in advance for bidding using sealed bids, provided that the bids are opened and there is a call for an advancement of the bids. "Auction" when used as a verb, means any act or conduct done for compensation or the expectation thereof and designed, intended or expected to affect the bidding or results of a real estate auction, including, but not limited to, serving as an auctioneer or ringman or encouraging, soliciting or receiving bids;

(vi) "Branch office" means any office of a responsible broker other than his principal place of business;

(vii) "Broker" means any person licensed under this act including associate brokers and responsible brokers. "Broker" does not include a salesman;

(viii) "Buyer" means a person attempting to acquire real estate and includes a tenant as that term is commonly used in the rental, leasing or management of real estate;

(ix) "Buyer's agent" means a licensee who is authorized to represent and act on behalf of the buyer in a real estate transaction;

(x) "Commission" means the Wyoming real estate commission;

(xi) "Compensation" means any money, item of value or payment which is provided, promised or expected for the performance of any real estate activity;

(xii) "Cooperative transaction" means any real estate transaction in which licensees from more than one (1) real estate company participate, regardless of agency representation;

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

(xiv) "Degree in real estate" means a degree from an accredited degree

granting college or university, including a junior or community college, with a major course of study in real estate. A degree under this section shall at minimum require the successful completion of four (4) core courses of real estate principles and practices, real estate law, real estate appraisal and real estate finance, plus at least two (2) additional real estate related courses. These courses shall total at least eighteen (18) or more semester hours or twenty-seven (27) quarter hours;

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

(xvi) "Distance education course" means a course where instruction takes place when the teacher and the student are not in a traditional classroom setting and are separated by distance or time;

(xvii) "Equivalent coverage" means insurance coverage obtained independently of the group program available through the insurer under contract with the commission and subject to the provisions of this act;

(xviii) "Errors and omissions insurance" means professional liability insurance which provides insurance coverage to active licensees for errors and omissions made during the course of real estate transactions subject to the coverages, limitations and exclusions of the specific policy;

(xix) "Expired license" means a license for which the license period has expired;

(xx) "Extended reporting period" means a designated period of time after a claims-made policy has expired during which a claim may be made and coverage obtained as if the claim was made during the policy period;

(xxi) "Funds holder" means a title company, closing agent or attorney licensed in this state who holds items of value in trust for the parties to a real estate transaction;

(xxii) "Grace period" means January 1 to March 1 of each year during which an expired license may be renewed;

(xxiii) "Group program" means an insurance policy from an insurance provider selected by the commission through the competitive process as specified in this act;

(xxiv) "Inactive license" means a license that has been placed on inactive status at the request of the licensee and is not expired, terminated, suspended or revoked;

(xxv) "Individual coverage" means insurance coverage other than coverage from the group program which meets the requirements of the commission;

(xxvi) "In-house real estate transaction" means a real estate transaction



in which the buyer and the seller have an agency, intermediary or customer relationship with licensees from the same real estate company;

(xxvii) "Interest in a transaction" means any advantage, benefit or profit, other than the agreed upon compensation, which may be realized by a licensee as the result of a purchase, sale or lease of real estate;

(xxviii) "Intermediary" means a licensee who assists one (1) or more parties throughout a contemplated real estate transaction without acting as an agent or advocate for any party to the transaction;

(xxix) "License" means the document issued by the commission certifying that the person named on the document had fulfilled all requirements for licensure under this act;

(xxx) "Licensee" means any person issued a license by the commission;

(xxxi) "Like-license" means a license from another jurisdiction which is at an equivalent level of experience and responsibility as a comparable Wyoming license;

(xxxii) "Material to the transaction" means having importance, relevance or consequence to a person making a decision regarding the purchase, sale or lease of real estate. "Material to the transaction" does not include psychological considerations including, but not limited to, health issues, suicide, murder or crimes which have occurred on the property;

(xxxiii) "Offer" means any inducement, solicitation or attempt to encourage a person to acquire an interest in real estate which is made for gain or profit;

(xxxiv) "Offeree" means a person to whom an offer is made;

(xxxv) "Offeror" means the person making an offer;

(xxxvi) "Office" means a responsible broker's place of business where records are maintained;

(xxxvii) "Option" is a right that an owner may give to another person to purchase or lease the owner's real estate at a specific price;

(xxxviii) "Owner" means a person with a right to convey an ownership or leasehold interest in real estate;

(xxxix) "Person" means individuals, corporations, partnerships, associations or other public or private entities, foreign or domestic;

(xl) "Prior acts coverage" means insurance coverage for any claim made during a current policy period when the act or acts causing the claim or injuries for which the claim is made occurred prior to the inception of the current policy period;

(xli) "Proof of coverage" means a certificate of insurance demonstrating coverage of a policy of insurance equal to or exceeding the group coverage contracted for by the commission;

(xlii) "Property management" means the act of management for compensation of real estate for another, including collection of rents, maintenance of the real estate and accounting of fees received for another;

(xliii) "Qualified insurance carrier" means an insurance carrier that:

(A) For the entire term of its contract shall provide the group plan of errors and omission insurance as provided in this act, maintains an A.M. Best rating of "B" or better and financial size category of class VI or higher;

(B) Is authorized by the Wyoming insurance department to do business in Wyoming as an insurance carrier for the policy term;

(C) Is and will remain qualified and authorized by the Wyoming insurance department to write policies of errors and omissions insurance in Wyoming for the policy term;

(D) After competitive bidding, has been notified by the commission that it is the successful bidder for the group plan to provide the errors and omissions insurance as specified in this act;

(E) Has entered into a contract to provide group errors and omissions plan in conformity with the contract, this act, applicable rules of the commission and other applicable law;

(F) Will collect premiums, maintain records and report names of those insured and a record of claims to the commission on a timely basis.

(xliv) "Real estate" means leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or nonfreehold, and whether the real estate is situated in this state or elsewhere but shall not apply to nor include mineral lands, rights or leases;

(xlv) "Real estate activity" occurs when an individual for another and for compensation:

(A) Sells, exchanges, purchases, rents, manages or leases real estate;

(B) Offers to sell, exchange, purchase, rent, manage or lease real estate;

(C) Negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;

(D) Lists, offers, attempts or agrees to list real estate for sale, lease or exchange;

(E) Auctions, offers, attempts or agrees to auction real estate;

(F) Collects, offers, attempts or agrees to collect rent for the use of real estate;

(G) Advertises or holds himself out as being engaged in the business of buying, selling, exchanging, auctioning, renting or leasing real estate;

(H) Engages in the business of charging an advance fee in connection with any contract undertaken to promote the sale, auction or lease of real estate either through its listing in a publication issued for that purpose or for referral of information concerning the real estate to brokers;

(J) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or improvements thereon;

(K) Assists or directs in the procuring of prospects calculated to result in the sale, exchange, lease or rental of real estate;

(M) Assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, lease or rental of real estate;  
or

(N) Deals in time shares.

(xlv) "Real estate company" means a business entity including a firm, company, corporation, partnership, sole proprietorship or other entity which is licensed to conduct real estate activity;

(xlvii) "Real estate transaction" or "transaction" means any real estate activity under this section;

(xlviii) "Regular employee" means an individual who is employed by an owner of real estate on a salaried basis or paid wages which are not performance based, is subject to income tax withholding and FICA and whose duties are performed in the ordinary course of the owner's business or the management or operation of the owner's investments;

(xlix) "Responsible broker" means an individual who has an active broker's license and who is responsible for the supervision of the activities of licensees associated with the real estate company or a broker who operates a single license office;

(l) "Retroactive date" means the date when the first real estate errors and omissions coverage was effective insuring the named insured on a claims-made basis and since which time the insured has been continuously insured;

(li) "Salesman" means an individual who has qualified as a salesman

under this act and is licensed under a responsible broker;

(lii) "Seller" means a person who is attempting to sell or exchange real estate and includes a landlord as that term is commonly used in the rental, leasing or management of real estate;

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

(liv) "Short term rental" means the rental of real estate for thirty-one (31) days or less;

(lv) "Single-limit liability" means the maximum limit payable, per licensee, for damages arising out of the same error, omission or wrongful act;

(lvi) "Subagent" means a licensee authorized to represent and act on behalf of a real estate company in performing real estate activity for a principal. A subagent shall owe the same obligations and responsibilities to the principal as a responsible broker;

(lvii) "Surrendered license" means a license that has been voluntarily terminated or surrendered by a licensee who, at the time of the voluntary termination or surrender, was under investigation or named in a formal administrative complaint and the surrender has been accepted by the commission;

(lviii) "Suspended license" means a license that has been temporarily suspended by the issuing authority;

(lix) "Time share" means any arrangement, whether by membership agreement, lease, rental agreement, license, use agreement or other means, whereby the purchaser receives a right to use or a freehold interest in accommodations, facilities or other real estate for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one (1) year;

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

(lxi) "Written listing agreement" means any real estate employment agreement, including without limitation a buyer's brokerage agreement, a seller's listing contract and a property management contract. The authority created under a written listing agreement may not be assigned to another person without the written consent of all parties to the agreement;

(lxii) "This act" means W.S. 33-28-101 through 33-28-401.

### **33-28-103. Exemptions.**

(a) The provisions of this act shall not apply to:

(iii) Any individual acting as receiver, trustee in bankruptcy, administrator, executor, or guardian, or while acting under a court order or under the authority of a will or of a trust instrument or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency unless that individual is a licensee;

(iv) Any officer or employee of a federal agency in the conduct of his official duties, unless that individual is a licensee;

(v) Any officer or employee of the state government or any political subdivision thereof performing his official duties, unless that individual is a licensee;

(vi) Any person or employee acting as the resident manager for the owner or an employee acting as the resident manager for a broker managing an apartment building, duplex, apartment complex or court, when the resident manager resides on the premises and is engaged in the leasing of ~~property~~ real estate in connection with his employment, unless that individual is a licensee; or

### **33-28-104. Acts constituting person as licensee.**

Any person who, for another, with the intention or upon the promise of receiving ~~any valuable consideration~~ compensation offers, attempts or agrees to perform, or performs any single act ~~defined in W.S. 33-28-102(a)(iii) of real estate activity~~, whether as a part of a transaction or as the entire transaction shall be deemed to be acting as a ~~broker, associate broker or salesman~~ licensee within the meaning of this act.

### **33-28-105. Creation of commission; membership; terms; removal; chairman; powers and duties; director and duties thereof; other employees; compensation; disposition of fees.**

(a) The Wyoming real estate commission is created to consist of five (5) commissioners, each of whom shall be a citizen of Wyoming, appointed by the governor with the advice and consent of the senate. Not less than three (3) or more than four (4) of the membership shall have been engaged in business as ~~an active salesperson or broker~~ a licensee in Wyoming for at least five (5) years immediately preceding appointment. No more than one (1) commissioner shall be appointed from the same county to serve at the same time. The term of the members of the commission shall be for three (3) years and until their successors are appointed and qualified. Members appointed to fill vacancies shall be appointed in accordance with W.S. 28-12-101, and no member shall be appointed to succeed himself for more than one (1) full term. The governor may remove any commission member as provided in W.S. 9-1-202. The commission at its first meeting held after September 1 of each year shall select a chairman to serve for the following year. The commission has the power to regulate the issuance of licenses, to

revoke or suspend licenses issued under this act, to censure licensees and may do all things necessary and proper to carry out the provisions of this act. The commission may, from time to time, promulgate and amend necessary and reasonable rules and regulations for these purposes. ~~Effective July 1, 1979,~~ Appointments and terms shall be in accordance with W.S. 28-12-101 through 28-12-103.

(c) The commission shall employ a director. The director is subject to the rules and regulations of the human resources division of the department of administration and information. The director's salary shall be paid from the real estate ~~board~~ commission account specified in subsection (g) of this section. The duties of the director shall include the following:

(v) Assist the commission with examinations to be given applicants for real estate ~~broker and salesman~~ licenses, and to conduct the examinations at the direction of the commission;

(e) Each member of the commission shall receive ~~as~~ compensation from the real estate ~~board~~ commission account for each day actually spent on his official duties including per diem and mileage allowance as allowed ~~to~~ for state employees and salary in the amount provided by W.S. 28-5-101(d) for the performance of official duties.

(f) The commission shall adopt a seal, including the words Wyoming Real Estate Commission, Office of the Commission by which the acts of the commission shall be authenticated. Copies of all records and papers in the office of the commission, certified by the signature of the director and the seal of the commission, shall be received in evidence in all cases equally and with like effect as the originals. ~~The presence of three (3) members of the commission shall constitute a quorum. In the absence of the chairman, the member of the commission present who is senior in time of service shall serve as presiding officer. The action of the majority of the members of the commission shall be deemed the action of the commission.~~

(g) All fees collected by the commission shall be deposited in the state treasury. The state treasurer shall deposit the fees to the credit of the real estate ~~board~~ commission account. Disbursements from the account shall not exceed the monies credited to it.

(h) The presence of three (3) members of the commission shall constitute a quorum. In the absence of the chairman, the member of the commission present who is senior in time of service shall serve as the presiding officer. The action of the majority of the members of the commission shall be deemed the action of the commission.

**33-28-106. Application for license; qualifications; sworn statement; commission approval of course of study; statement of broker; denial of license; issuing licenses.**

(a) Any person desiring to act as a ~~real estate broker, associate broker~~

~~or real estate salesman licensee~~ shall file an application for a license with the commission. The application shall be in the form and detail as the commission shall prescribe and the individual applicant shall provide to the commission fingerprints and other information necessary for a criminal history record background check as provided in W.S. 7-19-201(a).

(b) Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a ~~broker, associate broker or salesman licensee~~ in a manner which will safeguard the interests of the public, and only after satisfactory proof of the individual applicant's qualifications has been presented to the commission, ~~including a criminal history record background check as provided in W.S. 7-19-201(a).~~

(c) Each applicant for a responsible broker's license shall:

(ii) Have first served actively for two (2) ~~of the four (4) years immediately preceding the application~~ as a real estate salesman or ~~shall furnish to the commission proof indicating that the applicant holds a degree in real estate from an accredited university or college~~ associate broker; and

(iii) Submit other evidence through the application or otherwise, as the commission deems desirable with due regard to the paramount interests of the public, as to the honesty, truthfulness, integrity and competency of the individual applicant.

(d) Every ~~officer of a corporation member of a real estate company acting as a responsible broker for the corporation and every member of an association or partnership acting as a broker for that association or partnership that real estate company~~ who engages in the any real estate ~~business activity~~ shall obtain a responsible broker's license.

(e) Every applicant for a responsible broker's or associate broker's license shall ~~furnish a sworn statement setting forth state:~~

(i) The name of the ~~person, firm, partnership, association or corporation~~ real estate company with which he will be associated in the business of real estate;

(iii) The period of time, if any, which ~~the applicant~~ he has been engaged in the real estate business;

(vi) ~~A statement that the applicant~~ That he has or has not been refused a real estate license in this or any other state;

(vii) ~~A statement that the applicant's~~ That his real estate license has or has not been revoked in this or any other state;

(viii) Evidence that ~~the applicant~~ he has completed not less than sixty (60) cumulative class hours in a course of study approved by the

commission, given by instructors approved by the commission and has satisfactorily passed an examination covering material taught in each course. ~~The commission shall:~~

~~(f) Each applicant for a salesman's license shall: have reached the age of majority. The application for a salesman's license shall be accompanied by a written statement by the broker in whose service the applicant is about to enter stating:~~

~~(viii) Have reached the age of majority;~~

~~(ix) Submit other evidence as the commission deems desirable with due regard to the paramount interests of the public as to the honesty, truthfulness, integrity and competency of the individual applicant;~~

~~(x) Furnish the name of the real estate company with which he will be associated in the business of real estate;~~

~~(xi) Furnish the period of time, if any, that he has been engaged in the real estate business;~~

~~(xii) Furnish his present address;~~

~~(xiii) Furnish the name and address of his previous employer;~~

~~(xiv) Furnish a statement that he has or has not been refused a real estate license in this or any other state;~~

~~(xv) Furnish a statement that his real estate license has or has not been revoked in this or any other state;~~

~~(xvi) Furnish evidence that he has completed not less than thirty (30) class hours in a course of study approved by the commission, given by instructors approved by the commission and has satisfactorily passed an examination covering material taught in each course;~~

~~(xvii) Include a statement by the responsible broker in whose service the applicant is about to enter stating:~~

~~(A) The name and address of the responsible broker's real estate company;~~

~~(B) That in his opinion the applicant is honest, truthful and recommends the license be granted to the applicant;~~

~~(C) That the responsible broker will actively supervise and train the applicant during the period the requested license remains in effect.~~

(g) The commission may consider prior revocation, conduct or conviction



in its determination of whether to grant ~~the~~an applicant a license if the applicant:

(i) ~~Has been fined or disciplined or had his real estate license revoked, on a prior occasion—suspended, censured or placed on probation in any jurisdiction;~~

(k) ~~The commission shall issue to each broker and to each salesman licensee a license and pocket card—~~licenses in a form and size as the commission shall prescribe.

(n) Each individual applicant for an associate broker's license shall:

(i) Have reached the age of majority;

(ii) Have first served actively for two (2) of the four (4) years immediately preceding the application as a salesman or shall furnish to the commission proof indicating that he holds a degree in real estate from an accredited university or college; and

(iii) Submit other evidence through the application or otherwise, as the commission deems desirable with due regard to the paramount interests of the public as to the honesty, truthfulness, integrity and competency of the individual applicant.

(o) The commission shall:

(i) Approve courses that cover real estate principles, real estate law, real estate finance and related topics;

(ii) Promulgate rules and regulations to provide a process for challenging a course in lieu of evidence of completion of class hours;

(iii) Publish a list of approved real estate courses and keep the list updated annually;

(iv) On request, evaluate a specific course or courses which are not on the approved list and approve or disapprove the course.

### **33-28-107. Examinations; salesmen's and brokers' licenses.**

(b) ~~No applicant shall engage in the real estate business either as a broker or salesman—activity until he has satisfactorily passed the examination, complied with the other requirements of this act and until a license has been issued to him.~~

### **33-28-108. Fees.**

Pursuant to W.S. 33-1-201, the commission shall establish fees for examinations, original licenses, renewals, certifications, change of place of business, transfers; and duplicate licenses, ~~and duplicate pocket cards.~~ The fees shall be used to pay the expense of maintaining and operating the

office of the commission and the enforcement of this act.

**33-28-109. Responsible broker to maintain fixed office; change of address; branch offices; restrictions on associate brokers and salesmen.**

(a) Each resident ~~licensed~~ responsible broker shall maintain a fixed office within this state. ~~The original license as broker and the original license of each salesman associated with or under contract to the broker shall be prominently displayed in the office. The address of the office shall be designated in the broker's license on all licenses associated with the office and no license issued under this act shall authorize the licensee to transact real estate business activity at any other address except a licensed branch office. In case of removal from the designated address, the licensee~~ responsible broker shall make application to the commission before the removal ~~or within ten (10) days thereafter,~~ designating the new location of his office and paying the required fee, whereupon the commission shall issue a license for the new location for the unexpired period if the new location complies with the terms of this act.

(b) If a responsible broker maintains more than one (1) place of business within the state, a branch office license shall be issued to the responsible broker for each branch office so maintained by him, ~~and the branch office license shall be displayed conspicuously in each branch office. Every branch office shall be under the direction and supervision of a licensed~~ the responsible broker. A responsible broker requesting a branch office license shall also, in addition to the branch office application, submit a plan of supervision for the branch office for approval by the commission.

(c) An associate broker or salesman shall not be associated or engaged under contract to any other responsible broker than is designated upon the license issued to the associate broker or salesman. Upon termination of an associate broker's or salesman's association or contractual relationship, ~~he shall surrender his pocket card to his responsible broker who shall return his license and pocket card to~~ shall immediately notify the commission for cancellation ~~of the associate broker's or salesman's license.~~ Whenever a licensed associate broker or salesman desires to change his ~~broker or contractual relationship from one (1) licensed responsible broker to another,~~ he shall notify the commission promptly in writing of the facts attendant thereon and pay the required fee. Upon application, the commission shall issue a new license ~~and pocket card under the new responsible broker.~~ No associate broker or salesman shall directly or indirectly associate himself with a responsible broker until he has been issued a license to do so with that responsible broker.

**33-28-110. Unlawful to compensate unlicensed person; licensing of like-licensed nonresidents; service of process on nonresidents.**

(a) It is unlawful for any ~~licensed~~ responsible broker to compensate any person who is not a ~~licensed broker, associate broker or salesman licensee~~ associated with his real estate company or a responsible broker for another

~~real estate company for performing any of the acts regulated by this act real estate activity provided, however, that a licensed responsible broker may pay a commission compensation to a licensed broker of another state if the nonresident broker does not conduct in this state any of the negotiations for which a commission any real estate activity in this state for which compensation is paid.~~

(b) A nonresident may be issued a ~~nonresident~~ Wyoming responsible broker's license if:

(i) ~~The individual is a licensed broker holds a like-license~~ in his home state;

(iii) ~~The individual meets all the other requirements of this act and rules and regulations of the commission;~~ and

(iv) ~~The individual's home state has entered into a reciprocal agreement with the commission relating to the issuance of reciprocal licenses The broker furnishes the commission a statement under seal of the commission of his home state evidencing that he is an active licensed broker in good standing and has no complaints pending against him in his home state.~~

(d) ~~A nonresident salesman employed by or associated with a broker holding a nonresident broker's license may be issued a nonresident salesman's license under the nonresident broker if he submits to the commission a statement under the seal of the commission of the state in which he is licensed evidencing that he is an active licensed salesman in good standing and with no complaints pending against him in his home state. may be issued a Wyoming associate broker or salesman license if:~~

(i) ~~The individual holds a like-license~~ in his home state;

(ii) ~~The individual is actively engaged in the real estate business in his home state;~~

(iii) ~~The individual meets all the other requirements of this act and rules and regulations of the commission;~~ and

(iv) ~~The individual furnishes the commission a statement under seal of the commission of his home state evidencing that he holds an active license in good standing and has no complaints pending against him in his home state.~~

(f) Prior to being issued a license, every nonresident ~~broker licensee~~ shall file with the commission a designation in writing which appoints the director of the commission to act as his licensed agent upon whom all judicial and other process or legal notices directed to the licensee may be served. Service upon the agent so designated shall be equivalent to personal service upon the licensee. Copies of the appointment, certified by the director of the commission, shall be received in evidence in any proceeding and shall be given the same force and effect as the original. In the written designation the licensee shall agree that any lawful process

against the licensee which is served upon his appointed agent shall be of the same legal force and validity as if served upon the licensee, and that the authority of the agent shall continue in force so long as any liability of the licensee remains outstanding in this state. Upon the receipt of any process or notice, the director shall mail a copy of the same by certified mail, return receipt requested, to the last known business address of the licensee.

**33-28-111. Censure of licensee and suspension or revocation of license; grounds.**

(a) The commission shall upon a written sworn complaint or may upon its own motion investigate the actions of any ~~broker, associate broker or salesman~~ licensee conducting real estate activity regarding real estate located in Wyoming, impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense and may censure ~~the a~~ licensee, place ~~the a~~ licensee on probation and set the terms of probation, suspend or revoke any license issued under this act ~~and impose an administrative fine~~ for any of the following:

(v) ~~Negotiating a sale, exchange or lease of real estate~~ Conducting real estate activity directly with an owner or lessor if the licensee knows the owner or lessor has a written outstanding contract an outstanding written agreement in connection with the property granting an exclusive right to sell to real estate with another responsible broker;

(vi) ~~Intentionally~~ Using advertising which:

(A) Is misleading or is inaccurate in any ~~material~~ matter material to the transaction; or

(ix) If a responsible broker, failing to supervise the activities of his associate broker or salesman;

(xiii) Failing to submit all offers ~~in writing~~ to a seller, ~~if received prior to the written acceptance of any offer~~ or buyer;

(xiv) Commingling the money or other property of ~~the licensee's principals~~ others with his own;

(xv) Accepting, giving or charging an undisclosed commission compensation, rebate or direct or indirect profit on expenditures made for ~~a principal~~ others;

(xvi) Engaging in real estate activity as an associate broker or salesman involving the representing or attempt to represent a real estate responsible broker other than his ~~licensed~~ responsible broker;

(xvii) Accepting ~~a commission or other valuable consideration~~ compensation by an associate broker or salesman from anyone other than his ~~employing~~ responsible broker;

(xviii) Acting for more than one (1) party in a transaction without the ~~knowledge~~ written acknowledgement of all parties for whom the licensee acts;

(xix) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real ~~property~~ estate;

(xxiii) Compensating any unlicensed person for performing the ~~services of a broker, associate broker or salesman~~ real estate activity;

(xx) Failing to obtain written listing agreements identifying the property and containing all terms and conditions under which the property is to be sold including the price, the ~~commission~~ compensation to be paid, the signatures of all parties concerned and a definite expiration date;

(xxv) Failing to account for any monies or property ~~entrusted to licensee~~ received from others;

(xxvi) Failing to keep the funds of others in an escrow or trust account, unless each person with an interest in the funds has agreed otherwise in writing;

(xxvii) Failing to deposit all financial instruments in an escrow or ~~trustee~~ trust account within one (1) banking day in a financial institution in this state, unless each person with an interest in the funds has agreed otherwise in writing;

(xxix) If a responsible broker:

(A) Failing to deliver to the ~~seller~~ parties in every real estate transaction at the time the transaction is closed a complete, detailed closing statement showing all of the receipts and disbursements handled by the ~~broker~~ licensees in his office for the ~~seller~~ parties unless a clear and accurate accounting is furnished by an ~~escrow agent~~ another broker or a funds holder;

**33-28-112. Enjoining violations of chapter; penalties for violation of injunction.**

(b) Any defendant so enjoined who violates an injunction shall be punished for contempt of court by a fine of not more than ~~one thousand dollars (\$1,000.00)~~ two thousand five hundred dollars (\$2,500.00) or by imprisonment in the county jail for not more than six (6) months or both.

**33-28-114. Conducting business without license prohibited; penalties; civil liability.**

(a) Any ~~person acting as a broker, associate broker or salesman~~ individual performing real estate activity without first obtaining a license is guilty

of a misdemeanor and upon conviction shall be punished by a fine of not more than ~~one thousand dollars (\$1,000.00)~~ two thousand five hundred dollars (\$2,500.00) or by imprisonment in the county jail for a term not to exceed six (6) months. Upon conviction of a subsequent violation the person individual shall be punished by a fine of not more than ~~one thousand dollars (\$1,000.00)~~ five thousand dollars (\$5,000.00) or by imprisonment in the county jail for a term not to exceed one (1) year or both. If a corporation, partnership or association is convicted it shall be punished by a fine of not more than five thousand dollars (\$5,000.00).

(b) If any person receives any money or the equivalent thereof as a fee, ~~commission, compensation or profit~~ by or in consequence of a violation of any provision of this act, he shall, in addition, be liable to a penalty of not less than the amount of the sum of money so received and not more than three (3) times the sum so received as may be determined by the court, which penalty may be recovered in a court of competent jurisdiction by any person aggrieved.

### **33-28-115. Unlicensed person may not maintain action for fee.**

No action or suit shall be instituted, nor recovery be had, in any court of this state by any person for compensation for any ~~act done or service rendered, which is prohibited under this act to other than licensed brokers, licensed associate brokers or licensed salesmen real estate activity~~ unless the person was licensed under this act at the time of ~~offering to perform any act or service or procuring any promise to contract for the payment of compensation for any contemplated act or service~~ engaging in real estate activity.

### **33-28-117. Directory of licensees.**

The commission shall ~~annually publish~~ maintain and make publicly available a directory of licensees, including ~~a list of licenses suspended and revoked which shall contain other data as the commission may determine to be in the interest of real estate licensees and the public. The lists shall be distributed to all licensed brokers without charge.~~

### **33-28-118. License renewals; continuing education; payment of fees; effect of failure to renew; inactive status.**

(a) Licenses issued under this act may be renewed for successive three (3) year periods. ~~Application for renewal of any license issued prior to this act shall be made before December 31, 1983. Thereafter the application shall be made before December 31 of the third year of the license period.~~ The commission may establish a grace period for license renewal not to exceed sixty (60) days. The commission may establish a late fee for license renewal not to exceed seventy-five dollars (\$75.00).

(b) ~~Effective December 31, 1983,~~ The commission may adopt rules and regulations providing for mandatory continuing education allocable over each three (3) year period not to exceed sixty (60) hours.

(c) Failure to ~~remit~~ timely submit a complete renewal application including proof of required continuing education and renewal fees when due shall automatically ~~cancel~~ cause a license, ~~but otherwise the license shall remain in full force and effect continuously from the date of issuance, unless suspended or revoked by the commission for just cause~~ to expire. Presentation of a check to the commission as a fee for either an original or renewal license or for examination for license, which is returned to the state treasurer unpaid, is cause for revocation or denial of license unless it is established that the dishonor of the check was not the fault of the applicant or licensee.

(d) Any licensee whose license has ~~been cancelled for failure to renew~~ expired as provided in this section after the grace period has ended, shall comply with all requirements of a new applicant, including writing the appropriate examination, before a license will be reissued.

(e) Any real estate associate broker or salesman who is not employed by or associated with a responsible broker, or any responsible broker who desires to become inactive, may renew his license in an inactive status prior to the renewal deadline established in this section, by submitting the renewal fee together with a completed renewal application on which he has noted his present inactive status.

**33-28-119. Advertising; licensing under one name; trade names; advertisement of licensees.**

(a) Every real estate ~~broker~~ licensee, when advertising or promoting his real estate ~~brokerage business activities~~, shall use the real estate company name under which he is licensed and shall use no slogans or phraseology in a manner which would indicate or suggest to the public that real ~~property~~ estate may be listed or is being offered for sale, exchange, lease or rent by a private party not licensed by the commission.

(c) No person, ~~corporation, partnership or association, domestic or foreign,~~ shall act or advertise as a ~~real estate broker or salesman~~ licensee in this state by use of letterheads, billboards, radio or television announcements or any other media of advertising, without first obtaining a ~~real estate broker's or salesman's~~ license from the commission.

(d) Except as provided in subsection (e) of this section, no person shall be licensed as a ~~real estate broker or a real estate salesman~~ under more than one (1) real estate company name, and no person shall conduct or promote a real estate brokerage business except under the real estate company name under which the person or brokerage business is licensed.

(e) A trade name, with the permission of the owner of the trade name, may be used concurrently with the licensed name of the ~~broker~~ real estate company in the promotion or conduct of the ~~licensed responsible broker's~~ business. The ~~broker's licensed~~ real estate company name shall be displayed in a conspicuous manner that may be readily identified by the

general public.

(f) A licensed responsible broker shall not advertise the sale, purchase, exchange or lease of ~~property real estate, whether unless~~ owned by him, ~~or not~~, without including in the advertisement the real estate company name under which he is licensed.

(g) A licensed associate broker or salesman shall not advertise the sale, purchase, exchange or lease of ~~property real estate, whether unless~~ owned by him, ~~or not~~, without including in the advertisement the name of the ~~broker real estate company~~ with whom he is associated, ~~and licensed and the name under which he is licensed.~~

(h) A licensee shall not advertise the sale, purchase, exchange or lease of real estate owned by the licensee unless the advertisement includes the fact that an owner of the real estate is a licensee.

(j) If a licensee uses his individual name in advertising, the first and last name shall be included. A common shortened spelling of the first name of the licensee is permitted. The use of a nickname is permitted if the nickname is reflected on the license.

### **33-28-121. Temporary licenses to complete affairs of deceased brokers.**

In the event of the death of a ~~licensed responsible~~ broker who is the sole proprietor of a real estate ~~business company~~, upon application by his personal representative, the director shall issue, without examination and for a specified period of time, a temporary license to the personal representative, or to a licensed individual designated by him and approved by the director. The license shall authorize the holder of the temporary license to continue to transact business for the sole purpose of completing the affairs of the deceased responsible broker.

### **33-28-122. Responsible broker's trust accounts; disposition of interest; commingling with personal funds prohibited; disputed deposits; cooperative transactions.**

(a) Every responsible broker licensed in this state shall:

(i) Maintain a separate account in a financial institution in this state designated as a trust or escrow account in which all down payments, earnest money deposits, advance listing fees or other trust funds received by him, his associate brokers or his salesmen on behalf of a principal or any other person shall be deposited unless all persons having an interest in the funds have agreed otherwise in writing. The account shall permit immediate withdrawal of the funds deposited therein. In lieu of maintaining a trust or escrow account under this paragraph, a responsible broker may use a funds holder;

(ii) Notify the real estate commission on forms it prescribes of the



name of the financial institution in which a trust account is maintained and the name of the account. If the responsible broker uses a ~~closing agent~~ funds holder and deposits monies with ~~this agent~~ the funds holder, his intention to use a ~~closing agent~~ funds holder and the name of the funds holder shall be disclosed to all parties to any contract, purchase agreement, lease or lease agreement negotiated by him. The responsible broker shall identify all funds holders used by the broker and notify the real estate commission in writing that he uses a ~~closing agent~~ and deposits monies with the agent funds holder;

(iii) Permit the commission or its representative to examine the responsible broker's trust ~~account~~ accounting records;

(iv) Upon cancellation of his license for any reason, maintain the ~~escrow trust~~ account until all deposits have been properly disbursed.

(b) If a responsible broker's branch office maintains a separate trust account, the office shall maintain a separate bookkeeping system.

(c) A trust account maintained by a responsible broker under this section may be interest bearing or noninterest bearing. Any interest accrued on any deposit in a trust account shall be paid out as agreed in writing by all persons having an interest in the deposit. In the absence of a written agreement among all persons having an interest in the deposit, at the time all or any portion of any deposit is withdrawn and paid out, all interest accrued upon the funds withdrawn and paid out shall also be withdrawn and paid out to the person from whom the trust funds were received; provided, if the funds are required to be disbursed to more than one (1) person, each person entitled to receive any portion of the deposit shall also be paid a portion of the interest in the same proportion as the funds withdrawn and paid out to each person bears to the total deposit.

(d) A ~~broker licensee~~ is not entitled to any part of the earnest money or other ~~money paid item of value given~~ to him in connection with any real estate transaction as part or all of his ~~commission~~ compensation or fee until the transaction has been consummated or terminated.

(e) No responsible broker shall permit an advance payment of funds belonging to others to be deposited in the responsible broker's personal account or be commingled with his personal funds. It will not be considered commingling if, when establishing the trust account, the responsible broker deposits some of his funds to keep the account open or to avoid charges for a minimum balance, so long as that deposit is identified at the time of deposit. No responsible broker shall use deposits in a trust account for a purpose other than the transaction for which they were provided.

(f) In the event of a dispute over the return or forfeiture of any deposit held by ~~the listing~~ a responsible broker, the ~~listing~~ responsible broker may shall continue to hold the deposit in ~~his~~ a trust account until he has a written release from the parties consenting to ~~this~~ its disposition, ~~or~~ until a civil action is filed or the responsible broker interpleads all parties, at which time it may be paid to the court.

(g) Unless otherwise agreed by all parties to the contract, in a cooperative transaction; in which one (1) the responsible broker holds an exclusive right to sell or an exclusive agency on a property and the selling broker working with a buyer receives cash or a check as earnest money, or according to a contract, the selling responsible broker shall deliver the contract and the earnest money cash or check to the listing responsible broker working with the seller who shall deposit the cash or check in his trust account. If the selling responsible broker working with a buyer receives a promissory note, or thing of value, the note or thing of value shall be delivered with the contract to the listing broker to be held by the listing responsible broker working with the seller, who shall hold the note or thing of value.

### **33-28-123. Retention of records.**

Every responsible broker licensed in this state shall keep and maintain a full set of records of every real estate transaction in which he participates on behalf of or to assist any party to the transaction. The records shall be maintained not less than seven (7) years from the latest date on which the broker real estate company participated in the transaction.

### **33-28-201. Real estate recovery account created; funding of account; no liability of state.**

(b) ~~Beginning January 1, 1984, Every person obtaining or renewing a real estate broker's, associate broker's or salesman's license shall pay an additional fee of twenty dollars (\$20.00) which shall be deposited in the real estate recovery fund account. When the balance of the real estate recovery fund account reaches twenty thousand dollars (\$20,000.00) one-half (1/2) of the fee shall be deposited in the real estate recovery fund account and one-half (1/2) of the fee shall be deposited in the educational fund account. When the real estate recovery fund account balance reaches fifty thousand dollars (\$50,000.00) all fees shall be deposited in the education fund account.~~

### **33-28-202. Real estate recovery account created; payments; pro rata distribution when account insufficient; service of process; joinder of account.**

(a) If any person obtains a final judgment in any court of competent jurisdiction against any ~~real estate broker or real estate salesman licensed under this act~~ licensee on the grounds of fraud, willful misrepresentation, deceit or conversion of trust funds arising directly out of any transaction ~~occurring after December 31, 1983~~ which occurred when the ~~broker, associate broker or salesman licensee~~ was licensed and in which the ~~broker, associate broker or salesman performed acts for which a real estate license is required~~ licensee performed any real estate activity, that person, within one (1) year of termination of all proceedings, including appeals, may file with the commission a verified petition in the court in which the judgment was entered for an order directing payment out of the real estate recovery account in the amount of actual damages included in the judgment and

unpaid, and that a writ of execution has been returned unsatisfied, but for not more than ~~four thousand dollars (\$4,000.00)~~ ten thousand dollars (\$10,000.00).

(c) Any ~~real estate broker, associate broker or real estate salesman who is licensed or renews his license under W.S. 33-28-108 after December 31, 1983, and upon whom personal service licensee who cannot personally be made served with a copy of a summons and complaint through~~ reasonable diligence, shall be deemed to have appointed the director of the commission as his agent for service of process for purposes of actions filed against him pursuant to subsection (a) of this section. Service of process pursuant to subsection (b) of this section shall be made under the Wyoming Rules of Civil Procedure.

(d) In lieu of the petition under subsection (a) of this section for an order directing payment out of the real estate recovery account, a person filing an action against a ~~licensed real estate broker, associate broker or salesman licensee~~ of a type described in subsection (a) of this section may join the real estate recovery account as a limited third party defendant and have judgment rendered directly against the account in the amount provided in subsection (a) of this section provided:

**33-28-204. Suspension of licenses following payment from account; reinstatement.**

If the commission is required to make any payment from the real estate recovery account in settlement of a claim or toward the satisfaction of a judgment, the commission shall immediately suspend the judgment debtor's license. The judgment debtor shall not be licensed ~~as either a broker, associate broker or salesman~~ or have his license reinstated until he has repaid in full the amount paid from the real estate recovery account with interest thereon of eighteen percent (18%) per annum. Repayment under this section shall not prohibit the commission from acting in accordance with W.S. 33-28-111. A discharge in bankruptcy shall not relieve a person from the disabilities and penalties of the section.

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

(a) A responsible broker shall not be required to offer or engage in more than one (1) of the brokerage relationships. When engaged in any ~~of the activities enumerated in W.S. 33-28-102(a)(iii) real estate activity,~~ a licensee, with permission of his responsible broker, may act in any real estate transaction as an agent or intermediary or may work with the seller or buyer as a customer. The licensee's duties and obligations arising from that relationship shall be disclosed to the seller or buyer pursuant to this article.

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

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

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

(f) A licensee may complete real estate forms and shall explain to the parties the effects thereof if the licensee is performing ~~the activities enumerated or referred to in W.S. 33-28-102(a)(iii) real estate activities~~ in the transaction in which the forms are to be used.

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

(i) A responsible broker;

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

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

(k) A licensee may work as an agent for the seller treating the buyer as a customer or as an agent for the buyer treating the seller as a customer but not as an agent for both the seller and the buyer. A licensee may be designated to work as an intermediary for both the seller and the buyer in the same transaction pursuant to W.S. 33-28-307. The applicable designated relationship shall be disclosed in writing to the seller and buyer

at the earliest reasonable opportunity. A designated ~~agent~~ licensee is not precluded from working with a buyer or seller in a real estate transaction solely because the ~~agent~~ licensee was precluded from representing that person in an earlier separate real estate transaction.

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

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

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

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

(f) A seller may agree in writing with a seller's agent to extend an offer of subagency to other responsible brokers to cooperate in selling the ~~property~~ real estate.

(g) Any responsible broker acting as a subagent on the seller's behalf shall have the obligations and responsibilities set forth in subsections (a) through (e) of this section.

### **33-28-305. Intermediary.**

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

(ii) To exercise reasonable skill and care as an intermediary, including:

(J) Disclosing to any prospective seller all adverse material facts actually known by the intermediary, including but not limited to adverse material facts pertaining to the buyer's financial ability to perform the terms of the transaction; ~~and the buyer's intent to occupy the property as a principal residence;~~ and

### **33-28-306. Relationship disclosures.**

(a) For purposes of this section, open house showings, preliminary conversations and requests for factual information do not constitute

discussions or arrangements incidental to a sale, purchase, exchange or lease of real estate. Prior to engaging in any discussion or arrangement incidental to a sale, purchase, exchange or lease ~~option of real estate~~, and, prior to entering into any written agreement, with a buyer or seller, a licensee shall make a written disclosure of applicable agency, intermediary or customer relationships which shall contain at a minimum the following:

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

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

### **33-28-308. Compensation.**

(a) In any real estate transaction, the broker's compensation may be paid by the seller, the buyer, a third party, or by the sharing or splitting of ~~a commission or~~ compensation between brokers.

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

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

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

(h) An agreement authorizing a broker who originally agreed in writing to act as an agent to a buyer or seller with respect to a particular real estate transaction to act instead as an intermediary to that party, shall provide that the party agreeing to the new relationship shall not be liable for any ~~commission compensation~~ greater than the ~~commission compensation~~ the party would have been liable to pay under the initial agreement. Any contract provision in violation of this subsection is void and unenforceable.

**Section 2.** W.S. 33-28-102(a), 33-28-106(e)(viii)(A) through (D) and (f)(i) through (vii), 33-28-110(c), (g), (h) and (j), 33-28-111(a)(xxix)(B), 33-28-119(b), 33-28-301, 33-28-305(f)(iv) and 33-28-401(f) are repealed.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 105

### NURSING CARE FACILITY ASSESSMENT

Original House Bill No. 193

AN ACT relating to welfare; establishing the nursing care facility assessment as specified; establishing an account; providing definitions; providing regulatory authority; providing penalties; and providing for an effective date.

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

**Section 1.** W.S. 42-8-101 through 42-8-109 are created to read:

#### CHAPTER 8 NURSING CARE FACILITY ASSESSMENT ACT

##### **42-8-101. Short title.**

This article shall be known and may be cited as the “Wyoming Nursing Care Facility Assessment Act.”

##### **42-8-102. Definitions.**

(a) As used in this article:

(i) “Account” means the nursing care facility assessment account created under W.S. 42-8-103;

(ii) “Department” means the department of health;

(iii) “Fiscal year” means the twelve (12) month period beginning October 1 and ending September 30;

(iv) “Medicaid” means as defined in W.S. 42-7-102(a)(iv);

(v) “Medicare resident day” means a resident day funded by the Medicare program, a Medicare advantage or special needs plan or by the Medicare hospice program;

(vi) “Net patient service revenue” means gross inpatient revenues from services provided to nursing care facility patients less reductions from gross inpatient revenue resulting from an inability to collect payment of

charges. Inpatient care revenue excludes nonpatient care revenue such as beauty and barber, vending income, interest and contributions, revenues from the sale of meals and all outpatient revenues. Reductions from gross revenue includes bad debts, contractual adjustments, uncompensated care, discounts and adjustments and other revenue deductions;

(vii) "Nursing care facility" means a facility providing nursing care, but does not include a facility solely providing assisted living care, a facility solely providing rehabilitative services or a facility solely providing a combination of assisted living care and rehabilitative services;

(viii) "Resident day" means a calendar day of care provided to a nursing facility resident, including the day of admission and excluding the day of discharge, provided that one (1) resident day shall be deemed to exist when admission and discharge occur on the same day;

(ix) "Upper payment limit" means the limitation established pursuant to 42 C.F.R. 447.272 that disallows federal matching funds when state Medicaid agencies pay certain classes of nursing care facilities an aggregate amount for services furnished by that class of nursing care facilities that would exceed the amount that would be paid under Medicare payment principles.

#### **42-8-103. Nursing care facility assessment account.**

(a) The nursing care facility assessment account is created.

(b) The state treasurer shall invest amounts deposited within the account in accordance with law, and all investment earnings shall be credited back to the account.

(c) The account shall consist of:

(i) Amounts collected or received by the department from nursing care facility assessments under this article;

(ii) All federal matching funds received by the department as a result of expenditures made by the department attributable to the account;

(iii) Any interest or penalties levied in conjunction with the administration of this article.

(d) The account is created for the purpose of receiving funds as specified in this section. Collected assessment funds shall be used to secure federal matching funds available through the state Medicaid plan, which shall be used to make Medicaid payments for nursing care facility services which exceed the amount of nursing care facility Medicaid rates, in the aggregate, as calculated in accordance with the approved state Medicaid plan in effect



on October 1, 2010. The fund shall be used exclusively for the following purposes:

(i) To pay administrative expenses incurred by the department or its agent in performing the activities authorized by this article, provided that such expenses shall not exceed a total of one percent (1%) of the aggregate assessment funds collected in the fiscal year;

(ii) To increase nursing care facility payments to fund covered services to Medicaid beneficiaries within Medicare upper payment limits, as negotiated with the department. The upper payment limit for private nursing care facilities, state government-owned facilities and nonstate government-owned nursing facilities shall be calculated by the department using the higher of the cost-based or prospective payment system approach in accordance with the provisions of 42 C.F.R. 447.272;

(iii) To repay the federal government any excess payments made to nursing facilities if the state plan, after approval by the federal centers for Medicare and Medicaid services, is subsequently disapproved for any reason and after the state has appealed. Nursing care facilities shall refund the excess payments to the assessment account. The department shall return the excess payments to the federal government and nursing care facility providers in the same proportion as the original financing. Individual nursing care facilities shall be reimbursed based on the proportion of the individual nursing care facility's assessment to the total assessment paid by nursing care facilities. If a nursing care facility is unable to refund payments as provided in this paragraph, the department shall develop a payment plan and deduct amounts from future Medicaid payments. The department shall refund the federal government for the federal portion of those overpayments; or

(iv) To make quarterly adjustment payments as provided in W.S. 42-8-108.

**42-8-104. Assessments.**

(a) Each nursing care facility shall pay the nursing care facility assessment to the account in accordance with this article.

(b) The aggregated amount of assessments for all nursing facilities during a fiscal year shall be the lesser of the amount necessary to fund the provisions of this article or the maximum amount that may be assessed pursuant to the indirect guarantee threshold as established pursuant to 42 C.F.R. 433.68(f)(3)(i). The department shall determine the assessment rate prospectively for the applicable fiscal year on a per-resident-day basis, exclusive of Medicare resident days. The per-resident-day assessment rate shall be uniform. The department shall promulgate rules for facility reporting of non-Medicare resident days and for payment of the

assessment.

(c) The department shall collect, and each nursing care facility shall pay, the assessment under this section on a quarterly basis. The initial payment shall be due not later than forty-five (45) days after the state plan has been approved by the federal centers for Medicare and Medicaid services unless a later date is set by the department. Subsequent payments are due not later than forty-five (45) days after the end of each calendar quarter.

(d) Nursing care facility operators may increase their charges to incorporate the cost of paying the assessment under this section, but shall not create a separate line-item charge on the bill reflecting the assessment.

**42-8-105. Approval of state plan.**

(a) The department shall seek necessary federal approval in the form of state plan amendments in order to implement the provisions of this article.

(b) The department shall adopt rules and regulations necessary to implement the provisions of this article or obtain approval of the state plan amendments.

**42-8-106. Multiple facilities.**

If a person conducts, operates or maintains more than one (1) nursing care facility licensed by the department, the person shall pay the assessment for each nursing care facility separately.

**42-8-107. Penalties for failure to pay assessment.**

(a) If a nursing care facility fails to pay an assessment when due under this article, there shall be added to the assessment a penalty equal to five percent (5%) of the amount of the assessment that was not paid when due. The penalty under this section may be waived by the department for good cause. Any payments after a penalty is assessed under this section shall be credited first to unpaid assessment amounts rather than to penalty or interest amounts, beginning with the most delinquent installment.

(b) In addition to the penalty under subsection (a) of this section, the department may implement any of the following remedies for failure of a nursing care facility to pay its assessment when due under this article:

(i) Withhold any medical assistance reimbursement payments until the assessment is paid;

(ii) Suspend or revoke the nursing care facility's license; or

(iii) Develop a plan that requires the nursing care facility to pay any delinquent assessment in installments.

**42-8-108. Quarterly adjustment payments.**

(a) Each nursing facility is eligible for quarterly adjustments as provided in this section.

(b) The department shall determine the number of days that nursing care facility services were paid for by the Wyoming medical assistance program for the applicable annual cost report. That number of days shall be utilized by the department to determine the nursing care facility adjustment payment. Adjustment payments shall be paid by the department on a quarterly basis to reimburse covered Medicaid expenditures in the aggregate within the upper payment limit. Each quarterly payment shall be made not later than thirty (30) days after the end of the calendar quarter with the initial adjustment payment due not later than thirty (30) days after the approval by the federal centers for Medicare and Medicaid services of the state's plan reflecting facility adjustment payments.

**42-8-109. Discontinuation of the assessment and quarterly adjustment payments.**

(a) The assessment imposed by this article shall be discontinued if:

(i) The state plan amendment reflecting the quarterly nursing care facility adjustment payments under W.S. 42-8-108 is not approved by the federal centers for Medicare and Medicaid services. The department may modify the rate adjustment provisions as necessary to obtain the federal centers for Medicare and Medicaid services approval if such changes do not exceed the authority and purposes of this article;

(ii) The department reduces rates to a level less than the rates effective on October 1, 2010 plus revenue increases from the account, including matches by federal financial participation;

(iii) The department or any other state agency attempts to utilize the money in the account for any use other than permitted by this article;

(iv) If federal financial participation to match assessments under this article becomes unavailable under federal law. In such case, the department shall terminate the imposition of assessments beginning on the date the federal statutory, regulatory or interpretive change takes effect.

(b) If collection of the assessment is discontinued as provided in this section, quarterly adjustment payments shall be discontinued and any amount in the account shall be returned to the nursing care facility from

which the assessment was collected on the same basis as it was collected.

**Section 2.** W.S. 35-2-905(a) by creating a new paragraph (v) and 42-4-104(b) by creating a new paragraph (x) are amended to read:

**35-2-905. Conditions, monitoring or revoking a license.**

(a) The division may place conditions upon a license, install a division approved monitor or manager at the owner's or operator's expense, suspend admissions, or deny, suspend or revoke a license issued under this act if a licensee:

(v) Fails to pay a nursing care facility assessment and the department determines to suspend or revoke the license as provided in W.S. 42-8-107(b)(ii).

**42-4-104. Powers and duties of department of health.**

(b) In carrying out subsection (a) of this section, the department may:

(x) Provide for the withholding of medical assistance payments from nursing care facilities in accordance with W.S. 42-8-107(b)(i).

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

Approved March 2, 2011.

## Chapter 106

### CANCER CONTROL ACT AMENDMENTS

Original House Bill No. 36

AN ACT relating to the Wyoming Cancer Control Act; authorizing follow-up colorectal cancer screening tests when medically indicated; clarifying eligibility language; and providing for an effective date.

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

**Section 1.** W.S. 35-25-204(d) is amended to read:

**35-25-204. Wyoming colorectal cancer early detection and prevention program.**

(d) Eligibility for the program set forth in this section shall be limited to

individuals who are Wyoming residents and have been so for at least one (1) year immediately prior to screening. The eligibility shall be for one (1) colonoscopy every ten (10) years, counting any done before the effective date of this act or before the individual became a Wyoming resident. However, the department on a case-by-case basis may authorize follow-up screening when medically indicated based on national evidence based guidelines. Eligibility shall be restricted to individuals who are at least fifty (50) years old and who have not become eligible for the federal Medicare program. In the event that analysis shows spending in the program will exceed the budget available, the department shall institute a waiting list.

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

Approved March 2, 2011.

## Chapter 107

### DENTAL SERVICES FREEDOM BILL

Original House Bill No. 73

AN ACT relating to insurance; prohibiting fee schedules in health and dental insurance policies for noncovered services as specified; providing a definition; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 26-22-505 is created to read:

**26-22-505. Dental insurance; limitation on fee schedules for noncovered services; definition; applicability.**

(a) No person or entity contracting with dentists to provide coverage or reimbursement for dental services shall require a dentist to provide services at a fee set by the contract, a policy or a certificate unless the services are covered services by the terms of the contract, policy or certificate.

(b) For purposes of this section, "covered services" means services reimbursable under the contract, policy or certificate, subject to customary contractual limitations on benefits including such items as deductibles, waiting periods, frequency limitations or charges over the benefit maximum.

(c) This section shall apply to contracts, policies or certificates issued, renewed, delivered or issued for delivery in this state on or after July 1, 2011.

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

Approved March 2, 2011.

## Chapter 108

### SERVICE OF PROCESS IN FAMILY VIOLENCE AND STALKING CASES

Original House Bill No. 80

AN ACT relating to service of process; requiring in-state and out-of-state service of specified documents in family violence and stalking cases; and providing for an effective date.

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

**Section 1.** W.S. 7-3-508(a) and (b) and 35-21-104(a)(ii) are amended to read:

#### **7-3-508. Temporary order of protection; setting hearing.**

(a) Upon the filing of a petition for an order of protection, the court shall schedule a hearing on the petition to be conducted within seventy-two (72) hours after the filing of the petition, and shall cause each party to be served, either within or outside of this state, with an order to appear, a copy of the petition and a copy of the supporting affidavits. Service shall be made upon each party at least twenty-four (24) hours before the hearing. The failure to hold or complete the hearing within seventy-two (72) hours shall not affect the validity of the hearing or any order issued thereon.

(b) If the court determines from the specific facts shown by the petition and supporting affidavits that there exists a clear and present danger of further stalking or of serious adverse consequences to any person, the court may grant ex parte a temporary order of protection pending the hearing, and shall cause a copy of the temporary order of protection to be served on each party, either within or outside of this state. The court may prescribe terms in the temporary order of protection which it deems sufficient to protect the victim and any other person pending the hearing, including but not limited to the elements described in W.S. 7-3-509(a).

#### **35-21-104. Temporary order of protection; setting hearing.**

(a) Upon the filing of a petition for order of protection, the court shall:

(ii) Cause the temporary order of protection, together with notice of hearing, to be served on the alleged perpetrator of the domestic abuse immediately, either within or outside of this state;

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

Approved March 2, 2011.

## Chapter 109

### HYDRO-POWER DEVELOPMENT

Original House Bill No. 151

AN ACT relating to the state loan and investment board; authorizing loans for hydro-power development to municipalities, irrigation districts and special districts as specified; providing for rulemaking; specifying terms and procedures; conforming existing loan program provisions accordingly; and providing for an effective date.

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

**Section 1.** W.S. 11-34-306 is created to read:

**11-34-306. Loans for hydro-power development; terms; rules and regulations; fund source.**

(a) The state loan and investment board may negotiate and make loans to municipalities, irrigation districts and special districts duly organized in this state for the purposes of hydro-power development as provided by rule and regulation. Any loan granted under this section shall not exceed the aggregate sum of ten million dollars (\$10,000,000.00) for a term not to exceed thirty (30) years for repayment at an interest rate of not less than four percent (4%) and not to exceed six percent (6%).

(b) All loan applications shall be accompanied by the feasibility study completed by the Wyoming water development commission created by W.S. 41-2-117.

(c) A fee of one percent (1%) of each loan made under this section shall be paid by the borrower to the board to be credited to the loss reserve account as provided by W.S. 11-34-202(e).

(d) Loans provided for by this section shall be made from the permanent funds of this state.

(e) The board shall require such security for each loan issued under this act as it deems adequate to secure the loan.

**Section 2.** W.S. 11-34-101(a)(iv) and 11-34-202(e) are amended to read:

**11-34-101. Definitions.**

(a) As used in this act:

(iv) "This act" means W.S. 11-34-101 through ~~11-34-305~~ 11-34-306.

**11-34-202. Revenue to be credited to an account; use thereof; disposition of excess.**

(e) Revenue and proceeds received by the board for deposit in the loss reserve account pursuant to W.S. 11-34-118, 11-34-120(h), 11-34-121, 11-34-123(a), ~~and 11-34-302(e)~~ and 11-34-306 shall be transmitted to the state treasurer for deposit to the credit of the loss reserve account. These funds shall be used for the purposes specified in subsection (f) of this section and W.S. 11-34-126 and to pay the administrative and legal expenses of the board in making collections and foreclosing mortgages. If at the end of any fiscal year the amount accumulated in the loss reserve account exceeds five percent (5%) of the total amount of permanent funds of the state invested in farm and irrigation loans, the amount in excess of the five percent (5%) shall be transferred and credited to the general fund.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 110

### MUNICIPAL SOLID WASTE LANDFILLS

Original Senate File No. 73

AN ACT relating to environmental quality; providing for municipal solid waste landfill lifetime permits; requiring annual reports; providing definitions; establishing priorities for municipal solid waste landfill remediation; providing for orphan landfill site remediation; making conforming amendments; expanding the use of previously appropriated funds for environmental assessments; and providing for an effective date.

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

**Section 1.** W.S. 35-11-523 through 35-11-525 are created to read:

**35-11-523. Annual report.**

(a) Effective January 1, 2012, every operator shall file an annual report with the administrator on or within thirty (30) days prior to the anniversary date of each lifetime permit. The report shall include:

(i) The facility name, the name and address of the operator and the permit number;

(ii) A report in such detail as the administrator shall require supplemented with maps, cross sections, aerial photographs, photographs



or other material indicating:

(A) The extent to which the landfill operations have been carried out;

(B) The progress of all landfill work;

(C) The extent to which regulatory requirements, expectations and predictions made in the original permit or any previous annual reports have been fulfilled, and any deviation there from, including but not limited to the capacity of landfill used, the results of any environmental monitoring, any remediation required or completed and the remaining usable municipal solid waste landfill capacity.

(iii) A revised schedule or timetable of landfill operations and an estimate of the available capacity to be affected during the next one (1) year period.

(b) Upon receipt of the annual report the administrator shall make such further inquiry as deemed necessary. If the administrator objects to any part of the report or requires further information he shall notify the operator as soon as possible and shall allow a reasonable opportunity to provide the required information, or take such action as necessary to resolve the objection.

(c) Within forty-five (45) days after the receipt of the annual report the administrator shall conduct an inspection of the landfill. A report of this inspection shall be made a part of the operator's annual report and a copy shall be delivered to the operator.

(d) Within sixty (60) days after receipt of the annual report, inspection report and other required materials, if the administrator finds the annual report in order and consistent with the landfill operation plan and solid waste management plan as set forth in the permit, or as amended to adjust to conditions encountered during landfill operations as provided by law, the director shall determine if any adjustment is necessary to the size of the bond required pursuant to W.S. 35-11-504.

**35-11-524. Municipal solid waste landfill assessments; priority list; monitoring.**

(a) The department shall conduct an assessment of the needs for municipal solid waste landfill monitoring and the necessity for any remediation on leaking municipal solid waste landfills in Wyoming.

(b) The department shall establish a priority list for municipal solid waste landfills that need remediation. The criteria used to establish this priority list shall be developed and reviewed with the water and waste

advisory board. The criteria shall include, but not be limited to the:

- (i) Type of leachate;
  - (ii) Volume of leachate;
  - (iii) Proximity of the leachate to the nearest surface or ground water;
  - (iv) Ability of the responsible municipality to remediate the contamination;
  - (v) The nature of contaminants in surface or ground water affected by the municipal solid waste landfill, including whether a contaminant is naturally occurring or manmade; and
  - (vi) Maximum contaminant levels.
- (c) For high priority sites identified on the list established under subsection (b) of this section, the department shall work with the local managers of the high priority municipal solid waste landfills to gather data necessary for the report due under subsection (d) of this section.
- (d) The department shall submit to the joint minerals, business and economic development interim committee:
- (i) No later than December 31, 2012, an initial report describing an assessment of the clean-up costs at the high priority municipal solid waste landfills;
  - (ii) No later than June 30, 2013, and annually thereafter, a report including, but not limited to:
    - (A) Monitoring results;
    - (B) Remediation results;
    - (C) The assessment of the clean-up costs at municipal solid waste landfills, including high, medium and low priority landfills;
    - (D) Estimated high priority sites to be addressed in the coming year;
    - (E) Orphan landfill sites information and data as required pursuant to W.S. 35-11-525(e).

**35-11-525. Orphan landfill sites.**

(a) The director may expend funds contained within the account for remediation of orphan landfill sites and the performance of any other activity as defined in this article.

(b) As used in this section, "orphan landfill site" means:

(i) A landfill where the department determines:

(A) There is no viable party responsible for causing or contributing to the landfill site; and

(B) The landfill site is not the result of activities conducted on the site after September 13, 1989.

(ii) A landfill site, where the department determines that the person responsible for the landfill cannot be identified;

(iii) A landfill site where the department must take prompt action to prevent hazards to human health or the environment where a responsible party fails to act promptly.

(c) To the extent funds are available, the department may expend funds from the account to conduct orphan landfill site evaluations and testing, evaluate remedial measures, select remediation requirements and construct, install, maintain and operate systems to remedy contamination in accordance with a remediation work plan prescribed by the director for the orphan landfill site.

(d) Revenue to the account shall include any monies which may be deposited in the account for use in identification, characterization, prioritization, remediation and monitoring of orphan landfill sites. The liability of the state to fulfill the requirements of this section is limited to the amount of funds available in the account.

(e) The department shall provide a report to the joint appropriations interim committee and the joint minerals, business and economic development interim committee. The report shall be included in the report required under W.S. 35-11-524(d) and shall include:

(i) The work completed on the identification, characterization, prioritization, remediation and monitoring of orphan landfill sites within the state;

(ii) The estimated funding need for the identification, characterization, prioritization, remediation and monitoring of orphan landfill sites within the state for:

(A) The next year or the next biennium, as applicable; and

(B) The next ten (10) years.

(f) In any case under paragraph (b)(iii) of this section where the department expends funds to remediate or contain contamination resulting from a landfill, and where the department has identified a responsible party, the responsible party shall reimburse the department in an amount equal to two (2) times the expenditure from the account. The attorney general shall bring suit to recover the reimbursement amount required in this subsection where recovery is deemed possible.

(g) For purposes of this section, "account" means the account created under W.S. 35-11-515(a).

**Section 2.** W.S. 35-11-103 by creating a new subsection (h) and 35-11-502 by creating new subsections (o) through (r) are amended to read:

**35-11-103. Definitions.**

(h) Specific definitions applying to municipal solid waste landfills:

(i) "Aquifer" means an underground geologic formation:

(A) Which has boundaries that may be ascertained or reasonably inferred;

(B) In which water stands, flows or percolates;

(C) Which is capable of yielding to wells or springs significant quantities of groundwater that may be put to beneficial use; and

(D) Which is capable of yielding to wells or springs which produce a sustainable volume of more than one-half (1/2) gallon of water per minute.

(ii) "Credible data" means as defined in paragraph (c)(xix) of this section;

(iii) "Groundwater" means any water, including hot water and geothermal steam, under the surface of the land or the bed of any stream, lake, reservoir or other body of surface water, including water that has been exposed to the surface by an excavation such as a pit which:

(A) Stands, flows or percolates; and

(B) Is capable of being produced to the ground surface in sufficient quantity to be put to beneficial use.

(iv) "Lifetime" means the estimated time to fill and close a municipal solid waste landfill, not to exceed twenty-five (25) years.

**35-11-502. Solid waste management facilities permits; term; renewals.**

(o) Effective July 1, 2012, the term for a new or renewed municipal solid waste landfill permit shall be for the lifetime of the solid waste landfill, through closure, not to exceed twenty-five (25) years.

(p) Effective July 1, 2012, for any existing municipal solid waste landfill permit, the next renewal permit shall be converted to a lifetime municipal solid waste permit.

(q) If, during the operation of the municipal solid waste landfill, the life of the municipal solid waste landfill is anticipated to exceed the term specified in the permit, the operator shall:

(i) Submit a municipal solid waste landfill permit amendment which shall include updates on any necessary provisions of the permit;

(ii) No later than three (3) years prior to the expiration of the lifetime municipal solid waste landfill permit, submit permit renewal information as required by the department. The municipal solid waste landfill permit may be renewed for another lifetime period, not to exceed twenty-five (25) years.

(r) Notice and opportunity for hearing for an amended municipal solid waste landfill permit shall be as provided for a new municipal solid waste landfill permit under this section.

**Section 3.** W.S. 35-11-522(e) is repealed.

**Section 4.**

(a) Funds appropriated under 2006 Wyoming Session Laws, Chapter 101, not awarded or encumbered by the director for purposes of that act prior to June 30, 2011, shall be available to the department for the purposes of conducting priority assessments, evaluating high priority municipal solid waste landfills and refining clean-up cost estimates for those sites. These sites may include orphaned, abandoned, closed and operating landfills that have indications of more serious groundwater contamination as identified in the report submitted under W.S. 35-11-522.

(b) To complete work under subsection (a) of this section, the amount the department may expend shall not exceed one million seven hundred fifty thousand dollars (\$1,750,000.00) of the appropriation under 2006 Wyoming

Session Laws, Chapter 101.

**Section 5.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 2, 2011.

## Chapter 111

### MULTIPLE SPECIAL HANDICAPPED LICENSE PLATES

Original House Bill No. 154

AN ACT relating to motor vehicle registration; providing for the issuance of multiple special handicapped license plates for each vehicle or motorcycle registered in the name of an eligible applicant; repealing a conflicting provision; and providing for an effective date.

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

**Section 1.** W.S. 31-2-213(h) by creating a new paragraph (viii) is amended to read:

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

(h) Effective January 1, 1993, any person eligible for a special placard under subsection (c) of this section may apply to the county treasurer for special license plates for a motor vehicle owned by that person. Special license plates shall not be issued to any person who is eligible only for a temporary removable windshield placard under subsection (g) of this section. Special plates issued under this subsection are subject to the following:

(viii) The county treasurer shall issue a set of plates for each vehicle and a special license plate for each motorcycle registered to a qualified applicant under this subsection upon payment of required fees.

**Section 2.** W.S. 31-2-213(h)(iv) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

**Chapter 112****PROFESSIONAL SERVICES PROCUREMENT**

Original Senate File No. 45

AN ACT relating to professional services procurement; providing for consideration of residency during the professional services selection process; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1031(a) is amended to read:

**9-2-1031. Selection procedures.**

(a) For each proposed project, the principal representative of the agency for which the project is proposed shall evaluate current statements of qualifications and performance data of firms on file with the department or the agency, together with any applications submitted by other qualified firms, and shall select not less than three (3) firms considered qualified to perform the required professional services. Consideration in each selection process by the principal representative shall be based upon the ability of professional personnel, past performance, willingness to meet time requirements, location, residency, current and projected work loads, the volume of work previously awarded to the firm by the agency, and the equitable distribution of contracts among qualified firms. The agency shall provide a complete description of the work to the firms selected. These firms shall submit an unpriced proposal to do the work. For purposes of this subsection, residency does not require satisfaction of the elements contained in W.S. 16-6-101(a)(i).

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

Approved March 2, 2011.

**Chapter 113****NOTARIES**

Original Senate File No. 150

AN ACT relating to notaries, notarial officers and notarial acts; amending the Wyoming Uniform Law on Notarial Acts; amending and repealing laws on notaries public; adopting provisions of the Model Notary Act; amending notary related statutes; specifying a means to satisfy acknowledgements; and providing for an effective date.

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

**Section 1.** W.S. 34-26-201 through 34-26-206 and 34-26-301 through 34-26-304 are created to read:

ARTICLE 2  
POWERS OF NOTARIAL OFFICERS

**34-26-201. Powers and prohibitions.**

(a) A notarial officer is empowered to perform the acts described in W.S. 34-26-101(b)(iii).

(b) A notarial officer, shall not perform a notarial act if the principal:

(i) Is not in the notarial officer's presence at the time of notarization or is not personally known to the notarial officer;

(ii) Is not personally known to the notarial officer or identified by the notarial officer through satisfactory evidence.

(c) A notarial officer may certify the affixation of a signature by mark on a document presented for notarization if:

(i) The mark is affixed in the presence of the notarial officer and two (2) witnesses unaffected by the document;

(ii) Both witnesses sign their own names beside the mark;

(iii) The notarial officer writes below the mark: "Mark affixed by (name of signer by mark) in presence of (names and addresses of witnesses) and undersigned notarial officer under W.S. 34-26-201(c)"; and

(iv) The notarial officer notarizes the signature by mark through an acknowledgment, jurat or signature witnessing.

(d) A notarial officer may sign the name of a person physically unable to sign or make a mark on a document presented for notarization if:

(i) The person directs the notarial officer to do so in the presence of two (2) witnesses unaffected by the document;

(ii) The notarial officer signs the person's name in the presence of the person and the witnesses;

(iii) Both witnesses sign their own names beside the signature;

(iv) The notarial officer writes below the signature: "Signature affixed by notarial officer in the presence of (names and addresses of person and two (2) witnesses) under W.S. 34-26-201(d)"; and

(v) The notarial officer notarizes the signature through an



acknowledgment, jurat or signature witnessing.

(e) It shall be lawful for any notarial officer who is a stockholder, director, officer or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by said corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of such corporation, or to protest for nonacceptance, or nonpayment, bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by any such bank or other corporation.

**34-26-202. Avoidance of influence.**

(a) While acting as a notarial officer, a notarial officer who is not an attorney licensed to practice in Wyoming under W.S. 33-5-101 through 33-5-117 shall not influence a person either to enter into or avoid a transaction involving a notarial act by the notarial officer.

(b) In his capacity as a notarial officer, a notarial officer has neither the duty nor the authority to investigate, ascertain or attest the lawfulness, propriety, accuracy or truthfulness of a document or transaction involving a notarial act.

**34-26-203. False certificate.**

(a) A notarial officer shall not execute a certificate containing information known or believed by the notarial officer to be false.

(b) A notarial officer shall not provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notarial officer's place of business.

**34-26-204. Improper documents.**

(a) A notarial officer shall not notarize a signature on a document without notarial certificate wording.

(b) A notarial officer shall neither certify nor authenticate a photograph.

**34-26-205. Intent to deceive.**

A notarial officer shall not perform any official action with the intent to deceive or defraud.

**34-26-206. Testimonials.**

A notarial officer shall not use the official notarial officer title or seal

to endorse, promote, denounce or oppose any product, service, contest, candidate or other offering.

ARTICLE 3  
NOTARIAL OFFICER FEES

**34-26-301. Imposition and waiver of fees.**

For performing a notarial act, a notarial officer may charge the maximum fee specified in W.S. 34-26-302, charge less than the maximum fee or waive the fee.

**34-26-302. Fees for notarial acts.**

(a) The maximum fees that may be charged by a notarial officer for notarial acts are:

(i) For taking an acknowledgment, two dollars (\$2.00) per signature;

(ii) For administering an oath or affirmation without a signature, two dollars (\$2.00) per person;

(iii) For jurats, two dollars (\$2.00) per signature;

(iv) For witnessing or attesting a signature, two dollars (\$2.00) per signature;

(v) For certifying or attesting copies, two dollars (\$2.00) per page certified;

(vi) For taking a verification upon oath or affirmation, two dollars (\$2.00) per certificate;

(vii) For noting a protest of negotiable instruments, two dollars (\$2.00) per protest.

(b) A notarial officer may charge a travel fee when traveling to perform a notarial act if:

(i) The notarial officer and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(ii) The notarial officer explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee, if any, and neither specified nor mandated by law.

**34-26-303. Payment prior to act.**

(a) A notarial officer may require payment of any fees specified in W.S. 34-26-302 prior to performance of a notarial act.

(b) Any fees paid to a notarial officer prior to performance of a notarial act are nonrefundable if:

(i) The act was completed; or

(ii) In the case of travel fees paid in compliance with W.S. 34-26-302(b), the act was not completed for reasons stated in W.S. 34-26-202(b)(i) or (ii) after the notarial officer had traveled to meet the principal.

#### **34-26-304. Fees of employee notarial officer.**

(a) An employer may prohibit an employee who is a notarial officer from charging for notarial acts performed as part of the employee's employment.

(b) A governmental employer who has absorbed an employee's costs in becoming or operating as a notarial officer shall require any fees collected for notarial acts performed as part of the employee's employment either to be waived or surrendered to the employer to support public programs.

**Section 2.** W.S. 1-2-102(a) by creating a new paragraph (xv) and (b), 2-11-105(a), 6-5-114, 9-1-305(a)(iii), 29-7-202(a), 32-1-105 by creating a new subsection (e), 34-2-133(a), 34-5-101, 34-5-104, 34-26-101(b)(iii), (iv), by creating new paragraphs (vii) through (xxii) and by creating a new subsection (c), 34-26-102(c) and (d), 34-26-103(a)(i) and by creating a new subsection (d), 34-26-104(a)(i), 34-26-106(a)(i), 34-26-107(a) and (c), 34.1-3-505(b) and 41-7-804(a)(i) are amended to read:

#### **1-2-102. Officers authorized to administer.**

(a) The following officers are authorized to administer oaths:

(xv) Notarial officers.

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

#### **2-11-105. Procedure when foreign law does not require probate; filing, recording and effect.**

(a) When a duly authenticated copy of a will from any state or country where probate is not required by the laws of the state or country, with a duly authenticated certificate of the legal custodian of the original will that

the same is a true copy and that the will has become operative by the laws of the state or country, and when a copy of a notarial will in possession of a ~~notary~~ notarial officer in a foreign state or country entitled to the custody thereof (the laws of which state or country require that the will remain in the custody of the ~~notary~~ notarial officer), duly authenticated by the ~~notary~~ notarial officer, is presented by the executor or other persons interested to the proper court in this state, the court shall take the proofs as may be appropriate.

**6-5-114. Notarial officers; issuance of certificate without proper acknowledgment; penalties.**

A ~~notary public~~ notarial officer commits 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, if he signs and affixes his seal to a certificate of acknowledgment when the party executing the instrument has not first acknowledged the execution of the instrument ~~before in the presence of, as defined in W.S. 34-26-101(b)(xxi), the~~ notary public ~~notarial officer~~, if by law the instrument is required to be recorded or filed and cannot be filed without a certificate of acknowledgment signed and sealed by a ~~notary public~~ notarial officer.

**9-1-305. Fees; amounts; collection; exceptions.**

(a) The secretary of state shall collect the following fees in advance for:

(iii) Issuing a notarial officer commission, ~~to notary public, thirty~~ dollars (\$30.00);

**29-7-202. Notice of lien to be filed; time and place; form; filing by county clerk; release; renewal.**

(a) A notice of a breeder's lien shall within ninety (90) days after the date of the service be filed in the office of the secretary of state. The notice shall be in the following format:

Notice of Breeder's Lien.

The State of Wyoming             )  
                                                      ) ss.  
County of ....                             )

I, ....., being first duly sworn, upon my oath depose and say I am the lawful owner (or duly authorized agent of .... the lawful owner) of .... (description of male animal).

On (or between) the .... day of ....., A.D. (year) and the .... day of ....., (year), the services of the male animal were had upon the following described

female animals:

The above services were rendered at the request of .... (for and on behalf of ....), the lawful owner .... of the female animals.

The fee agreed upon for these services was .... dollars.

There is now due to .... from .... for these services, the sum of .... dollars.

Ninety (90) days have not elapsed since the date of the services, and .... claim a breeder's lien on the property for this amount.

Subscribed in my presence and sworn to before me this .... day of ...., A.D. (year).

---

Notary Public Notarial Officer.

My Commission expires \_\_\_\_\_

### **32-1-105. Powers and jurisdiction.**

(e) In addition to the powers and authority granted to notaries by this chapter, every notary receiving a commission under this chapter shall be a notarial officer and have the powers and authority vested by the Wyoming Uniform Law on Notarial Acts, W.S. 34-26-101 through 34-26-304.

### **34-2-133. Tax deeds; possession and affidavits of possession.**

(a) Possession by the grantee for a continuous period of not less than six (6) months at any time after one (1) year and six (6) months have elapsed since the date of recording the tax deed extinguishes forever all the claims, right, title and interest, including the right to possession, of the former owner, and vests in the grantee any title conveyed or purportedly conveyed by the tax deed. Proof of possession by the grantee and the record of the tax deed constitutes conclusive evidence of the legality and effectiveness of the deed and any proceedings upon which the deed is based, and of the title of the grantee. As a means of proving possession and preserving evidence of possession under a tax deed, the then owner or holder of the title conveyed or purportedly conveyed by the tax deed may, at any time after two (2) years from the date of recording of the tax deed, file for record in the office of the county clerk in which the real estate is located an affidavit substantially in the following form:

AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

State of .... )
) ss
.... County )

I, ....., (name) residing at .... (address), being first duly sworn, depose and say that on .... (date) a tax deed was issued to .... (grantee) for the following described real estate: .... that said tax deed was filed for record in the office of the county clerk and ex-officio register of deeds for .... county, ....., on .... (date), and appears in the records of that office in .... County as recorded in book .... page .... of the .... records; that I am now in possession of such real estate and claim title to the same by virtue of such tax deed; that I have been in possession of such real estate for a continuous period of not less than six (6) months immediately preceding the date of this affidavit; and that the facts concerning the possession of such real estate from the date of recording the tax deed to the date of this notice are, insofar as known to me, as follows:

....
....

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

.....

Notary Public ~~Notarial Officer~~ in and for

..... County
..... (state)

34-5-101. When executed out of state; exceptions.

All deeds and conveyances of real estate given and recorded in the state of Wyoming prior to January 1, 1925, the execution of which shall have been acknowledged before a notary public ~~notarial officer~~ out of this state, where the certificate of official character attached to such deeds or other conveyance fails to state that such deed or conveyance was executed and acknowledged according to the laws of the state or territory in which the same was executed, shall be deemed as valid and binding as if such certificate had contained the statement aforesaid, and shall be so construed by the courts, and the record thereof shall have the same force and effect as if such certificate had contained said statement; provided, that such record shall in no wise affect the right or title of any person acquired in good faith and for a valuable consideration before the said January 1, 1925; and provided, further, that this section shall not be construed to affect any judgment or decree rendered by any court of the state before that time.

34-5-104. Certificate of acknowledgment; incomplete.

Any conveyance of real estate made ten (10) years or more prior to January 1st, A.D. 1935, purporting to be acknowledged before any justice of the peace, within or without the state of Wyoming, where such justice of the peace did not state in his certificate of acknowledgment the date of expiration of his office, or where no certificate, or a defective certificate is attached to such deed by the county clerk or clerk of court of the county of such justice of the peace as is required by law in case such acknowledgment is taken before a justice of the peace outside of the state of Wyoming; and any conveyance of real estate made ten (10) years or more prior to January 1st, A.D. 1935, purporting to be acknowledged before any ~~notary public~~ notarial officer, where such ~~notary public~~ notarial officer did not attach his seal to such certificate of acknowledgment, or did not state therein the expiration of the time of his commission; and any conveyance of real estate made ten (10) years or more prior to the 1st day of January, A.D. 1935, where such conveyance does not purport to be properly witnessed; and any conveyance of real estate made ten (10) years or more, prior to the first day of January, A.D. 1935, purporting to be executed by any corporation, where there is any defect or irregularity in the execution or acknowledgment thereof, shall, if the same has been heretofore recorded ten (10) years or more prior to January 1st, 1935, in the office of the county clerk of the county where the real estate therein conveyed is situate, be deemed as valid and as effective and binding as though the defects and irregularities therein, herein mentioned, did not exist and as though in these respects the same had been executed in full accordance with the laws of this state, and the record, or the certified copy thereof, shall be admitted in evidence in all actions or proceedings with the same force and effect as though the defects and irregularities therein, herein mentioned, did not exist, and as though in these respects the same had been executed in full accordance with the laws of this state.

**34-26-101. Short title; definitions; acknowledgements.**

(b) As used in this act:

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

(A) Taking an acknowledgment;

(B) Administering an oath or affirmation;

(C) Taking a verification upon oath or affirmation;

(D) Witnessing or attesting a signature;

(E) Certifying or attesting a copy;

(F) Noting a protest of a negotiable instrument;

(G) Performing a jurat; and

(H) Performing other acts so authorized by the laws of this state.

(iv) “Notarial officer” means a notary public or other officer any person authorized to perform notarial acts under W.S. 34-26-103 and includes persons commissioned as notaries public under W.S. 32-1-101 through 32-1-109;

(vii) “Affirmation” means a notarial act, or part thereof, which is legally equivalent to an oath and in which an individual at a single time and place;

(A) Is personally known to the notarial officer or identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word “swear”.

(viii) “Commission” means both to empower to perform notarial acts and the written evidence of authority to perform those acts;

(ix) “Commissioned notarial officer” means a person who has been issued a commission to perform notarial acts by the secretary of state pursuant to W.S. 32-1-101 through 32-1-109. A commissioned notarial officer is a notary public;

(x) “Credible witness” means an honest, reliable and impartial person who personally knows an individual appearing before a notarial officer and takes an oath or affirmation from the notarial officer to vouch for that individual’s identity;

(xi) “Jurat” means a notarial act in which an individual at a single time and place;

(A) Is personally known to the notarial officer or identified by the notarial officer through satisfactory evidence;

(B) Signs the document in the presence of the notarial officer, as provided in subparagraph (xxi)(A) of this subsection; and

(C) Takes an oath or affirmation from the notarial officer vouching



for the truthfulness or accuracy of the signed document.

(xii) “Notarial certificate” and “certificate” means the certificate required by W.S. 34-26-107;

(xiii) “Notary public” and “notary” mean a commissioned notarial officer;

(xiv) “Oath” means a notarial act, or part thereof, which is legally equivalent to an affirmation and in which an individual at a single time and place;

(A) Is personally known to the notarial officer or identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word “swear”.

(xv) “Personal knowledge of identity,” “personally known to the notarial officer” and “personally knows” mean familiarity with an individual resulting from interactions with that individual over a period of time or any other reasonable corroboration sufficient to dispel any reasonable uncertainty that the individual has the identity claimed;

(xvi) “Principal” means:

(A) A person whose signature is notarized; or

(B) A person, other than a credible witness, taking an oath or affirmation from the notarial officer.

(xvii) “Regular place of work or business” means a stationary office or workspace where one spends all or some of one’s working or business hours;

(xviii) “Satisfactory evidence,” when referring to proof of identity, means identification of an individual based on:

(A) The notarial officer’s personal knowledge of identity;

(B) At least one (1) current document issued by a federal, state or tribal government agency bearing the photographic image of the individual’s face and signature and a physical description of the individual, though a properly stamped passport without a physical description is acceptable; or

(C) The oath or affirmation of one (1) credible witness unaffected by the document or transaction who is personally known to the notarial officer and who personally knows the individual, or of two (2) credible witnesses

unaffected by the document or transaction who each personally knows the individual and shows to the notarial officer documentary identification as described in subparagraph (B) of this paragraph.

(xix) "Seal" means a device for affixing on a document an image containing a notarial officer's name, jurisdiction, commission expiration date and other information related to the notarial officer's commission and identity as required by W.S. 32-1-106;

(xx) "Verification of fact" means a notarial act in which a notarial officer reviews public or vital records to ascertain or confirm any of the following facts regarding a person:

(A) Date of birth or death;

(B) Name of parent, offspring or sibling;

(C) Date of marriage or divorce; or

(D) Name of marital partner.

(xxi) "Personally appear," "in the presence of," and "appear before" mean for all purposes of this act except as used in paragraph (xi) of this subsection that:

(A) The principal is in the notarial officer's presence at the time of notarization; or

(B) The principal confirmed to the notarial officer that the principal signed the document.

(xxii) "This act" means W.S. 34-26-101 through 34-26-304.

(c) A properly executed jurat satisfies any requirement for an acknowledgement.

### **34-26-102. Notarial acts.**

(c) In witnessing or attesting a signature the ~~notarial officer~~ principal shall determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein ~~be personally known to the notarial officer or identified through satisfactory evidence, shall appear in person before the notarial officer and shall make the signature in the presence of the notarial officer.~~

(d) A notarial officer may certify or attest to a copy of a document or other item except that a notarial officer shall not certify or attest to a copy of a

vital record, public record or publicly recordable document. In certifying or attesting a copy of a document or other item under this subsection, the notarial officer shall:

(i) Have the document in his presence;

(ii) Copy or supervise the copying of the document or other item using a photographic or electronic copying process; and

(iii) Determine that the proffered copy is a full, true and accurate transcription or reproduction of that which was copied.

### **34-26-103. Notarial acts in Wyoming.**

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

(i) A notary public of this state person commissioned as a notary public under W.S. 32-1-101 through 32-1-109;

(d) All persons authorized to perform notarial acts under subsection (a) of this section may perform such acts without a commission except persons listed under paragraph (a)(i) of this section.

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

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

(i) A notary public notarial officer of that jurisdiction;

### **34-26-106. Foreign notarial acts.**

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

(i) A notary public or notary notarial officer;

### **34-26-107. Certificate of notarial acts; presumptive evidence.**

(a) A notarial act shall be evidenced by a certificate signed and dated by a

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

(c) ~~By executing~~ In addition to the presumptive evidence established by W.S. 32-1-107 and as otherwise provided in this chapter, a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by W.S. 34-26-102. shall be received as presumptive evidence that:

(i) If the instrument to which the certificate is affixed was executed by natural persons acting in their own right, that such person or persons personally appeared before the notarial officer, were known to the officer to be the person or persons described in and who executed such instrument, and that the person or persons acknowledged that the document was acknowledged freely and voluntarily;

(ii) If the instrument to which the certificate is affixed was executed by an attorney-in-fact acting for a natural person, that the attorney personally appeared before the notarial officer, was known by the officer to be the party who executed the instrument on behalf of the natural person and that the attorney acknowledged that the instrument was executed and acknowledged as the free and voluntary act of the natural person;

(iii) If the instrument to which the certificate is affixed was executed by a corporation or other entity which is not a natural person, that the president or other official who signed the instrument on behalf of the entity appeared before and was personally known to the officer making the certificate and was duly sworn and upon oath represented that the person was the president or other officer or agent of the corporation or entity, that the seal affixed to the instrument is the corporate seal of the corporation or entity, that the instrument was signed and sealed on behalf of the corporation or entity by the authority of the board of directors or trustees thereof and that the officer who executed the instrument acknowledged the instrument to be the free act and deed of the corporation or entity. If the corporation or entity does not have a corporate seal, a recital of that fact shall be inserted at the end of the certificate by the notarial officer.

### **34.1-3-505. Evidence of dishonor.**

(b) A protest is a certificate of dishonor made by a United States consul or vice consul, or a ~~notary public~~ notarial officer or other person authorized to administer oaths by the law of the place where dishonor occurs. It may

be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.

**41-7-804. Creation; procedures generally.**

(a) The procedure for creating and incorporating a district under the provisions of this act shall be in accordance with the following method, to wit:

(i) A public irrigation district may be organized under the provisions of this act by filing in the office of the state engineer a petition in compliance with the requirements hereinafter set forth, and the approval of said petition by the state engineer of Wyoming as hereinafter provided. Said petition shall be addressed to said state engineer and state in substance that it is the intent and purpose of the petitioners by said petition to create a district under the provisions of this act, subject to approval by said state engineer. Said petition must contain: (A) the name of the proposed district. If the proposed district is to engage in the business of owning or operating irrigation works, such name shall include the words "public irrigation district." If the proposed district is also to engage in the business of acquiring, manufacturing or selling or distributing electric power, the name of the proposed district shall include the words "public irrigation and power district"; (B) the object and purpose of the system proposed to be constructed, together with a general description of the nature, location and method of operation of proposed irrigation works, and of proposed power systems if owning and operating power plants or systems is to be a part of the business of the proposed district; (C) a description of the lands constituting the proposed district and of the boundaries thereof; (D) the location of the principal place of business of the proposed district; (E) a statement that the proposed district shall not have the power to levy taxes; (F) the names and addresses of the members of the board of directors of the proposed district (not less than five (5) nor more than thirteen (13) who shall serve until their successors are elected and qualified as provided for in this act. In the petition, the directors named shall be divided as nearly as possible into three (3) equal groups, the members of the first group to hold office until their successors, elected at the first district election thereafter, shall have qualified; the members of the second group to hold office until their successors, elected at the second district election thereafter, shall have qualified, and the members of the third group to hold office until their successors, elected at the third district election thereafter, shall have qualified. Thereafter all directors elected shall serve for a term of three (3) years and until their successors are elected and qualified. After the name of each director shall be stated to which of said three (3) groups he belongs. Said petition must be signed by twenty-five percent (25%) of the freeholders or entrymen of the area constituting said proposed district,

or by their duly authorized representatives. On each petition, set opposite the signature of each petitioner, shall be stated his or her name and post-office address. To each sheet for petitioners' signatures shall be attached a full and correct copy of the petition. Every sheet of every such petition containing signatures shall have upon it and below the signatures an affidavit by the circulator in substantially the following form:

State of Wyoming            )  
                                                       ) ss  
 County of ....                )

...., being first duly sworn, deposes and says, that he is the circulator of the foregoing petition containing .... signatures; that each person whose name appears on said petition sheet personally signed said petition in the presence of affiant; that he believes that each of said signers is a freeholder of land to be included within the proposed district residing at the address written opposite his or her name, and that affiant stated to every petitioner before he or she affixed his or her signature the legal effect and nature of said petition.

.....  
 Circulator

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

.....  
~~Notary Public~~ Notarial Officer;

**Section 3.** W.S. 1-2-102(a)(vii), 32-1-105(a) through (c), 32-1-110 through 32-1-113, 34-26-101(b)(vi), 34-26-102(h) and 34-26-103(b) are repealed.

**Section 4.** This act is effective July 1, 2011.

Approved March 2, 2011.

**Chapter 114**

**SUBSTANCE ABUSE TREATMENT FUNDING AWARDS**

Original House Bill No. 99

AN ACT relating to the treatment of substance abuse; restructuring specified programs authorized by the 2005 methamphetamine initiative; specifying the manner in which the department of health shall determine substance abuse funding awards; repealing certain noncodified provisions; and providing for an effective date.

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

**Section 1.** W.S. 9-2-2708 is created to read:

**9-2-2708. Methamphetamine and substance abuse treatment grants.**

(a) Public or private entities may apply for grants to fund access to treatment for persons addicted to methamphetamine and other substances. Grant requests shall be reviewed and awarded by the department of health. Any funds awarded under this section shall not be used to supplant funds being used at the time of the award by the public or private entity for the purposes specified in this section.

(b) In reviewing and awarding grants under this section, the department of health shall consider:

(i) Geographic distribution of treatment resources;

(ii) A projection of the number of persons who will be treated, using law enforcement statistics with respect to the number of arrests for methamphetamine use and other arrests related to substance abuse in each region of the state and other data demonstrating need;

(iii) The amount of monies or other forms of contribution public or private entities will provide in matching funds. This local match shall be in an amount of not less than one dollar (\$1.00) for every three dollars (\$3.00) of state funds provided.

(c) The department of health shall prepare a request for proposal and solicit proposals from interested public and private entities to increase access to treatment for those who are addicted to methamphetamine and other substances. The request for proposal shall:

(i) Solicit proposals to provide treatment as set forth in this subsection;

(ii) Require that proposals include an amount of monies or other forms of contributions that public or private entities will provide in matching funds. This local match shall be in an amount of not less than one dollar (\$1.00) for every three dollars (\$3.00) of state funds provided;

(iii) Require the proposals to set forth the manner in which the ongoing operations of the program will be financially sustained;

(iv) Include other provisions as may be deemed appropriate by the department of health.

(d) Funding requests by the department of health for the purposes

identified in this section shall be presented as a separate and specific program in any budget request prepared by the department and submitted by the governor pursuant to W.S. 9-2-1011 and 9-2-1012, and not continued with any other program.

**Section 2.** For the fiscal year commencing July 1, 2011, any funds remaining from state appropriations to the department of health which had been included in the department's budget requests to be expended for purposes specified in 2005 Wyoming Session Laws, Chapter 245, shall be expended only as provided in this section.

**Section 3.** 2005 Wyoming Session Laws, Chapter 245 is repealed.

**Section 4.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 115

### APPOINTMENTS TO COUNTY COMMISSIONER VACANCY

Original House Bill No. 136

AN ACT relating to vacancies in office; requiring written notice for county commissioner vacancies as specified; and providing for an effective date.

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

**Section 1.** W.S. 18-3-524(a)(ii) is amended to read:

**18-3-524. Appointments to fill vacancies; term.**

(a) Within twenty (20) days after the office of any county commissioner becomes vacant the remaining members of the board shall declare a vacancy to exist and immediately give notice of the vacancy in writing to the chairman of the county central committee of the political party which the member whose office is vacant represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. The chairman of the county central committee shall within twenty (20) days after receipt of the notice call a meeting of the county central committee. At the meeting the committee shall select three (3) persons qualified to fill the vacancy and transmit the names to the board of county commissioners. The board of county commissioners shall fill the vacancy within twenty (20) days after receiving the list from the county central committee by appointing one (1) of the persons whose names are submitted by the county central committee:



(ii) If the incumbent commissioner did not represent any political party at the time of his election or appointment, the board of county commissioners ~~may appoint any qualified person to fill the vacancy~~ shall publish in a newspaper of general circulation in the county notice that within twenty (20) days after publication any qualified person may make application directly to the county commissioners for appointment to fill the vacancy. Within twenty (20) days after the application deadline the county commissioners shall fill the vacancy by appointment of one (1) person qualified from those submitting applications.

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

Approved March 2, 2011.

## Chapter 116

### STATE ARCHIVES-STORAGE STUDY

Original House Bill No. 37

AN ACT relating to state archives; providing an appropriation for study of best practices methodology for document retention and storage; and providing for an effective date.

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

**Section 1.** There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the department of state parks and cultural resources. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purpose of developing and conducting a study of the best practices methodology for document retention and storage. 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 of state parks and cultural resources' 2013-2014 standard biennial budget request.

**Section 2.** The department of state parks and cultural resources shall coordinate with the state chief information officer to jointly develop the uniform standard of electronic record keeping for all state records. A phased approach for implementing the state's electronic records management system will be planned, documented and approved by the chief information officer prior to the expenditure of funds. All state agencies shall participate under this section. Agencies shall participate through existing committees or the department and chief information officer can jointly establish a separate committee for the purposes of electronic record management

system coordination. The chief information officer shall review and update promulgated rules 6560 through 6565 on electronic records to support the implementation of the state's electronic records management system as needed.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 117

### SUCCESSOR CORPORATION ASBESTOS-RELATED LIABILITY ACT-2

Original House Bill No. 110

AN ACT relating to civil actions; providing limitations on liability for asbestos claims against successor corporations; providing for applicability; and providing for an effective date.

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

**Section 1.** W.S. 1-1-131 through 1-1-137 are created to read:

**1-1-131. Short title.**

This act shall be known and may be cited as the "Successor Corporation Asbestos-Related Liability Fairness Act."

**1-1-132. Definitions.**

(a) As used in this act:

(i) "Asbestos claim" means any claim, wherever or whenever made, for damages, losses, indemnification, contribution or other relief arising out of, based on or in any way related to asbestos, including:

(A) The health effects of exposure to asbestos, including a claim for personal injury or death, mental or emotional injury, risk of disease or other injury, or the costs of medical monitoring or surveillance;

(B) Any claim made by or on behalf of any person exposed to asbestos, or a representative, spouse, parent, child or other relative of the person; and

(C) Any claim for damage or loss caused by the installation, presence or removal of asbestos.

(ii) "Corporation" means a corporation for profit, including a domestic

corporation organized under the laws of this state or a foreign corporation organized under laws other than the laws of this state;

(iii) "Successor" means a corporation that assumes or incurs or has assumed or incurred successor asbestos-related liabilities that is a successor and became a successor before May 13, 1968, or is any of that successor corporation's successors;

(iv) "Successor asbestos-related liabilities" means any liability, whether known or unknown, asserted or unasserted, absolute or contingent, accrued or unaccrued, liquidated or unliquidated or due or to become due, which is related to asbestos claims and was assumed or incurred by a corporation as a result of or in connection with a merger or consolidation or the plan of merger or consolidation related to the merger or consolidation with or into another corporation, or that is related in any way to asbestos claims based on the exercise of control or the ownership of stock of the corporation before the merger or consolidation. The term includes liabilities that, after the time of the merger or consolidation for which the fair market value of total gross assets is determined under W.S. 1-1-135, were or are paid or otherwise discharged, or committed to be paid or otherwise discharged, by or on behalf of the corporation or by a successor of the corporation or by or on behalf of a transferor, in connection with settlements, judgments or other discharges in this state or another jurisdiction;

(v) "Transferor" means a corporation from which successor asbestos-related liabilities are or were assumed or incurred.

### **1-1-133. Applicability.**

(a) The limitations in W.S. 1-1-134 shall apply to any successor corporation.

(b) The limitations of W.S. 1-1-134 shall not apply to:

(i) Workers' compensation benefits paid by or on behalf of an employer to an employee under the provisions of Wyoming statutes, title 27, chapter 14 or a comparable workers' compensation law of another jurisdiction;

(ii) Any claim against a corporation that does not constitute a successor asbestos-related liability;

(iii) Any obligation under the National Labor Relations Act, 29 U.S.C. Section 151, et seq., as amended, or under any collective bargaining agreement;

(iv) A successor that, after a merger or consolidation, continued in the business of mining asbestos or in the business of selling or distributing asbestos fibers or in the business of manufacturing, distributing, removing

or installing asbestos-containing products; or

(v) Any claim against a corporation that was filed in a court of competent jurisdiction prior to the effective date of this act.

**1-1-134. Limitations on successor asbestos-related liabilities.**

(a) Except as further limited in subsection (b) of this section, the cumulative successor asbestos-related liabilities of a successor corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation. The successor corporation shall not have responsibility for successor asbestos-related liabilities in excess of this limitation.

(b) If the transferor had assumed or incurred successor asbestos-related liabilities in connection with a prior merger or consolidation with a prior transferor, then the fair market value of the total assets of the prior transferor determined as of the time of the earlier merger or consolidation shall be substituted for the limitation set forth in subsection (a) of this section for purposes of determining the limitation of liability of a successor corporation.

**1-1-135. Establishing fair market value of total assets.**

(a) A successor corporation may establish the fair market value of total gross assets for the purpose of the limitations under W.S. 1-1-134 through any method reasonable under the circumstances, including:

(i) By reference to the going concern value of the assets or to the purchase price attributable to or paid for the assets in an arms-length transaction; or

(ii) In the absence of other readily available information from which the fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.

(b) Total gross assets include intangible assets.

(c) To the extent total gross assets include any liability insurance that was issued to the transferor whose assets are being valued for purposes of this section the applicability, terms, conditions and limits of such insurance shall not be affected by this section, nor shall this section otherwise affect the rights and obligations of an insurer, transferor or successor under any insurance contract or any related agreements, including, without limitation, preenactment settlements resolving coverage-related disputes, and the rights of an insurer to seek payment for applicable deductibles, retrospective premiums or self-insured retentions or to seek contribution from a successor for uninsured or self-insured periods or periods where

insurance is uncollectible or otherwise unavailable. Without limiting the foregoing, to the extent total gross assets include any such liability insurance, a settlement of a dispute concerning any such liability insurance coverage entered into by a transferor or successor with the insurers of the transferor before July 1, 2011 shall be determinative of the total coverage of such liability insurance to be included in the calculation of the transferor's total gross assets.

**1-1-136. Adjustment.**

(a) Except as provided in subsections (b) through (d) of this section, the fair market value of total gross assets at the time of the merger or consolidation shall increase annually at a rate equal to the sum of:

(i) The prime rate as listed in the first edition of the Wall Street Journal published for each calendar year since the merger or consolidation, unless the prime rate is not published in that edition of the Wall Street Journal, in which case any reasonable determination of the prime rate on the first day of the year may be used; and

(ii) One percent (1%).

(b) The rate found in subsection (a) of this section shall not be compounded.

(c) The adjustment of the fair market value of total gross assets shall continue as provided in subsection (a) of this section until the date the adjusted value is first exceeded by the cumulative amounts of successor asbestos-related liabilities paid or committed to be paid by or on behalf of the successor corporation or a predecessor or by or on behalf of a transferor after the time of the merger or consolidation for which the fair market value of total gross assets is determined.

(d) No adjustment of the fair market value of total gross assets shall be applied to any liability insurance that may be included in the definition of total gross assets by W.S. 1-1-135(c).

**1-1-137. Scope of act.**

(a) The courts of this state shall construe the provisions of this act liberally with regard to successors.

(b) This act shall apply to all asbestos claims filed against a successor on or after July 1, 2011.

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

Approved March 2, 2011.

**Chapter 118****STATE LANDS-IMPROVEMENTS-2**

Original House Bill No. 135

AN ACT relating to state lands; providing for registration of improvements as specified; providing for compensation for registered improvements; providing for rules and regulations; and providing for an effective date.

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

**Section 1.** W.S. 36-3-102(c)(iii) and 36-5-110 are amended to read:

**36-3-102. Duties generally.**

(c) The board shall have authority to override any decision made by the director. Upon such terms and conditions as shall be established by the board, in addition to other powers enumerated in this section, the director shall have authority to:

(iii) Approve applications to construct improvements within criteria established by the board pursuant to W.S. ~~36-5-110~~ 36-5-110(a) and 36-5-111;

**36-5-110. Right to make and remove improvements.**

(a) A lessee of state lands shall have the right to construct or make improvements upon state lands in the amount of two thousand dollars (\$2,000.00) per section, without first obtaining permission. If the lessee or any other person desires to construct or make improvements upon state lands in excess of the value of two thousand dollars (\$2,000.00) per section, he shall file an application for permission to construct or make the improvements with the director, which shall be subject to allowance or rejection as the best interests of the state require. The director shall have authority to grant permission to construct improvements in excess of two thousand dollars (\$2,000.00) for fencing, water development, livestock handling facilities and range enhancements. Any other improvement in excess of two thousand dollars (\$2,000.00) shall be applied for under a special use permit. Unless permission has been obtained in the manner provided by this section or the improvement has been registered as provided in subsection (b) of this section, the owner of the improvements in excess of the value of two thousand dollars (\$2,000.00) per section shall not be entitled to compensation therefor as provided by W.S. 36-5-111 and 36-9-105, and upon the expiration of the lease the improvements shall forfeit to and become the property of the state; except, that within one hundred twenty (120) days from the date of the expiration of the lease, the owner may remove such improvements in a manner which minimizes injury to the land.

(b) Notwithstanding subsection (a) of this section, a lessee of state lands

may register all improvements made upon state lands which were made prior to June 30, 2010, with or without prior approval by the director. Improvements registered under this subsection may include improvements for which approval was not applied for pursuant to subsection (a) of this section. Improvements for which permission was denied under subsection (a) of this section shall not be eligible for registration under this subsection. Registrations under the provisions of this subsection shall be made not later than June 30, 2014. Improvements registered under this subsection shall be entitled to compensation therefor as provided by W.S. 36-5-111 and 36-9-105.

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

Approved March 2, 2011.

## Chapter 119

### WYOMING INFRASTRUCTURE AUTHORITY

Original House Bill No. 109

AN ACT relating to the Wyoming infrastructure authority; providing for the Wyoming infrastructure authority to submit budget requests; and providing for an effective date.

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

**Section 1.** W.S. 37-5-303 by creating a new subsection (e) is amended to read:

**37-5-303. Purposes; budget.**

(e) Before any appropriation is made to the authority, the authority shall submit its budget for review as provided by W.S. 9-2-1010 through 9-2-1014. Any appropriation to the authority shall be used only for financial support for purely administrative purposes, which shall include planning and research.

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

Approved March 2, 2011.

**Chapter 120****WYOMING PIPELINE AUTHORITY**

Original House Bill No. 113

AN ACT relating to the Wyoming pipeline authority; providing for the Wyoming pipeline authority to submit budget requests; eliminating obsolete dates; and providing for an effective date.

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

**Section 1.** W.S. 37-5-101(d), 37-5-102 by creating a new subsection (f) and 37-5-206(b) are amended to read:

**37-5-101. Wyoming pipeline authority.**

(d) ~~Effective July 1, 1979,~~ Appointments and terms under this section shall be in accordance with W.S. 28-12-101 through 28-12-103.

**37-5-102. Purposes; budget.**

(f) Before any appropriation is made to the authority, the authority shall submit its budget for review as provided by W.S. 9-2-1010 through 9-2-1014. Any appropriation to the authority shall be used only for financial support for purely administrative purposes, which shall include planning and research.

**37-5-206. Bonds as legal investments.**

(b) ~~Effective July 1, 2006,~~ With the written approval of the governor and the attorney general, the state treasurer may invest monies from the legislative stabilization reserve account in an amount approved by the state loan and investment board pursuant to W.S. 9-4-715(a), (d) and (e) but not to exceed the amount of one hundred million dollars (\$100,000,000.00). The investment shall comply with all statutes governing prudent investments and interest payable on the bonds invested in by the treasurer shall average over the lifetime of the bonds to be at least four percent (4%) and revenue under W.S. 37-5-204(b) shall be credited as received to the appropriate income account. In the event an investment is made from the legislative stabilization reserve account, the amount of the investment shall be transferred to the Wyoming pipeline authority investment account which is hereby created. As the investment is returned to the account, the state treasurer shall transfer the amount of the returned investment to the legislative stabilization reserve account.

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

Approved March 2, 2011.



**Chapter 121****CHILD SUPPORT-ORDERS**

Original House Bill No. 203

AN ACT relating to domestic relations; amending provisions relating to the content of child support orders as specified; and providing for an effective date.

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

**Section 1.** W.S. 20-2-309(a)(i) and (b)(intro) is amended to read:

**20-2-309. Contents of orders; change of address or employment; income withholding entered; payment.**

(a) All orders shall include the:

(i) ~~Names, addresses, dates of birth and places of birth of the parties; and all children to whom the order relates;~~

(b) All child support orders shall be accompanied by a confidential statement that contains the names, addresses, dates of birth, places of birth and social security numbers of each party and each child to whom the order relates and the names and addresses of each party's employer. The confidential statement may be inspected by:

**Section 2.** W.S. 20-2-309(a)(ii) is repealed.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

**Chapter 122****DUI-CHILD ENDANGERMENT FINES**

Original Senate File No. 115

AN ACT relating to the operation of motor vehicles; providing a fine for child endangerment while driving under the influence; and providing for an effective date.

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

**Section 1.** W.S. 31-5-233(m)(i) is amended to read:

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

(m) Any person eighteen (18) years of age or older who has a child passenger in the vehicle during a violation of this section shall be punished upon conviction as follows:

(i) For a first conviction under this subsection, by imprisonment for not more than one (1) year, a fine of not more than seven hundred fifty dollars (\$750.00), or both;

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

Approved March 2, 2011.

## Chapter 123

### UNIVERSITY REVENUE BOND SUPPLEMENTAL COVERAGE

Original House Bill No. 5

ANACT relating to the University of Wyoming; establishing a program to provide supplemental coverage for repayment of revenue bonds; providing for pledges of revenues and payment of bonds; specifying conditions and other provisions for operation of the program; and providing for an effective date.

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

**Section 1.** W.S. 9-4-1003 is created to read:

#### **9-4-1003. Supplemental coverage program for university revenue bonds.**

(a) The state loan and investment board shall administer a university revenue bond supplemental coverage program in accordance with this section and may promulgate rules to implement it. This program applies to bonds issued by the University of Wyoming under W.S. 21-17-402 through 21-17-450 on or before November 1, 2015, only. The program is intended to benefit the university by providing supplemental coverage for payment of bonded indebtedness of the university thereby reducing the interest rate at which the bonds may be issued.

(b) If the university seeks supplemental coverage for its revenue bonds under this program, the university shall apply to the board on forms prescribed by the board following legislative authorization of the university to issue revenue bonds. In no case shall the board approve supplemental coverage for bonds if the sale of the bonds would reduce the ratio of university pledged revenue that is available for debt servicing to the cost of interest and principal payments to a level of less than two and five tenths (2.5) to one (1). The board shall review the application and determine whether to approve the application based upon:

(i) Whether supplemental coverage under this section would likely result in reduced costs;

(ii) Any other factor relevant to the issue and supplemental coverage for payment of the bonds which are the subject of the application.

(c) The board may determine to provide supplemental coverage for revenue bonds under this section and may impose terms, conditions and limits on that supplemental coverage as it finds, in its discretion, are necessary to protect state funds and ensure the viability of the program. In addition, the board may provide supplemental coverage for refunding of revenue bonds issued on or before November 1, 2015, provided the refunding is not combined with any bonds issued after November 1, 2015. A decision by the board not to approve supplemental coverage for revenue bonds under this section is not subject to judicial review under the Wyoming Administrative Procedure Act.

(d) As a condition of participating in the supplemental coverage program under this section, the university shall enter into agreements necessary to provide that:

(i) The state of Wyoming, through the state treasurer, shall assume responsibility for and make all payments to the university's paying agent in the amount necessary to pay principal and interest on the bonds subject to the supplemental coverage;

(ii) The university shall deposit funds with the state by a certain date and in a sufficient amount so that the state can make the entire principal and interest payment to the university's paying agent in a timely manner;

(iii) If the university fails to comply with paragraph (ii) of this subsection:

(A) The state shall make the full payment due from federal mineral royalties as provided by W.S. 9-4-601(d)(vii) for this purpose;

(B) To the extent that the university has not deposited sufficient funds with the state to comply with paragraph (ii) of this subsection, the state is deemed to have loaned and the university is deemed to have borrowed those funds subject to the following terms and conditions:

(I) The loan shall bear interest at a rate equal to the average interest earned on pooled investments of state funds in the four (4) calendar quarters preceding the quarter in which the loan occurred;

(II) The loan, including principal and interest, shall be repaid from revenues from the university's general fund that are neither state appropriations to the university nor pledged revenues under W.S. 21-17-404(a)(xiv)(A). The loan is not deemed to be a general obligation

of the university, and the state shall not require repayment from any source other than as provided in this subdivision;

(III) The university may make additional payments on the loan.

(C) The state loan and investment board may require the university to modify its fiscal practices and its general operations if the board determines that there is a substantial likelihood that the university will not be able to make future payments required under paragraph (ii) of this subsection.

**Section 2.** W.S. 9-4-601(d)(iv) and by creating a new paragraph (vii) is amended to read:

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(d) Any revenue received under subsection (a) of this section in excess of two hundred million dollars (\$200,000,000.00) shall be distributed as follows:

(iv) Subject to paragraph (vii) of this subsection, two-thirds (2/3) to the budget reserve account;~~and~~

(vii) From the amounts that would otherwise be distributed to the budget reserve account under paragraph (iv) of this subsection, amounts necessary to make the required revenue bond payments as provided by W.S. 9-4-1003(d), but in no event more than eighteen million dollars (\$18,000,000.00) annually.

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

Approved March 2, 2011.

## Chapter 124

### VACANT LAND

Original House Bill No. 81

AN ACT relating to property; defining vacant land for purposes of property disclosures; and providing for an effective date.

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

**Section 1.** W.S. 34-1-151 by creating a new subsection (d) is amended

to read:

**34-1-151. Property disclosure statement.**

(d) For purposes of this section, "vacant land" means land:

(i) With no habitable dwelling;

(ii) Not within the boundaries of a platted subdivision, or city or town;  
and

(iii) Less than one hundred forty (140) acres.

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

Approved March 2, 2011.

## Chapter 125

### PUBLIC FUNDS-TIME DEPOSIT OPEN ACCOUNTS INTEREST RATE

Original House Bill No. 138

AN ACT relating to public funds; specifying that the state board of deposits shall set a minimum interest rate to be paid on time deposit, open accounts of state funds; requiring surety bonds to be sufficient to cover agreed upon rate; and providing for an effective date.

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

**Section 1.** W.S. 9-4-804(b)(ii) and 9-4-810 are amended to read:

**9-4-804. Deposit of state money in approved depositories; required security; contents and form of surety bond.**

(b) Surety bonds shall:

(ii) Contain the further obligation to settle with and pay to the state treasurer, for the use of the state, interest upon daily balance on the deposits, at the agreed upon rate, which shall not be less than the minimum rate fixed by the board of deposits, payable quarterly on the first day of January, April, July and October in each year, or when the account is closed.

**9-4-810. "Time deposit, open account"; rate of interest on public funds.**

Quarterly in March, June, September and December of each year, taking

into consideration all information before it, the board of deposits shall fix the minimum rate of interest to be paid on time deposit, open account. Time deposits shall be at the minimum rate of interest as fixed by the board or at such higher rate as agreed to by the depository bank. The minimum rate shall go into effect on the first day of April, July, October and January following as the case may be, and the rate shall not be changed for three (3) months.

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

Approved March 2, 2011.

## Chapter 126

### UNIFORM TRUST CODE AMENDMENTS

Original House Bill No. 159

AN ACT relating to the Uniform Trust Code; providing for attachment of property in a trust by creditors or assignees of a holder of a power of appointment as specified; amending when a creditor or assignee of a trust beneficiary may reach or attach the interest of the beneficiary in a trust; providing that a married person who created a trust for his spouse shall not be treated as a settlor of the trust as of and after the death of his or her spouse; providing that a trust instrument may not be deemed revocable because of the settlor's receipt each year of income or principal from a grantor retained annuity trust or grantor retained unitrust as specified; and providing for an effective date.

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

**Section 1.** W.S. 4-10-505.1 is created to read:

**4-10-505.1. Power of appointment or withdrawal; claims of power holder's creditors.**

(a) Property of a trust that the holder of a power of appointment is authorized to appoint may not be reached or attached by creditors or assignees of the power holder except to the extent that the power holder:

(i) Is authorized under the power to appoint the property to himself, his creditors, his estate or the creditors of his estate; and

(ii) Exercises the power of appointment in favor of himself, his creditors, his estate or the creditors of his estate.

(b) Property of a trust that may be withdrawn by a person holding a power to withdraw from the trust may not be reached or attached by creditors or assignees of the power holder unless and until the power holder withdraws the property from the trust.

**Section 2.** W.S. 4-10-504(b), 4-10-506 by creating a new subsection (e) and 4-10-510(a)(iv) by creating a new subparagraph (N) are amended to read:

**4-10-504. Discretionary trusts; effect of standard.**

(b) ~~Whether or not a trust contains a spendthrift provision, a creditor or assignee of a trust beneficiary may not attach the interest of the beneficiary or compel the trustee to distribute any income or principal, or both, from a trust~~ When the terms of the trust provide that the trustee may only make discretionary distributions to a beneficiary, whether or not the trust contains a spendthrift provision, a creditor or assignee of the trust beneficiary may not compel the trustee to distribute any income or principal, or both, from the trust or reach or attach the interest of the beneficiary unless and until a trust distribution is received by the beneficiary, even if:

(i) The trustee has discretion to make distributions for purposes stated in a standard of distribution; ~~or~~

(ii) The trustee has abused the discretion; ~~or~~

(iii) The trustee makes distributions directly to third parties for the benefit of the beneficiary in accordance with the terms of the trust.

**4-10-506. Creditor's claim against settlor.**

(e) For purposes of this section, a person who created a trust for his or her spouse under section 2523(e) of the Internal Revenue Code, or for which the election in section 2523(f) of the Internal Revenue Code was made, shall not be treated as a settlor of the trust, as of and after the death of his or her spouse.

**4-10-510. Creation of qualified spendthrift trust.**

(a) A settlor may create a qualified spendthrift trust with a trust instrument appointing a qualified trustee for qualified trust property, which instrument:

(iv) Is irrevocable, but a trust instrument may not be deemed revocable on account of its inclusion of one (1) or more of the following:

(N) The settlor's receipt each year of income or principal from a grantor retained annuity trust or grantor retained unitrust that is allowed under section 2702 of the Internal Revenue Code.

**Section 3.** This act is effective July 1, 2011.

Approved March 2, 2011.

**Chapter 127****PROPERTY TAXATION-APPEALS**

Original House Bill No. 254

AN ACT relating to property taxation; requiring specific findings and conclusions as to evidence presented in a taxpayer appeal; and providing for an effective date.

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

**Section 1.** W.S. 39-11-109(b)(iv) and 39-13-109(b)(vi) are amended to read:

**39-11-109. Taxpayer remedies.**

(b) Appeals. The following shall apply:

(iv) In any appeal to the board authorized by this section, the taxpayer may present any credible evidence, including expert opinion testimony, to rebut the presumption in favor of a valuation asserted by the department. The board shall make specific findings and conclusions as to the evidence presented.

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

(b) Appeals. The following shall apply:

(vi) In any appeal to a county board of equalization authorized by this section, the taxpayer may present any credible evidence, including expert opinion testimony, to rebut the presumption in favor of a valuation asserted by the county assessor. The board shall make specific findings and conclusions as to the evidence presented.

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

Approved March 2, 2011.

**Chapter 128****ABANDONED VEHICLES-STORAGE EXPENSES**

Original Senate File No. 128

AN ACT relating to abandoned vehicles; increasing the storage expense fee; and providing for an effective date.



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

**Section 1.** W.S. 31-13-109(g) is amended to read:

**31-13-109. Disposition of vehicles left unattended on private property and sold by the property owner or through a court action.**

(g) At any time prior to a sale under this section, the owner or lienholder of record may reclaim the vehicle upon payment of expenses incident to removal, preservation, custody, storage and sale, and if a vehicle was left unattended at an establishment for service, repair or maintenance, the cost of the services. Storage expenses shall be computed at the rate of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) per day.

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

Approved March 2, 2011.

## Chapter 129

### OBSOLETE LAWS-GENERAL REVISIONS

Original House Bill No. 87

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; amending the duties of the legislative service office by authorizing deletion of obsolete date references from compiled laws; 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 HELD TO BE UNCONSTITUTIONAL]

**Section 101.** W.S. 1-39-117(a), 5-6-202(b), 5-6-301(b), 6-10-105 and 7-11-504 are amended to read:

**1-39-117. Jurisdiction; appeals; venue; trial by jury; liability insurance.**

(a) Original and exclusive jurisdiction for any claim filed in state court under this act shall be in the district courts of Wyoming. Appeals may be taken as provided by law.

**5-6-202. Powers and duties of municipal judge generally; court to**

**open every day except Sunday.**

(b) The municipal judge shall enforce due obedience to all orders, rules and judgments made by him. The judge has the same power as the district court in the issuance of warrant, search warrant, subpoena or other necessary process and may fine or imprison for contempt offered to him or to process issued by him in the same manner and to the same extent as the district court. Before any person is imprisoned for the willful refusal to pay a fine, the court shall determine whether the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay.

**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 district court. Before any person is imprisoned for the willful refusal to pay a fine, the court shall determine whether the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay.

**6-10-105. Commitment for refusal to pay fine or costs; rate per day.**

A person committed to jail for willfully refusing to pay a fine or costs may be imprisoned if the court determines that the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay, until the imprisonment, at the rate of fifteen dollars (\$15.00) per day, equals the amount of the fine or costs, or the amount shall be paid or secured to be paid when he is discharged.

**7-11-504. Commitment until fine and costs paid.**

If a defendant sentenced to pay a fine or costs defaults in payment, the court may order the defendant to show cause why he should not be committed to jail. If the court finds that the defendant's default is willful or is due to a failure on defendant's part to make a good faith effort to obtain the funds required for the payment and the court determines that the defendant has an ability to pay or that a reasonable probability exists that the defendant will have an ability to pay, the court may order him committed until the fine or costs, or a specified part thereof, is paid. The defendant shall be given a credit for each day of imprisonment at the rate provided by W.S. 6-10-105, and may earn additional credits against his fine or costs for work performed as provided by W.S. 7-16-101 through 7-16-104.

[SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]  
[b. OTHER CONSTITUTIONAL QUESTIONS]

**Section 102.** W.S. 28-1-111 and 28-1-112 are amended to read:

**28-1-111. Certification of violations for prosecution.**

Whenever any witness subpoenaed to appear or produce documents before the legislature, council, or any committee, fails to appear to testify, refuses to be sworn, fails to answer any question relevant to matter under inquiry, fails to produce any book, paper or other document relevant to the matter under inquiry, or whenever any person is alleged to have violated W.S. 28-1-110(b), the presiding officer of the body shall certify that failure or violation to the appropriate district attorney ~~who shall prosecute for~~ prosecution of the matter in the appropriate court.

**28-1-112. Court order to appear to testify or produce documents.**

In case of refusal to obey a subpoena issued by the legislature, council, or any committee, the presiding officer of the body shall apply to the district court for the district in which the proceedings are being held, ~~shall, upon application of the presiding officer of the body, immediately issue for~~ an order requiring the person to appear before the legislature, the council, the committee or other person designated by the presiding officer at the time and place requested by the application, there to produce the documentary evidence or give testimony on the matter under inquiry. Failure to obey the court order may be punished by the court as a contempt of court.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[a. FULLY EXECUTED]

**Section 201.** W.S. 28-5-101(b) and (d)(intro), 28-9-108, 33-29-114(a)(iv), 33-29-125(a)(i) and (ii) and 36-8-305 are amended to read:

**28-5-101. Schedule of compensation, per diem and travel expenses.**

(b) The amount to be received by each member of the legislature for expenses is ~~increased to forty-four dollars (\$44.00) per day effective January 1, 1980, to sixty dollars (\$60.00) per day effective January 1, 1983, to eighty dollars (\$80.00) per day effective January 9, 1995, to eighty-five dollars (\$85.00) per day effective January 3, 2005 and to shall be~~ one hundred nine dollars (\$109.00) per day, ~~effective April 1, 2008.~~

(d) ~~From and after January 1, 1985, each member of the legislature shall receive seventy-five dollars (\$75.00) per day as salary and thirty-five cents (\$.35) per mile for necessary travel to attend and return from the legislature. From and after January 9, 1995, each member of the legislature shall receive one hundred twenty-five dollars (\$125.00) per day as salary in addition to the mileage rate provided for in this subsection. From and after January 3, 2005, Each member of the legislature shall receive one~~

hundred fifty dollars (\$150.00) per day as salary in addition to the mileage rate provided for in this subsection. ~~From and after January 5, 2009; Each member of the legislature may receive the mileage rate provided for in this subsection for the total round trip mileage from Cheyenne to the legislator's home for not more than one (1) trip each week during the period the legislature is in session, provided the legislature is in session for a period of not less than two (2) weeks and the legislator claiming the mileage reimbursement shall submit a verified claim for mileage to the legislative service office. From and after the first Monday in January, 2009; Each member of the legislature shall receive a mileage rate as established by the state auditor to be reflective of the average of all direct and indirect costs of driving a motor vehicle. In establishing the mileage rate the state auditor:~~

**28-9-108. Submitting rules to legislative service office required.**

No rule shall be filed with the secretary of state pursuant to the Wyoming Administrative Procedure Act, ~~after the effective date of this act,~~ except an emergency regulation adopted as provided by W.S. 16-3-103(b), unless the rule has been submitted to the legislative service office for review as provided by this act.

**33-29-114. Definitions.**

(a) As used in this act:

(iv) "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four (4) or more years at a school approved by the board, ~~or, until June 30, 1991, who has eight (8) years or more of education or experience in engineering work which meets the standards specified by the board.~~ In addition the candidate shall have passed the engineer-in-training examination;

**33-29-125. Qualifications for in-training registration.**

(a) An applicant for in-training registration as an engineer shall:

(i) Be of good moral character and repute; ~~and~~

(ii) Have a bachelor degree in an engineering curriculum approved by the board; ~~or and~~

**36-8-305. Adjudication of water right for flow of Big Horn Hot Springs.**

The legislature of Wyoming, by enacting W.S. 36-8-304, appropriated and set aside for the state of Wyoming, board of charities and reform, the total

flow of the Big Horn Hot Springs at Thermopolis, Wyoming, which was estimated to have been thirteen and one-tenth (13.1) cubic feet per second in 1896. That legislation was intended to be and is hereby declared to have been an application for a permit to appropriate in behalf of the board of charities and reform the total flow of Big Horn Hot Springs at Thermopolis, Wyoming, in compliance with W.S. 41-4-501 through 41-4-506 and 41-4-517. The bathing, medicinal, irrigation uses, and the maintenance of flow of water over the terrace between the springs and the Big Horn River are all beneficial uses and are hereby declared to be beneficial uses. The state board of control is directed to adjudicate a water right in favor of the board of charities and reform, its successors and assignees, for the flow of the Big Horn Hot Springs at Thermopolis, Wyoming, with a priority date of February 17, 1899. The actual flow for adjudicated purposes shall be determined by the state board of control by established procedure. ~~Effective April 1, 1990, the department of commerce is designated as successor to the state board of charities and reform and the recreation commission under this section. Effective July 1, 1999, The department of state parks and cultural resources is designated as successor to the state board of charities and reform; and the recreation commission and the department of commerce under this section.~~

**Section 202.** W.S. 24-8-106, 28-5-101(a), 33-4-105(c), 33-19-104(a)(i), 33-29-125(a)(iii), 33-40-106(b)(iv), 33-41-111(b) and 33-41-112(b) are repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]  
[b. LEGISLATIVE PROCESS]

**Section 203.** W.S. 28-1-102(b), 28-1-104, 28-1-113(a) and (c), 28-8-102(d) and 28-11-101(b)(i) are amended to read:

**28-1-102. Length of legislative sessions.**

(b) There shall be a legislative budget session each even-numbered year to consider the state budget and any other business the legislature deems desirable. The budget session of the Wyoming legislature shall commence on the second Monday of February of even-numbered years and shall continue for an additional number of legislative working days as agreed by both houses of the legislature or as limited by the Wyoming constitution. ~~The joint appropriations committee shall meet for such time as is necessary to review current budgets and shall prepare and distribute its report to the legislature not less than five (5) days prior to the convening of the budget session.~~

**28-1-104. Copies of printed bills to be mailed to county clerks; filing; inspection.**

Whenever the legislature of this state is in session, it shall be the duty

of the chief clerk of the house in which any bill is introduced legislative service office, to mail a printed copy of such any bill, resolution or memorial prefiled or introduced in either house to the county clerk of each county in the state, immediately after the same is printed, and the county clerk receiving such printed copy is hereby required to keep the same on file in his office for the inspection of the public until after the laws for that session are printed and distributed as by law required.

**28-1-113. Joint meetings of legislative standing committees; introduction and passage of budget bill.**

(a) The ~~standing committees of the house of representatives and of the senate being in charge of the appropriation measures~~ joint appropriations committee shall sit ~~jointly~~ in open sessions while considering the budget and shall begin ~~joint~~ meetings not less than twenty (20) days prior to the convening of the budget session. The joint committee may cause the attendance of the heads or responsible representatives of the departments, institutions and all other agencies of the state to furnish information and answer questions as the joint committee requires. ~~Pertinent results of management audit committee audits shall be orally presented to the joint committee at the time of hearing for the agencies to which the audits relate.~~

(c) The joint committee shall cause the general appropriation bill or bills known as budget bills, to be introduced in whole or in part in the house of representatives or the senate, or both, ~~within five (5) days after the budget session convenes.~~ When a budget bill has passed the house of origin, the bill shall be referred to the standing appropriations committee of the opposite house which shall meet; and consider and recommend adoption or modification of only those amendments to the budget bill which were adopted by the house of origin and shall not propose other amendments to any original joint appropriations committee budget bill.

**28-8-102. Management council; membership; vacancies; meetings; rules and regulations; quorum; officers.**

(d) The management council shall meet promptly following its creation. A majority of the management council shall constitute a quorum for transaction of business. It shall elect a chairman; and vice-chairman ~~and secretary~~ from among its membership. The chairman and vice-chairman shall not be members of the same body.

**28-11-101. Appointment of members; powers and duties; related duties of water development commission.**

(b) The select committee shall:

(i) Select from among its members a chairman; and vice-chairman;

and secretary;

**Section 204.** W.S. 28-1-114 is repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]  
[c. ORGANIZATION OF LSO AND LSO DUTIES]

**Section 205.** W.S. 28-1-115(d), 28-8-101, 28-8-103, 28-8-105(a)(intro), (b)(intro) and (iii), 28-8-113(a), 31-7-103(a) and 35-1-627 are amended to read:

**28-1-115. Submission of state agency plans to legislature; contents; purposes.**

(d) The management audit committee of the legislature, with the assistance of ~~the audit division of the legislative service office and the department of audit,~~ may use the agency plans and annual statement of attainment as the basis for program evaluation and performance audits as authorized by law.

**28-8-101. Creation; composition.**

There is created the legislative service office within the legislative branch of government hereinafter referred to as the "office". ~~The office shall be composed of the services division and the audit division. The organizational structure of the office shall be determined by the management council, subject to the ultimate control of the entire membership of the legislature.~~

**28-8-103. Director and staff.**

The management council shall appoint by majority vote a director of the office. The director, subject to the prior approval of the management council, ~~shall may~~ appoint ~~an assistant director of legislative services and an assistant director of audit services~~ directors. The director shall appoint such ~~additional~~ professional, technical and clerical staff as necessary to perform the functions assigned to the office. The director and staff shall be selected without reference to political affiliation and shall serve at the pleasure of the appointing authority. They shall be paid salaries and receive necessary expenses as determined by the management council.

**28-8-105. Duties of director and staff; prefilng bills; fiscal notes.**

(a) It shall be the duty of the director, ~~through the services division of the office,~~ and staff to perform the following specific functions, together with such other functions as the council may prescribe:

(b) Bills or files, resolutions or memorials may be prefiled by any person who will be a member of the next session of the legislature after the general

election and ~~on or before December 15~~ prior to the convening of a regular session of the legislature. They shall be submitted to the director in such form as is in accordance with the most recent rules and practices. Each submittal shall bear the signature of the authorized person submitting it and shall be approved as to form by the director. A bill, file, resolution, or memorial is prefiled when written approval by the sponsor is received by the legislative service office. Promptly upon receipt of the draft of the bill or file, resolution or memorial to be prefiled, the ~~services division office~~ shall:

(iii) Forward ~~forthwith~~ to each requesting legislator and legislator-elect of the pending legislative session and to each county clerk printed copies of each item of prefiled legislation, resolution and memorial so prefiled.

**28-8-113. Duty of agency officers and employees; legislative service office access to records; failure to provide access; penalty.**

(a) Any officer or employee of a state agency subject to audit or ~~sunset other~~ review by the legislature shall fully assist the legislative service office during the course of the audit or review. The legislative service office shall have access to and authority to examine all books, records, accounts, files, correspondence and all other documents, confidential or otherwise, maintained by the agency or its employees during the course of agency business. The provisions of W.S. 16-4-201 through 16-4-205 do not apply to audits or investigations of state agencies performed by or on behalf of the legislature or legislative committees. Any member of the legislative service office who discloses confidential information obtained while conducting an audit, to any person or in any manner not authorized by law, is subject to disciplinary action as provided by W.S. 28-8-108(b).

**31-7-103. Administration and enforcement.**

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

**35-1-627. Examination of accounts.**

The governing body of any entity receiving state funds under this act shall not less than every two (2) years cause to be made an audit or other oversight of the financial affairs and transactions of all funds and activities of the entity in accordance with W.S. 16-4-121(b) and (c) and 16-4-122. Costs of the audit or other oversight shall be borne by the entity. Copies of audit



reports or other reports shall be submitted to the division and the director of the state department of audit upon completion. The director of the state department of audit shall adopt rules for audits and may examine the accounts of any entity receiving state funds under this act. The legislative ~~auditor-service office~~ may audit the accounts of any entity. These accounts shall be maintained in a manner to guarantee confidentiality of the patient's identity. The state auditor and treasurer shall not disburse any state money to any entity refusing access to its accounts and records for the purposes of this section.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]  
[d. OTHER ARCHAIC REFERENCES]

**Section 206.** W.S. 12-3-101(a), 21-2-103, 26-11-107(b)(ii)(B), 28-5-102 and 30-1-132 are amended to read:

**12-3-101. Excise tax to be paid; limitation on liquor or malt beverage importation; penalties.**

(a) An excise tax is assessed and shall be collected by the commission equal to three-fourths of one cent (\$.0075) per one hundred (100) milliliters (3.4 ounces) or fraction thereof on ~~fermented liquors-wine~~, two and one-half cents (\$.025) per one hundred (100) milliliters (3.4 ounces) or fraction thereof on spirituous liquors and one-half cent (\$.005) per liter (33.8 ounces) or fraction thereof on malt beverages. The appropriate excise tax shall be collected on all alcoholic or malt beverages sold, offered for sale or use in this state.

**21-2-103. Effect on functions and powers of community college commission.**

~~Except as provided in W.S. 21-4-304,~~ Nothing in this code shall be construed to limit or contravene the functions and powers of the community college commission of Wyoming as established by law.

**26-11-107. Requirements for eligible surplus line insurers; publication of eligible insurers.**

(b) The broker shall insure only in an insurer which meets the following requirements:

(ii) If an alien insurer not authorized to transact insurance in at least one (1) state of the United States either:

(B) Is listed by the ~~nonadmitted insurers information office~~ international insurers department of the national association of insurance commissioners; or

**28-5-102. Computation of mileage.**

In determining the mileage it shall be computed by the nearest practical route, and for the purposes of this section the "nearest practical route" shall be construed to mean where the route is by railroad, it shall be by the most direct railroad route; where the route is by highway, it shall be by the most direct highway; where the route shall be partly by rail and partly by highway, then the route shall be by the most direct highway to the nearest railroad station and then by rail as above provided.

**30-1-132. Provisions for indemnity in certain contracts; definition.**

The term "agreement pertaining to any well for oil, gas, or water, or mine for any mineral" as used in section 1 hereof W.S. 30-1-131, means any agreement or understanding, written or oral, concerning any operations related to drilling, deepening, reworking, repairing, improving, testing, treating, perforating, acidizing, logging, conditioning, altering, plugging, or otherwise rendering services in or in connection with any well drilled for the purpose of producing or disposing of oil, gas or other minerals, or water, and designing, excavating, constructing, improving, or otherwise rendering services in or in connection with any mine shaft, drift, or other structure intended for use in the exploration for or production of any mineral, or an agreement to perform any portion of any such work or services or any act collateral thereto, including the furnishing or rental of equipment, incidental transportation, and other goods and services furnished in connection with any such service or operation.

**Section 207.** W.S. 9-4-715(f), 18-3-512 and 26-11-117(b)(i) are repealed.

[SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE  
CROSS REFERENCED PROVISIONS]  
[a. WYOMING OR INTERNAL CITATIONS]

**Section 301.** W.S. 15-1-101(a)(intro) and (xv), 24-5-101, 24-14-101, 28-7-102(b), 28-7-103, 28-7-104 and 33-38-102(a)(xiv) are amended to read:

**15-1-101. Definitions.**

(a) As used in W.S. 15-1-101 through ~~15-10-117~~ 15-11-302:

(xv) "This act", unless otherwise specified, means W.S. 15-1-101 through ~~15-10-117~~ 15-11-302.

**24-5-101. Program in addition to any existing road program.**

The road construction program contemplated by this act shall be known

as “The Industrial Road Program”, which shall be in addition to and not as a substitute for any federal aid, primary, secondary ~~and farm-to-market road program~~ or state-county road construction program or any other road program now in existence.

**24-14-101. Program in addition to any existing road program.**

The road maintenance program contemplated by this chapter shall be known as the “state park road program”, which shall be in addition to and not as a substitute for any federal aid, primary, secondary ~~and farm-to-market road program~~ or state-county road construction program or any other road program now in existence.

**28-7-102. Penalties.**

(b) Any person or organization failing to file a lobbyist activity report required under ~~this section~~ W.S. 28-7-201 or who files a lobbyist activity report containing information which the lobbyist knows to be false is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). Upon a second or subsequent conviction under this section, any person or organization shall have his right to be a registered lobbyist revoked by the secretary of state for a period of up to two (2) years in addition to any fine.

**28-7-103. No infringement of right to petition or communicate with legislature.**

Nothing in the provisions of this ~~act~~ article shall be construed to prohibit or infringe upon the right of a citizen as an individual to petition or to address written or oral communications to members of the legislature.

**28-7-104. Chapter inapplicable to public official.**

This ~~act~~ article shall not apply to any public official acting in his official capacity.

**33-38-102. Definitions.**

(a) As used in this act:

(xiv) “This act” means W.S. 33-38-101 through ~~33-38-112~~ 33-38-113;

[SECTION 4. AUTHORIZATION FOR LEGISLATIVE SERVICE  
OFFICE TO DELETE OBSOLETE DATE REFERENCES]

**Section 401.** W.S. 28-8-105(a)(v) is amended to read:

**28-8-105. Duties of director and services division; prefilng bills;**

**fiscal notes.**

(a) It shall be the duty of the director, through the services division of the office, to perform the following specific functions, together with such other functions as the council may prescribe:

(v) Compile such laws of the state of Wyoming as are designated by the management council. In preparing copy for printing any revision or compilation of laws, deletions of obsolete or fully executed date references and corrections in punctuation, spelling, grammatical construction, section numbers or headings may be made provided such deletions and corrections do not alter the meaning;

**Section 501.** Other than the 2011 Revisor's bill (2011 SF0069), 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 601.** This act is effective July 1, 2011.

Approved March 2, 2011.

## Chapter 130

### LIENS

Original Senate File No. 134

AN ACT relating to liens; amending a definition; revising notice of intent to file lien; and providing for an effective date.

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

**Section 1.** W.S. 29-1-201(a)(xii) and 29-10-102 are amended to read:

**29-1-201. Definitions; agency relationships presumed.**

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

(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 first class mail, 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;

**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)~~ twenty (20) days from the date of this notice, the lien claimant intends to file the lien statement asserting a lien against your property.

cc: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Approved March 2, 2011.

**Chapter 131****CHILD CUSTODY ORDERS-ABANDONMENT**

Original Senate File No. 138

AN ACT relating to parental rights; specifying the effect of custody and support orders in terminating parental rights; 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)(i) 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:

(i) The child has been left in the care of another person without provision for the child's support and without communication from the absent parent for a period of at least one (1) year. In making the above determination, the court may disregard occasional contributions, or incidental contacts and communications. For purposes of this paragraph, a court order of custody shall not preclude a finding that a child has been left in the care of another person;

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

Approved March 2, 2011.

**Chapter 132****SERVICE OF PROCESS FEES**

Original Senate File No. 147

AN ACT relating to county sheriffs; raising the allowable fee for service of process; and providing for an effective date.

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

**Section 1.** W.S. 18-3-608(a)(intro) is amended to read:

**18-3-608. Fees generally.**

(a) For the serving of process according to the Wyoming Rules of Civil Procedure, each county sheriff shall receive from the party requesting service a single fee, to be determined and set biannually by the board of county commissioners after a public hearing, paid in advance to be credited to the county general fund, not to exceed ~~thirty-five dollars (\$35.00)~~ forty dollars (\$40.00) for the first three (3) attempts at service at a different time and date for each attempt. Thereafter a fee not to exceed ~~five dollars (\$5.00)~~ ten dollars (\$10.00) may be charged for each succeeding attempt. The court may waive the fees upon an adequate showing of indigency. Any fees waived may, pursuant to court order, be assessed and collected against any judgment rendered. Each county sheriff shall receive from the party for whom service is rendered in civil cases the following fees which shall be transmitted to the county treasurer to be credited to the county general fund and which shall be paid in advance if demanded by the sheriff from the party for whom the service is rendered:

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

Approved March 2, 2011.

## Chapter 133

### FAIR PRACTICES OF EQUIPMENT ACT AMENDMENT

Original Senate File No. 72

AN ACT relating to the fair practices of equipment act; amending the fair practices of equipment act to include snowmobiles, multipurpose vehicles and off-road recreational vehicles in the definition of equipment; and providing for an effective date.

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

**Section 1.** W.S. 40-20-113(a)(vii) is amended to read:

#### **40-20-113. Definitions.**

(a) As used in this chapter:

(vii) "Equipment" means:

(A) ~~All-terrain vehicles—~~ Multipurpose vehicles as defined in W.S. 31-1-101(a)(xv)(M) regardless of how used; ~~and~~

(B) Snowmobiles as defined in W.S. 31-2-401(a)(ii);

(C) Off-road recreational vehicles as defined in W.S.

31-1-101(a)(xv)(K) regardless of how used; and

~~(B)~~(D) Other machinery, equipment, implements or attachments used for or in connection with one (1) or more of the following purposes:

(I) Lawn, garden, golf course, landscaping or grounds maintenance;

(II) Planting, cultivating, irrigating, grazing, harvesting and producing of agricultural products;

(III) Raising, feeding, tending to or harvesting products from, livestock or any related activity;

(IV) Industrial, construction, maintenance, or utility activities or applications;

(V) "Equipment" does not include self-propelled vehicles designed primarily for the transportation of persons or property on a street or highway.

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

Approved March 2, 2011.

## Chapter 134

### HEALTH CARE PILOT PROJECT AMENDMENTS

Original Senate File No. 139

AN ACT relating to the healthy frontiers health care reform demonstration project; amending the membership of the benefit design committee; providing for education of enrollees concerning the project; amending enrollment eligibility as specified; providing for surrender of personal health accounts as specified; amending reporting requirements; providing appropriations; authorizing receipt of other funds as specified; and providing for an effective date.

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

**Section 1.** W.S. 26-43-203(a), (b)(iv) and (g) by creating a new paragraph (vii), 26-43-204(b)(i) and (ii) and by creating a new subsection (f), 26-43-205(a)(ii) and 26-43-206(a), (g) and by creating a new subsection (h) are amended to read:

**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)~~ nine (9) 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. Members of the committee may be removed as provided in W.S. 9-1-202(a).

(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:

(iv) ~~An insurance~~ A health 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~~ health 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~~ health plan shall be limited in coverage and designed to work in conjunction with the design provisions identified in this section. The ~~insurance~~ health 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;

(g) The plan of operation for the demonstration project shall:

(vii) Identify organizations which will be responsible for educating new enrollees on the mechanics and procedure of receiving coverage from the healthy frontiers project, especially with regard to the personal health account. The organization may vary depending on the nature of the enrollee. The plan shall also provide for appropriate response to participants having questions about the project or who appear to be misunderstanding the project.

#### **26-43-204. Eligibility.**

(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, any private organization providing similar training 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%)~~ one hundred thirty-eight percent (138%) of the federal poverty level;

(f) The benefit design and plan of operations may provide that individuals who leave the healthy frontiers program within a time not to exceed one hundred twenty (120) days of enrollment shall surrender the balance of their personal health account. Amounts surrendered pursuant to this subsection shall revert to the program.

#### **26-43-205. Structure and enrollment limits.**

(a) The project shall be structured as follows:

(ii) After ~~October~~ September 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; and 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; and the joint labor, health and social services interim committee ~~and the joint corporations, elections and political subdivisions interim committee~~ with its evaluation as appropriate.

(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,~~ November 15, 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.

(h) The department of health, to the maximum extent possible, shall include in the interim report required by subsection (g) of this section information necessary for the legislature to decide during its 2013 general session whether the state should apply for a Medicaid waiver effective January 1, 2014 or later based on the healthy frontiers pilot project benefit design and covering all or some of the population scheduled to become Medicaid eligible on January 1, 2014.

**Section 2.** 2010 Wyoming Session Laws, Chapter 96, Section 3(b) is amended to read:

### **Section 3.**

(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~~ 2012. 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.

### **Section 3.**

(a) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the general fund to the insurance department. This appropriation shall be for the period beginning with the effective date of this act and ending December 31, 2015. This appropriation shall only be expended for the purposes of establishing a reserve account to pay claims in excess of amounts available in the appropriation in subsection (b) of this section if such claims are approved by the board and the governor approves use of funds in the reserve account. 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 January 1, 2016. This appropriation shall not be included in the department's 2013-2014 or 2015-2016 standard biennial budget request.

(b) There is appropriated one million dollars (\$1,000,000.00) from the general fund to the insurance 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 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 July 1, 2012. This appropriation shall not be included in the department's 2013-2014 standard budget request.

(c) The project may, with the consent of the governor, accept federal funds or private funds for the purposes of the healthy frontiers program provided the conditions on receipt of the federal funds or private funds are not inconsistent with the healthy frontiers program, 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. Any funds received pursuant to this subsection, from reinsurance purchased by the project, from premiums and from surrenders of personal health accounts are continuously appropriated to the department of insurance for the purposes of the healthy frontiers pilot project.

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

Approved March 3, 2011.

## Chapter 135

### PRIMARY CARE SUPPORT PROGRAM

Original House Bill No. 49

AN ACT relating to public health; creating a process for facilitating capital construction and start up costs for community health centers and rural health clinics; authorizing grants as specified; providing for a local match as specified; requiring reports; providing appropriations; providing a repeal date; and providing for an effective date.

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

**Section 1.** W.S. 9-2-127 is created to read:

**9-2-127. Community health centers and rural health clinics; process for grants facilitating capital construction and start up**

**costs; account established; grant criteria.**

(a) There is created a process for grants facilitating capital construction and start up costs of community health centers and rural health clinics. The process shall be administered by the Wyoming department of health.

(b) The primary care support account is created. The account shall consist of those funds appropriated to the account by the legislature and all monies received from federal grants and other contributions, grants, gifts, transfers, bequests and donations to the account. The account is specifically empowered to accept grants, gifts, transfers, bequests and donations. Funds in the account are continuously appropriated to the department for the purpose of providing grants under subsections (c) and (d) of this section.

(c) The department shall establish by rule and regulation an application procedure and calendar for grants awarded under subsection (d) and adopt other rules as necessary to implement this section.

(d) The department shall provide grants, subject to the following:

(i) Before submission to the department, and following public notice and a hearing, the application shall be approved by the board of county commissioners for the county in which the community health center or rural health clinic is located or proposed to be located;

(ii) Grants may be made to community health centers and rural health clinics for one-time startup costs of a new center or clinic, for existing centers or clinics to expand the population served or initiate new services for existing or new centers or clinics to facilitate compliance with quality criteria. The grants shall be used for capital and start up expenses only and shall not be used for ongoing operating expenses;

(iii) Grants to any one (1) center or clinic shall not exceed one million dollars (\$1,000,000.00) of state funds;

(iv) Grant applications shall include evidence of a commitment of local matching funds of at least twenty-five percent (25%) of the state funds grant amount in cash, in kind or both;

(v) Centers or clinics awarded a grant shall provide services to the public regardless of the ability to pay;

(vi) Grant applicants shall provide proof of designation as a rural health clinic or federally qualified community health center; and

(vii) Grants shall be awarded only if the applicant can demonstrate an operating plan that integrates health care services within the entire service community to promote accessibility and quality of care. The plan shall provide for integration enhancement through the use of the Medicare and Medicaid electronic health records program, the small rural hospital

improvement program and other similar programs.

(e) A grant recipient under this section shall agree to provide health care services in an underserved community of the state, from among a list of communities developed by the department, for a period of at least three (3) years under the agreement. The recipient shall accept as its first priority and treat without reservation patients qualified under the Medical Assistance and Services Act, Title XVIII of the federal Social Security Act and the child health insurance program who seek medical care which the health care provider is qualified to provide.

(f) The department of health, office of rural health care, shall:

(i) Conduct outreach and education among persons, entities and groups interested in forming a community health center or rural health clinic and submitting a new access point grant application to the United States department of health and human services, health resources and services administration;

(ii) Collect and maintain appropriate data regarding the primary care support program's effect on improvements in community and rural health.

(g) This section is repealed effective June 30, 2017.

## **Section 2.**

(a) There is appropriated one million dollars (\$1,000,000.00) from the general fund to the primary care support account. This appropriation shall be for the period beginning with the effective date of this act. This appropriation shall only be expended for the purpose of grants to community health centers and rural health clinics pursuant to W.S. 9-2-127. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unexpended monies in the account shall not revert but shall remain in the account to be expended for the purposes specified in this act.

(b) There is appropriated one hundred ten thousand dollars (\$110,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purpose of administering the program created pursuant to W.S. 9-2-127. 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.

**Section 3.** This act is effective July 1, 2011.

Approved March 3, 2011.

**Chapter 136****STRANGULATION OF A HOUSEHOLD MEMBER**

Original Senate File No. 132

AN ACT relating to crimes and offenses; creating the crime of strangulation of a household member; specifying elements of the crime; providing a penalty; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 6-2-509 is created to read:

**6-2-509. Strangulation of a household member; penalty.**

(a) A person is guilty of strangulation of a household member if he intentionally and knowingly or recklessly causes or attempts to cause bodily injury to a household member by impeding the normal breathing or circulation of blood by:

(i) Applying pressure on the throat or neck of the household member;  
or

(ii) Blocking the nose and mouth of the household member.

(b) Strangulation of a household member is a felony punishable by imprisonment for not more than five (5) years.

(c) For purposes of this section, "household member" means as defined in W.S. 35-21-102(a)(iv)(A) through (D), (G) and (H).

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

Approved March 3, 2011.

**Chapter 137****SPICE DRUGS**

Original Senate File No. 59

AN ACT relating to the Wyoming Controlled Substances Act; adding specified controlled substances to schedule I of the act; authorizing additional positions; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1014(d) by creating a new paragraph (xxxv) is amended to read:

**35-7-1014. Substances included in Schedule I.**

(d) *Hallucinogenic substances.* - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(xxxv) Synthetic cannabinoids as follows:

(A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; some trade or other names: HU-210;

(B) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; some trade or other names: HU-211;

(C) Any compound structurally derived from 3-(1-naphthoyl)indole, 1H-indol-3-yl-(1-naphthyl)methane, 3-(1-naphthoyl)pyrrole or 3-(phenylacetyl)indole by substitution at the nitrogen atom of the indole or pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, and whether or not substituted in the naphthyl or phenyl ring to any extent; some trade or other names: JWH class compounds;

(D) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol; some trade or other names: CP 47,497.

**Section 2.**

(a) The attorney general is authorized an additional one (1) full-time forensic analyst position to implement this act.

(b) There is appropriated fifty-six thousand seven hundred thirty-six dollars (\$56,736.00) from the general fund to the attorney general. 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.

**Section 3.** This act is effective immediately upon completion of all acts



necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 3, 2011.

## Chapter 138

### EMERGENCY MEDICAL REVIEW ORGANIZATIONS

Original House Bill No. 209

AN ACT relating to public health and safety; providing for a limitation of liability for emergency medical review organizations and the department of health as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-17-101(a)(i)(A), 35-17-102 and 35-17-106(a)(intro) are amended to read:

#### **35-17-101. Definition.**

(a) As used in this act:

(i) "Professional standard review organizations" means:

(A) Any medical, dental, optometric, nursing, osteopathic, emergency medical or pharmacy organization or a local, county, or state medical, dental, optometric, nursing, osteopathic and pharmacy society and any such society itself when such organization or society is performing any medical, dental, nursing, optometric, osteopathic, emergency medical and pharmacy review function or involving any controversy or dispute between a physician, dentist, optometrist, nurse, osteopath, emergency medical technician and pharmacist and a patient concerning the diagnosis, treatment, or care of such patient or the fees or charges therefor, or a physician, dentist, optometrist, nurse, osteopath, emergency medical technician or pharmacist and a provider of medical, dental, optometric, nursing, osteopathic, emergency medical and pharmacy benefits concerning any medical, dental, nursing, optometric, osteopathic, emergency medical, pharmacy or other health charges or fees of such physician, dentist, optometrist, nurse, osteopath, emergency medical technician or pharmacist;

#### **35-17-102. Authority to establish professional standard review organizations.**

Any local, county or state medical, dental, nursing, optometric, osteopathic, emergency medical or pharmacy society in Wyoming is hereby authorized to establish a professional standard review organization as defined in W.S.

35-17-101.

**35-17-106. Election to be covered by federal immunity.**

(a) The state of Wyoming elects to be immediately covered by the immunity granted by the Health Care Quality Improvement Act of 1986, P.L. 99-660, Title IV adopted by Congress in 1986, to the extent authorized, as of the effective date of this section for all health care professional review bodies as defined in the act, for the applicable division of the department of health in its duties under W.S. 33-36-101 through 33-36-115 related to emergency medical services and for:

**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, 2011.

## Chapter 139

### DIETETICS LICENSURE

Original Senate File No. 93

AN ACT relating to professions and occupations; creating the dietetics licensing board; specifying membership; specifying board duties, powers and immunity; providing for licensure of dietitians; specifying requirements for licensure; providing exceptions; granting rulemaking authority; providing definitions; specifying grounds for denial, suspension, revocation or restriction of license; providing for hearings and appeals; providing for injunctive relief; providing an appropriation; and providing for effective dates.

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

**Section 1.** W.S. 33-47-101 through 33-47-110 are created to read:

#### CHAPTER 47 DIETETICS LICENSURE ACT

**33-47-101. Short title.**

This act shall be known and may be cited as the “Dietetics Licensure Act.”

**33-47-102. Definitions.**

(a) As used in this article:

- (i) “Board” means the dietetics licensing board;
- (ii) “Commission” means the commission on dietetic registration, the

credentialing agency for the American dietetic association;

(iii) "Dietetics" means the integration and application of principles derived from the sciences of food, nutrition, management, communication, and biological, physiological, behavioral, and social sciences to achieve and maintain optimal human health. "Dietetics" includes the nutrition care process and medical nutrition therapy. "Dietetics" does not include medical differential diagnosis of the health status of an individual;

(iv) "General nonmedical nutrition information" means information on any one (1) or more of the following:

(A) Principles of good nutrition and food preparation;

(B) Food to be included in the normal daily diet;

(C) The essential nutrients needed by the body;

(D) Recommended amounts of the essential nutrients, based on established standards;

(E) The actions of nutrients on the body;

(F) The effects of deficiencies or excesses of nutrients;

(G) Food and supplements that are good sources of essential nutrients.

(v) "Medical nutrition therapy" means the use of specific nutrition services for the purpose of disease management to treat or rehabilitate an illness, injury or condition and includes:

(A) Interpreting dietary data and recommending nutrient needs relative to medically prescribed diets, including but not limited to tube feedings, specialized intravenous solutions and specialized oral feedings;

(B) Food and prescription drug interactions; and

(C) Developing and managing food service operations whose chief function is nutrition care and provision of medically prescribed diets.

(vi) "Medically prescribed diet" means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both, as a component of a treatment program from an individual whose health status is impaired or at risk due to disease, injury or surgery and may only be performed as initiated by or in consultation with a physician licensed in this state or an individual authorized by a state license to prescribe medical care;

(vii) "Nutrition assessment" means the systematic process of obtaining, verifying and interpreting biochemical, anthropometric, physical and dietary data in order to make decisions about the nature and cause of nutrition related problems. It is an ongoing, dynamic process that involves not only initial data collection but also reassessment and analysis of client or community needs and provides the foundation for nutrition diagnosis and nutritional recommendations including enteral and parenteral nutrition;

(viii) "Nutrition care process" means the systematic problem solving method that dietitians use to critically think and make decisions when providing medical nutrition therapy or to address nutrition related problems and provide safe, effective, high quality care. The nutrition care process consists of four (4) distinct but interrelated steps including nutrition assessment, nutrition diagnosis, nutrition intervention and nutrition monitoring and evaluation;

(ix) "Nutrition diagnosis" means identifying and labeling nutritional problems that a dietetics practitioner is responsible for treating independently;

(x) "Nutrition intervention" means purposefully planned actions intended to positively change a nutrition related behavior, risk factor, environmental condition or aspect of health status for an individual, the individual's family, caregivers, target groups or the community at large;

(xi) "Nutrition monitoring and evaluation" means identifying patient or client outcomes relevant to the nutrition diagnosis and intervention plans and goals, and comparing those outcomes with previous status, intervention goals or a reference standard to determine the progress made in achieving desired outcomes of nutrition care. The purpose of nutrition monitoring and evaluation is to determine whether planned interventions should be continued or revised;

(xii) "Registered dietitian" means an individual registered with the commission or its successor organization;

(xiii) "This act" means W.S. 33-47-101 through 33-47-110.

### **33-47-103. Exemptions; persons and practices not affected.**

(a) The following shall not be considered to be practicing dietetics under this act:

(i) A qualified member of a legally recognized profession who is otherwise licensed or certified by this state, while performing services consistent with the license or certification, provided the member does not purport to be practicing dietetics and does not claim to be a dietitian;

(ii) A student enrolled in an accredited program in dietetics while engaged as part of the program in the practice of dietetics under the supervision of a licensed dietitian;

(iii) A dietitian who is serving in the armed forces or the public health service of the United States, who is employed by the veterans administration or a Wyoming department of health nutritional services program under the supervision of a licensed dietitian, while engaged in the practice of dietetics provided the practice is related to that service or employment;

(iv) A person employed by a school district who is responsible for menu planning, purchasing of food, meal preparation or food safety, who uses general nonmedical nutrition information in the performance of the person's duties and who does not purport to be practicing dietetics and does not claim to be a dietitian;

(v) A retailer who furnishes oral or written general nonmedical nutrition information related to food, food materials or dietary supplements or the marketing of food, food materials or dietary supplements;

(vi) A person who is employed as an instructor at a United States regionally accredited college or university with a major course of study in human nutrition, nutrition education, public health nutrition, food and nutrition, dietetics or food systems management or an equivalent major course of study as approved by the board;

(vii) A person providing weight control services;

(viii) A nonresident registered dietitian licensed in another state if the requirements for licensure are at least as stringent as the requirements for licensure contained in this act, or registered by the commission if the state of residence does not require licensure, while practicing dietetics in this state for up to twenty (20) days annually;

(ix) A person offering general nonmedical nutritional information, either as part of the sales of nutritional products or independently, who does not represent that they are a licensed dietitian.

**33-47-104. Board created; membership; appointment; terms; removal; meetings; immunity.**

(a) The dietetics licensing board is created. The board shall regulate the practice of dietetics in the state by providing for the licensing and regulation of persons engaged in the practice of dietetics to ensure the safety of the public seeking nutritional advice.

(b) The board shall consist of three (3) members. The initial board shall consist of one (1) member of the public and two (2) registered dietitians

who shall have been engaged in the practice of dietetics for a period of not less than five (5) years immediately preceding appointment to the board. Thereafter, dietitian members shall be licensed under this act prior to appointment to the board.

(c) The governor shall appoint the members of the board. The initial appointments shall be for staggered terms with one (1) registered dietitian appointed for a term of three (3) years, one (1) member of the public appointed for a term of two (2) years and one (1) registered dietitian appointed for a term of one (1) year. Thereafter, members shall be appointed for three (3) year terms.

(d) Vacancies in the board shall be filled by appointment by the governor as provided in subsection (b) of this section for the balance of an unexpired term. Each member shall serve until the member's successor is appointed and qualified. The governor may remove any member from the board as provided in W.S. 9-1-202.

(e) The board shall meet at least twice each year and shall elect a chairman at the first meeting each year. The board may convene at the request of the chairman or as the board may determine for any other meeting as may be deemed necessary by the chairman to transact the board's business. The board shall adopt rules for the transaction of its business. Two (2) board members shall constitute a quorum.

(f) Members of the board shall not receive compensation for their services but shall receive mileage and per diem in the same manner and amount as state employees while engaged in the discharge of official duties.

(g) Members of the board shall have the same immunities from personal liability as state employees for actions taken in the performance of their duties under this act, as provided in W.S. 1-39-104.

### **33-47-105. Board powers and authority.**

(a) The board shall:

(i) Examine, license and renew the licenses of duly qualified applicants;

(ii) Maintain an up-to-date list of every person licensed to practice dietetics under this act. The list shall show the licensee's last known place of employment, the license issue date and the registration number of the license;

(iii) Keep a record of all proceedings of the board and make the record available to the public for inspection during regular business hours;

(iv) Maintain an up-to-date list of persons whose licenses have been suspended, revoked or denied. The list shall include the names, type and cause of action, date and penalty incurred and the length of penalty. The list shall be available for public inspection during regular business hours and shall be supplied to similar boards in other states upon request;

(v) Establish reasonable fees for application, examination, licensing, certification, specialty examination designation, renewal, late renewal, reinstatement and other services provided pursuant to W.S. 33-1-201;

(vi) Adopt rules and regulations related to application, fees, discipline, suspension and revocation.

(b) The board may:

(i) Employ personnel or enter into an agreement as necessary to perform the functions of the board;

(ii) Establish relicensure requirements and procedures as are appropriate, including adopting and publishing a code of ethics as well as compliance guidance opinions as deemed necessary by the board;

(iii) Secure the services of resource consultants. Resource consultants shall receive travel and per diem expenses in the same manner and amount as state employees while engaged in consultative service to the board;

(iv) Enter into contracts with appropriate organizations for the purpose of developing, administering, grading or reporting the results of licensing examinations. The contracting organizations shall be capable of providing an examination which meets the standards of the commission or an equivalent organization. The examination shall be validated and nationally recognized as testing dietetic core competencies;

(v) Establish continuing education requirements for license renewal.

**33-47-106. Licensure; application; qualifications; issuance and revocation of licenses; fees; temporary permits.**

(a) An applicant for a license to practice dietetics shall submit to the board written evidence, verified by oath, that the applicant:

(i) Has received a baccalaureate or post baccalaureate degree from a United States regionally accredited college or university with a major course of study in human nutrition, nutrition education, public health nutrition, food and nutrition, dietetics, food systems management or an equivalent major course of study as approved by the board. Applicants who have obtained a degree outside of the United States and its territories shall have their academic degree validated by the board as equivalent to

the same degree conferred by a regionally accredited college or university in the United States;

(ii) Has completed a documented supervised preprofessional practice experience component in dietetics of not less than nine hundred (900) hours under the supervision of a registered dietitian, a licensed dietitian or an individual with a doctoral degree conferred by a United States regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management;

(iii) Has successfully completed the registration examination for dietitians administered by the commission or an examination of an equivalent level approved by the board;

(iv) Has reached the age of majority; and

(v) Has not been convicted of a felony or a misdemeanor that relates adversely to the practice of dietetics, or the ability to practice dietetics, in the courts of this state, another jurisdiction or another country. As used in this paragraph, "conviction" includes a finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, a plea agreement in which the defendant has pled guilty yet not admitted to all the facts that comprise the crime or a conditional plea as part of a deferred prosecution or deferred sentencing agreement.

(b) Until June 30, 2012, the board shall waive the examination required by subsection (a) of this section and shall grant a license to any applicant who:

(i) Makes satisfactory application to the board and is registered with the commission; or

(ii) Received a baccalaureate or post baccalaureate degree from a United States regionally accredited college or university with a program in dietetics or an equivalent major course of study as approved by the board and who has completed a board approved practical experience and met the educational requirements for registration by the commission or its equivalent.

(c) If an applicant fails to complete the requirements for licensing within one (1) year from the date of filing an application, the application shall be deemed to be abandoned.

(d) The board may issue a temporary permit to practice dietetics for a period of six (6) months to an applicant for licensing, provided:

(i) The applicant is currently practicing or has within the last twelve



(12) months practiced as a licensed dietitian in another state, territory or country that required licensure of dietitians;

(ii) The applicant is currently practicing or has within the last twelve (12) months practiced as a registered dietitian in another state, territory or country that did not require licensure of dietitians; or

(iii) The applicant is a student in a commission approved dietetics education program who expects to graduate within thirty (30) calendar days of the application filing date. Upon notification that a student in an approved program who has received a temporary permit under this section fails to successfully complete the program, the permit shall immediately expire.

(e) On payment of an additional fee established pursuant to W.S. 33-47-105(a)(v), the board may extend a permit to practice dietetics for an additional period not to exceed six (6) months from the date of issuance of the original permit.

(f) Upon payment of a fee established pursuant to W.S. 33-47-105(a)(v), the board shall issue a license to practice dietetics to an applicant who was a dietitian registered prior to July 1, 2011 by the commission or its equivalent.

(g) Unless licensed to practice under this act, no person shall represent himself to the public as being a dietitian or a licensed dietitian. Only a person holding a license to practice dietetics in this state may use the title "licensed dietitian" or the abbreviation "LD" to indicate that the person is a licensed dietitian.

### **33-47-107. License renewal, revocation; hearings.**

(a) A licensed dietitian shall renew the license every two (2) years. The board shall notify and provide applications for renewal to licensed dietitians at least sixty (60) calendar days prior to expiration of the license. A licensee seeking renewal shall complete the application for renewal and return it to the board with the renewal fee at least fifteen (15) days before the license expiration date. The renewal request shall be accompanied by evidence satisfactory to the board that the licensee has complied with this act and completed any applicable continuing education requirements.

(b) Upon receipt of the application for renewal and the fee, the board shall promptly verify its contents and issue a renewal license.

(c) A licensee who fails to submit a timely application for renewal may be reinstated by the board upon payment of the renewal fee and reinstatement fee established by the board provided that the request for reinstatement is made within ninety (90) days of the license expiration date.

(d) A licensed dietitian who does not engage in the practice of dietetics following expiration of the dietitian's license is not required to pay the renewal fee and shall be deemed inactive. If an inactive licensee desires to resume the practice of dietetics, the license shall be reissued upon application to the board, payment of renewal and reinstatement fees and submission of evidence that the applicant satisfies the current requirements for licensure.

(e) Fees received by the board and any monies collected under this act shall be deposited and credited to the board as provided in W.S. 33-1-202.

(f) The board may revoke, suspend or refuse to renew any license or permit or place on probation, reprimand a licensee or deny a license to an applicant if it finds that the person:

(i) Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of license to practice dietetics;

(ii) Is unfit or incompetent by reason of negligence, habits or other causes of incompetency as defined in the rules and regulations of the board;

(iii) Is addicted to a drug or intoxicant to a degree that renders the licensee unsafe or unfit to practice dietetics;

(iv) Is guilty of unprofessional conduct as defined by rules of the board, or has violated the code of ethics adopted and published by the board;

(v) Has practiced dietetics under cover of any permit or license illegally or fraudulently obtained or issued, or under a license that has expired or been suspended;

(vi) Has violated or aided or abetted others in violation of any provision of this act.

(g) Upon filing of written complaint with the board charging a person with having been guilty of any of the acts prohibited by this act, the executive director or other authorized employee of the board shall conduct an appropriate investigation. If the board finds reasonable grounds to substantiate the allegations of the complaint, the board may refuse to grant, revoke, suspend or restrict the license of an applicant or licensee.

(h) The applicant or licensee shall be afforded an opportunity for a hearing on the board's action under subsection (f) or (g) of this section. Notices, hearings and appeals shall be in accordance with the Wyoming Administrative Procedure Act. The board may issue subpoenas for the attendance of witnesses and the production of necessary evidence in any

hearing before it. Upon request of the respondent or his counsel, the board shall issue subpoenas on behalf of the respondent.

**33-47-108. Reciprocity.**

Reciprocity may be provided for dietitians licensed in other states which have laws at least as stringent as this act, or registered dietitians if their previous state of residence does not require licensure, provided that the applicant meets the requirements of W.S. 33-47-106.

**33-47-109. Disclosure of information.**

A licensed dietitian or any person employed in a licensed dietitian's professional practice shall not disclose without the consent of the client any communication made by a client to the dietitian or the dietitian's employees in the course of professional practice, except as required by law.

**33-47-110. Injunctive relief.**

The board may seek an injunction in the district court to enjoin any person from violating this act.

**Section 2.** 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, 2012. This appropriation shall only be expended for the purpose of providing necessary support and executive secretary services for the dietetics licensing board 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, 2012. The board shall submit a standard budget request for the fiscal biennium beginning July 1, 2012 and for subsequent biennia through the normal budget process.

**Section 3.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2011.

(b) W.S. 33-47-104 and 33-47-105 created by section 1 of this act and section 2 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 dietetics licensing board may immediately commence drafting and adoption of rules and regulations for the implementation of this act and may immediately accept applications for dietitian licenses to be issued on or after July 1, 2011.

Approved March 3, 2011.

**Chapter 140****VERY RARE OR UNCOMMON AREA DESIGNATIONS**

Original House Bill No. 152

AN ACT relating to the Environmental Quality Act; eliminating the authority of the environmental quality council to designate lands as "very rare" or "uncommon"; retaining previous designations as specified; retaining the authority to remove previous designations of lands as "very rare" or "uncommon"; and providing for an effective date.

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

**Section 1.** W.S. 35-11-112(a)(v) is amended to read:

**35-11-112. Powers and duties of the environmental quality council.**

(a) The council shall act as the hearing examiner for the department and shall hear and determine all cases or issues arising under the laws, rules, regulations, standards or orders issued or administered by the department or its air quality, land quality, solid and hazardous waste management or water quality divisions. At the council's request the office of administrative hearings may provide a hearing officer for any rulemaking or contested case hearing before the council, and the hearing officer may provide recommendations on procedural matters when requested by the council. Notwithstanding any other provision of this act, including this section, the council shall have no authority to promulgate rules or to hear or determine any case or issue arising under the laws, rules, regulations, standards or orders issued or administered by the industrial siting or abandoned mine land divisions of the department. The council shall:

(v) Designate at the earliest date and to the extent possible those areas of the state which are very rare or uncommon and have particular historical, archaeological, wildlife, surface geological, botanical or scenic value. When areas of privately owned lands are to be considered for such designation, the council shall give notice to the record owner and hold hearing thereon, within a county in which the area, or major portion thereof, to be so designated is located, in accordance with the Wyoming Administrative Procedure Act. No new designations shall be made pursuant to this paragraph after July 1, 2011, but the council shall retain the authority to remove designations made prior to that date;

**Section 2.** Any current designation of lands as very rare or uncommon made pursuant to W.S. 35-11-112(a)(v) prior to the effective date of this act shall remain in effect until removed by the environmental quality council as provided in W.S. 35-11-112(a)(v).

**Section 3.** This act is effective July 1, 2011.

Approved March 3, 2011.

**Chapter 141****FEDERAL NATURAL RESOURCE POLICY**

Original Senate File No. 143

AN ACT relating to public funds; providing for funding of county investigation and litigation related to federal natural resource policy as specified; requiring reports; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 9-4-218(a)(iii) 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:

(iii) Investigating, initiating, intervening or otherwise participating in litigation, or taking any other legal action by the state, a state agency or the counties of the state individually or jointly, that furthers the purposes of this subsection. In carrying out this subsection, the attorney general or the counties, with approval of the governor, may retain qualified practicing attorneys to act for the state or the counties, including providing representation in other forums with the federal government or other state or county governments that may preclude or resolve any outstanding issues or attempting to influence pertinent federal legislation;

**Section 2.**

(a) The counties of the state, individually or jointly, may investigate potential litigation against the government of the United States for the reasons provided in subsection (c) of this section and may, if necessary, initiate litigation, file an amicus curiae brief or intervene as provided by state or federal law in any existing lawsuit concerning the reasons specified in subsection (c) of this section. The counties, individually or jointly, may retain qualified practicing attorneys as provided in W.S. 9-4-218(a)(iii).

(b) The costs of any investigation or litigation under this section shall be paid from the federal natural resource policy account, with approval of the governor, as provided in W.S. 9-4-218, but nothing in this section shall be construed to limit the pursuit of reasonable costs and attorneys fees through litigation.

(c) Any investigation, litigation or other action under this section shall determine whether the state or the counties, jointly or individually, are entitled to damages or other relief under state or federal law as a result of order number 3310 of the secretary of the interior and the potential consequences of that order or any other unlegislated federal action related to multiple use of federal lands in this state. The state or the counties shall seek any applicable reimbursement for the costs of operating any state or local programs which have been or will be required by the federal government and for which adequate funding has not been provided to the state or the counties.

(d) Any county or counties taking action under this section shall report the action to the joint agriculture, state and public lands and water resources interim committee, the joint minerals, business and economic development interim committee and the joint appropriations interim committee not later than June 30, 2012.

**Section 3.** There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the federal natural resource policy account to be expended only as provided in section 2 of this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. 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.

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

Approved March 3, 2011.

## Chapter 142

### CASTLE DOCTRINE MODIFICATIONS

Original House Bill No. 167

AN ACT relating to crimes and offenses; modifying presumption related to self defense and defense of another; providing definitions related to self defense and defense of another; and providing for an effective date.

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

**Section 1.** W.S. 6-2-602(b)(i) and by creating a new subsection (d) is amended to read:

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

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

(i) The person against whom the defensive force is used has a right to be in or is a lawful resident of the ~~occupied structure~~ home or habitation, such as an owner, lessee or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person;

(d) As used in this section:

(i) “Habitation” means any structure which is designed or adapted for overnight accommodation, including, but not limited to, buildings, modular units, trailers, campers and tents;

(ii) “Home” means any occupied residential dwelling place.

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

Approved March 3, 2011.

## Chapter 143

### NATURAL GAS VEHICLES

Original House Bill No. 235

AN ACT relating to motor vehicles; providing that the department of transportation and the department of administration and information shall acquire through retrofit or purchase vehicles which operate on natural gas as specified; providing an appropriation; and providing for an effective date.

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

**Section 1.** The department of transportation and the department of administration and information, as determined by the director of each agency, shall retrofit or acquire vehicles in their fleets which operate on natural gas, or a combination of natural gas and another form of fuel, by July 1, 2012. All vehicles retrofitted or acquired under this section shall be inspected and certified as safe in accordance with relevant standards, including the National Fire Protection Association 52 Vehicular Gaseous Fuel Systems Code.

**Section 2.** There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the department of administration and information for the purposes of this act.

**Section 3.** This act is effective July 1, 2011.

Approved March 3, 2011.

## Chapter 144

### CORONER RECORD CONFIDENTIALITY

Original House Bill No. 42

AN ACT relating to coroners; providing confidentiality for toxicology reports, photographs, video recordings or audio recordings of the scene of the death or made in the course of a postmortem examination or autopsy by a coroner; providing exceptions; providing penalties; and providing for an effective date.

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

**Section 1.** W.S. 7-4-105 is created to read:

**7-4-105. Confidentiality of reports, photos and recordings; exceptions; penalties.**

(a) After viewing the body and completing his investigation, the coroner shall draw up and sign his verdict on the death under consideration. The coroner shall also make a written docket giving an accurate description of the deceased person, his name if it can be determined, cause and manner of death, including relevant toxicological factors, age of decedent, date and time of death and the description of money and other property found with the body. The verdict and written docket are public records and may be viewed or obtained by request to the coroner, pursuant to W.S. 16-4-202.

(b) Except as provided in subsections (c), (d), (e), (g) and (o) of this section a toxicology report, a photograph, video recording or audio recording made at the scene of the death or made in the course of a postmortem examination or autopsy made or caused by a coroner shall be confidential and are not public records.

(c) A surviving spouse, surviving parent, an adult child, personal representative, legal representative, or a legal guardian may:

(i) View and copy a toxicology report, a photograph or video recording made at the scene of the death or made in the course of a postmortem examination or autopsy made by or caused by a coroner; and



(ii) Listen to and copy an audio recording made at the scene of the death or made in the course of a postmortem examination or autopsy made by or caused by a coroner.

(d) Upon making a written request, a law enforcement entity of the state of Wyoming or United States government, a district attorney, the United States attorney for the district of Wyoming, a county, state or federal public health agency, a board licensing health care professionals under title 33 of the Wyoming statutes, the division responsible for administering the Wyoming Workers' Compensation Act, the state occupational epidemiologist, the department and the division responsible for administering the Wyoming Occupational Health and Safety Act, the office of the inspector of mines, insurance companies with legitimate interest in the death, all parties in civil litigation proceedings with legitimate interest in the death or a treating physician, while in performance of his official duty may:

(i) View and copy a toxicology report, photograph or video recording made at the scene of the death or made in the course of a postmortem examination or autopsy made by or caused by a coroner; and

(ii) Listen to and copy an audio recording made at the scene of the death or made in the course of a postmortem examination or autopsy made by or caused by a coroner.

(e) Unless otherwise required in the performance of official duties, the identity of the deceased shall remain confidential in any record obtained under subsection (d) of this section.

(f) The coroner having custody of a toxicology report, a photograph, a video recording or an audio recording made at any scene of the death or made in the course of a postmortem examination or autopsy may allow the use for case consultation with an appropriate expert. The coroner may also allow the use of a toxicology report, a photograph, a video recording or an audio recording made at the scene of the death or made in the course of a postmortem examination or autopsy by legitimate scientific research organizations or for training purposes provided the identity of the decedent is not published or otherwise made public.

(g) A court upon showing of good cause, may issue an order authorizing a person to:

(i) View or copy a toxicology report, photograph or video recording made at the scene of the death or made in the course of a postmortem examination or autopsy made or caused by a coroner; and

(ii) Listen to and copy an audio recording made at the scene of the death or made in the course of a postmortem examination or autopsy made

or caused by a coroner.

(h) In determining good cause under subsection (g) of this section, the court shall consider:

(i) Whether the disclosure is necessary for the public evaluation of governmental performance;

(ii) The seriousness of the intrusion into the family's privacy;

(iii) Whether the disclosure of the toxicology report, photograph, video recording or audio recording is by the least intrusive means available; and

(iv) The availability of similar information in other public records regardless of form.

(j) A surviving spouse shall be given reasonable notice and a copy of any petition filed with the court under subsection (g) of this section and reasonable opportunity to be present and be heard on the matter. If there is no surviving spouse, the notice of the petition being filed and the opportunity to be heard shall be given to the deceased's parents and if the deceased has no living parent, the notice of the petition being filed and the opportunity to be heard shall be given to the adult children of the deceased or legal guardian, personal representative or legal representative of the children of the deceased.

(k) A coroner or coroner's designee that knowingly violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than one thousand dollars (\$1,000.00), or both.

(m) A person who knowingly or purposefully uses the information in a manner other than the specified purpose for which it was released or violates a court order issued under subsection (g) of this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than one thousand dollars (\$1,000.00), or both.

(n) In all cases, the viewing, copying, listening to, or other handling of a toxicology report, photograph, video recording, or audio recording made at a scene of the death or made in the course of a postmortem examination or autopsy made or caused by a coroner shall be under the direct supervision of the coroner, or the coroner's designee, who is the custodian of the record.

(o) In the event that the coroner, or the coroner's designee, determines that a person's death was caused by an infectious disease, biological toxin or any other cause which may constitute a public health emergency as defined in W.S. 35-4-115(a)(i), the coroner shall release to the state health

officer or his designee all information and records required under W.S. 35-4-107. If the state health official or his designee determines upon an examination of the results of the autopsy and the toxicology report that a public health emergency may in fact exist, he shall release the appropriate information to the general public as provided by department of health rules and regulations.

**Section 2.** W.S. 16-4-203(d)(i) is amended to read:

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(i) Medical, psychological and sociological data on individual persons, exclusive of coroners' ~~autopsy reports~~ verdicts and written docketts as provided in W.S. 7-4-105(a);

**Section 3.** This act is effective July 1, 2011.

Approved March 3, 2011.

## Chapter 145

### WILDLIFE/LIVESTOCK DISEASE RESEARCH PARTNERSHIP-FUNDING

Original Senate File No. 91

AN ACT relating to the wildlife/livestock disease research partnership; providing an appropriation; and providing for an effective date.

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

**Section 1.** There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the wildlife/livestock disease research partnership account created by W.S. 11-19-603. This appropriation shall be for the period beginning with the effective date of this act. This appropriation shall only be expended for the purposes provided in W.S. 11-19-602 for nonbrucellosis related research. 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 not revert until further action of the legislature.

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

Approved March 3, 2011.

**Chapter 146****LANDOWNER RIGHTS IN WIND ENERGY DEVELOPMENT**

Original Senate File No. 58

AN ACT relating to industrial siting for wind energy facilities; requiring the identification of specified landowners; giving specified landowners the right to notice and other participation rights; requiring the disclosure of specified industrial siting information; expanding the persons entitled to be parties to the industrial siting process; 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) by creating a new paragraph (xv), 35-12-107(b) by creating new paragraph (xv), (c)(i), (d)(ii) and (g)(ii), 35-12-109(a) by creating new paragraph (xxii), 35-12-110(a)(i), (f)(ii) and by creating new subsection (g), 35-12-111(a)(iii) and 35-12-113(a)(intro) are amended to read:

**35-12-102. Definitions.**

(a) As used in this chapter:

(xv) "Affected landowner" means any person holding record title to land on which any portion of a commercial facility generating electricity from wind is proposed to be constructed and including any portion of any collector system located on those same lands. For purposes of this chapter, an affected landowner may be represented by any designated person.

**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:

(xv) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), a list of all affected landowners with an address at which each affected landowner can be given the notices required by this act.

(c) Not more than seven (7) days following receipt of a request for a waiver, the director shall:

(i) Serve notice of the request upon the governing bodies of local governments which will be primarily affected by the proposed facility and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), upon affected landowners;

(d) Not more than fourteen (14) days following receipt of a request, the director shall:

(ii) Notify the applicant and local governments of the meeting and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), notify affected landowners;

(g) Not more than fifty (50) days following receipt of a request, the director shall:

(ii) Notify the applicant and local governments of the hearing and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), notify affected landowners;

**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:

(xxii) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), a list of all affected landowners with an address at which each affected landowner can be given the notices required by this act.

**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 an electronic or physical copy of the application upon the governing bodies of local ~~government~~ governments which will be primarily affected by the proposed facility together with notice of the applicable provisions of W.S. 35-12-111 and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), serve a copy of the application with notice of the applicable provisions of W.S. 35-12-111 upon affected landowners;

(f) Not more than ninety (90) days after receipt of an application for a permit, the director shall:

(ii) Notify the applicant and local governments of the hearing and, for proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F), notify affected landowners;

(g) For proposed facilities meeting the requirements of W.S. 35-12-102(a)(vii)(E) or (F):

(i) The division shall request information and recommendations from affected landowners relative to the impact of the proposed facility as it applies to each affected landowner's lands and interests;

(ii) Not less than twenty-five (25) days prior to any scheduled hearing on the application, the director shall provide to all affected landowners a copy of all information received from agencies providing information under subsections (b) and (c) of this section; and

(iii) Agencies providing opinions and recommendations under subsections (b) and (c) of this section shall receive comments from affected landowners and shall provide a summary of all affected landowner comments with other information submitted. If comments are received after the agency's other information is submitted, the comments shall be forwarded when received to the division.

**35-12-111. Parties to permit proceeding; waiver by failure to participate.**

(a) The parties to a permit proceeding include:

(iii) Any person residing in a local government entitled to receive 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, agricultural 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. In considering the imposition of conditions requested by other agencies upon private lands, the council shall consider in the same manner and to the same extent any comments presented by an affected landowner. The council may consider direct or cumulative impacts not within the area of jurisdiction of another regulatory agency in this state. The council shall grant a permit either as proposed or as modified by the council if it finds and determines that:

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

Approved March 3, 2011.

## Chapter 147

### PERFORMANCE BASED EVALUATION AND DESIGN

Original Senate File No. 121

AN ACT relating to environmental quality; providing for performance based evaluation and performance based design in the approval of municipal solid waste landfill permits; providing definitions; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-11-523 and 35-11-524 are created to read:

**35-11-523. Performance based design and performance based evaluation in consideration and approval of engineered containment systems as part of municipal solid waste landfill permits.**

(a) A person submitting an application for a permit pursuant to W.S. 35-11-502 which contains a performance based design for a municipal solid waste landfill that does not incorporate an engineered containment system utilizing a composite liner and leachate collection system, shall submit a report with the application. The report shall contain the applicant's findings as to the proposed performance based design's compliance with applicable state and federal laws and regulations. The report shall contain scientific and engineering data supporting the implementation of the proposed design.

(b) In reviewing scientific and engineering data related to a permit application and report containing a performance based design which does not incorporate an engineered containment system utilizing a composite liner and leachate collection system, the administrator shall prepare a detailed performance evaluation based on applied scientific and engineering data that adheres to W.S. 35-11-524. The administrator shall determine in the performance evaluation whether to validate or invalidate the performance

based design or an alternative performance based standard for landfill design contained in the permit application. The administrator shall base the performance based evaluation on acceptable applied scientific and engineering data and an analysis of that data using statistical procedures, including statistical power, when applicable.

(c) The applicant or other interested party may appeal the administrator's determination contained in a performance based evaluation of a permit pursuant to W.S. 35-11-502. If the council determines that the performance based evaluation does not accurately or adequately identify and evaluate all the data and criteria required under this section and W.S. 35-11-524, the council shall direct the administrator to reevaluate his determination. A decision by the council that the performance based evaluation is accurate and adequate shall be a final decision of the agency pursuant to the Wyoming Administrative Procedure Act.

**35-11-524. Performance based design evaluation criteria for municipal solid waste landfill units.**

(a) New municipal solid waste landfill units and lateral expansions approved by the administrator under W.S. 35-11-502 and 35-11-523 shall be constructed:

(i) In accordance with a performance based design approved by the administrator in a performance based evaluation pursuant to W.S. 35-11-523. Any performance based design approved must ensure that the concentration values for pollutants listed in the National Primary Drinking Water Regulations, 40 C.F.R. Part 141, will not be exceeded in the uppermost aquifer at the relevant point of compliance as determined under subsection (c) of this section; or

(ii) With an engineered containment system that utilizes a composite liner and a leachate collection system that is designed and constructed to maintain less than a thirty (30) centimeter depth of leachate over the liner.

(b) When approving a design that complies with paragraph (a)(i) of this section, in addition to the requirements of W.S. 35-11-523 the administrator shall consider other relevant factors, including, but not limited to:

(i) The hydrogeologic characteristics of the facility and surrounding land;

(ii) The climatic factors of the area; and

(iii) The physical and chemical characteristics and volume of the leachate.



(c) The relevant point of compliance specified by the administrator for the allowable concentration values for pollutants under paragraph (a)(i) of this section shall be no more than one hundred fifty (150) meters from the waste management unit boundary and shall be located on land owned by the owner of the municipal solid waste landfill. In determining the relevant point of compliance, the administrator shall consider at least the following factors:

(i) The hydrogeologic characteristics of the facility and surrounding land;

(ii) The physical and chemical characteristics and volume of the leachate;

(iii) The quantity, quality and direction of flow of ground water in the area;

(iv) The proximity and withdrawal rate of ground water users;

(v) The availability of alternative sources of drinking water supplies;

(vi) The existing quality of the ground water, including other sources of contamination and their cumulative impacts on the ground water and whether the ground water is currently used or reasonably expected to be used for drinking water;

(vii) Public health, safety and welfare effects; and

(viii) Practicable capability of the owner or operator.

**Section 2.** W.S. 35-11-103(d) by creating new paragraphs (viii) through (x) is amended to read:

**35-11-103. Definitions.**

(d) Specific definitions applying to solid waste management:

(viii) “Composite liner” means a system consisting of two (2) components; the upper component must consist of a minimum thirty (30) mil flexible membrane liner (FML) and the lower component shall consist of at least a two (2) foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  centimeters per second. A flexible membrane liner components consisting of high density polyethylene (HDPE) shall be at least sixty (60) mil thick. The flexible membrane liner component shall be installed in direct and uniform contact with the compacted soil component;

(ix) “Leachate” means liquid that has passed through or emerged

from solid waste and contains soluble, suspended or miscible materials removed from such wastes;

(x) "Statistical power" means the probability of detecting change given that a change has truly occurred.

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

Approved March 3, 2011.

## Chapter 148

### NUCLEAR ENERGY PRODUCTION STUDY

Original House Bill No. 129

AN ACT relating to nuclear energy; providing for a study of nuclear energy production; creating a task force; requiring a report; providing an appropriation; and providing for an effective date.

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

#### **Section 1.**

(a) There is created a task force on nuclear energy production consisting of the following members:

(i) Two (2) members of the Wyoming senate, appointed by the president of the senate. One (1) of the members shall be designated as cochairman;

(ii) Two (2) members of the Wyoming house of representatives, appointed by the speaker of the house. One (1) of the members shall be designated as cochairman;

(iii) Three (3) members appointed by the governor. One (1) of the members shall have a background in energy production, one (1) shall be a member of the geological survey board and one (1) shall be a member of the public at large.

(b) The task force shall be staffed by the legislative service office. The University of Wyoming School of Energy Resources shall serve in an advisory capacity to the task force and shall provide technical and other relevant information as requested. State agencies shall provide information and assistance to the task force as requested.

(c) The task force shall study the following, as they relate to nuclear energy production:

(i) Potential incentives to encourage nuclear energy production in this state including taxation issues, use of unappropriated waters of the state and private and public sector partnerships;

(ii) State regulatory provisions unduly restricting the development of nuclear power production;

(iii) The role of local land use planning;

(iv) Any relevant federal statutes that may preempt or limit state or county authority;

(v) Storage and reprocessing technologies, including short term and long term storage issues;

(vi) The role of higher education within the state in identifying information and conducting appropriate research necessary to facilitate uranium and nuclear energy production;

(vii) Other issues the task force may consider useful in encouraging appropriate nuclear energy production in the state, including avoidance of duplicative or conflicting requirements.

(d) The task force shall submit its recommendations, including proposed legislation with respect to the issues specified in subsection (c) of this section, to the joint minerals, business and economic development interim committee and the governor no later than November 1, 2011. The joint minerals, business and economic development interim committee shall consider the recommendations and develop legislation it deems appropriate for consideration by the legislature.

(e) The task force shall exist until December 31, 2011. Members of the task force who are not state employees or legislators shall not receive a salary but shall receive reimbursement for mileage and per diem expenses at the rate provided for legislators under W.S. 28-5-101. Members of the task force who are legislators shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the task force.

(f) There is appropriated from the general fund:

(i) Eighteen thousand dollars (\$18,000.00) to the legislative service office for payment of salary, per diem and mileage for legislative task force members;

(ii) Eight thousand dollars (\$8,000.00) to the governor's office for payment of authorized per diem and mileage for nonlegislative task force members.

**Section 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, 2011.

## Chapter 149

### COUNTY MEMORIAL HOSPITAL BOARD MEMBERS-REMOVAL

Original House Bill No. 211

AN ACT relating to county memorial hospitals; authorizing county commissioners to remove members of a hospital board of trustees; providing for the filling of vacancies on the board of trustees; and providing for an effective date.

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

**Section 1.** W.S. 18-8-104 by creating a new subsection (e) is amended to read:

**18-8-104. Hospital generally under control of board of trustees; appointment, powers and duties of trustees; incorporation; use of funds for erection of hospital; term of lease; consolidation of hospitals; acquisition of land; removal of board member; filling of vacancies.**

(e) The county commissioners may remove any member of the board of trustees for just cause without a public hearing unless the trustee requests a public hearing. Vacancies on the board of trustees shall be filled by the county commissioners for the balance of the unexpired term created by the vacancy.

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

Approved March 3, 2011.

## Chapter 150

### EMERGENCY RESPONSE-INCIDENTS

Original House Bill No. 206

AN ACT relating to the Wyoming Emergency Response Act; including clandestine laboratory investigations in the definition of emergency responses; providing for representation on the state emergency response team; providing for declaration of contamination by emergency response teams as specified; providing for transfer of liability as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-9-152(a)(i) and (ii), 35-9-153(a)(intro) and 35-9-156(d) are amended to read:

**35-9-152. Definitions.**

(a) As used in this act:

(i) "Emergency responders" means public, state or federal fire services, law enforcement, emergency medical services, public health, public works, homeland security and other public response services or agencies that would be involved in direct actions to contain or control a hazardous material release, ~~or weapons of mass destruction incident~~ or clandestine laboratory investigation. The term "emergency responders" does not include private on-site facilities with immediate emergency response capabilities unless formally requested to assist off the private facility site by the state or a political subdivision of the state;

(ii) "Emergency response" means a clandestine laboratory investigation or a response to any occurrence, including a weapon of mass destruction incident, which has resulted, or may result, in a release of a hazardous material;

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

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

**35-9-156. Local response authority.**

(d) The incident commander shall declare an incident ended when he has determined the threat to public health and safety has ended. Until the incident commander has declared the threat to public safety has ended the incident commander shall have the authority to issue an order on behalf of the political subdivision that any portion of the building, structure or land is uninhabitable or contaminated, secure the portion of the building, structure or land that is uninhabitable or contaminated and take appropriate steps to minimize exposure to identified or suspected contamination at the site or premise. If the subject of the site or premise is commercial real estate, the incident commander shall limit the declaration of uninhabitable or contaminated to the areas affected by the clandestine

laboratory operation and shall not declare the entire commercial real estate uninhabitable or contaminated unless the entire commercial property has been documented and determined uninhabitable or contaminated using the standards promulgated by the state emergency response commission under W.S. 35-9-153(h). The incident commander shall provide written notice to the commercial real estate owner, describing with specificity the extent of the commercial property deemed uninhabitable or contaminated. Any property that is ordered uninhabitable or contaminated under this subsection shall only be transferred or sold prior to remediation if full, written disclosure is made to the prospective purchaser, attached to the earnest money receipt if any, and shall accompany the sale documents but not be a part of the deed nor shall it be recorded. The transferor or seller shall notify the incident commander of the transfer or sale within ten (10) days of the transfer or sale. Receipt of full written disclosure under this subsection constitutes a full release of liability on the part of the seller or transferor and acceptance of liability on the part of the buyer or transferee unless otherwise agreed to in writing by the transferor and transferee.

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

Approved March 3, 2011.

## Chapter 151

### VAULTS, CRYPTS AND MAUSOLEUMS-PERPETUAL TRUST FUNDS

Original House Bill No. 178

AN ACT relating to cemeteries and burials; providing an exemption to requirements for perpetual trust funds for cells, vaults, crypts, mausoleums and columbariums as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-8-402(c) is amended to read:

**35-8-402. Regulations and specifications generally; application to certain columbariums.**

(c) This act shall not apply to any columbarium owned by or for a church if it is less than one-half (1/2) acre in size and is located immediately contiguous to or is part of the church facility; and is perpetually cared for, ~~and the maintenance of the columbarium is insured by a trust fund meeting the requirements of W.S. 35-8-404.~~ If the church relocates, it shall relocate all urns and remains placed within the columbarium. Any violation of this subsection is subject to the penalty imposed under W.S. 35-8-407.

**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, 2011.

**Chapter 152****ENERGY IMPROVEMENT PROGRAM**

Original House Bill No. 179

AN ACT relating to local improvements; authorizing the adoption of an energy improvement program by a local government as specified; providing for financing; providing procedures; and providing for an effective date.

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

**Section 1.** W.S. 15-1-701(a)(ii), by creating a new paragraph (iv) and (b) and 15-1-702 by creating a new subsection (c) are amended to read:

**15-1-701. Definitions; vesting of powers and privileges.**

(a) As used in this article:

(ii) "Project" means any land, building, pollution control facility or other improvement and all necessary and appurtenant real and personal properties, whether or not in existence, suitable for manufacturing, industrial, commercial or business enterprises or for health care facilities. Project may also mean an undivided interest as a tenant in common in an electrical generating facility or in pollution control facilities in connection therewith. Project may also mean an energy improvements program;

(iv) "Energy improvements program" means a program authorizing energy efficiency or renewable energy improvements in a program adopted by a municipality, county or joint powers board.

(b) In order to facilitate and promote the local health and general welfare, the sound economic growth of the state of Wyoming, the development of its natural resources, the protection of its natural environment, provision of health care services, energy improvements and to promote employment opportunities for the citizens of Wyoming by creating or encouraging the expansion of manufacturing, industrial plants, processing facilities and all kinds of business which contribute payrolls and tax base to the state of Wyoming, and by attracting to and encouraging the location or the expansion within this state of such plants, facilities and businesses all of which are hereby declared to be and constitute public purposes, the counties and municipalities of the state of Wyoming are vested with the powers and privileges hereafter set forth in this article.

**15-1-702. Powers of municipalities and counties; limitations.**

(c) A municipality, county or joint powers board may designate an energy improvements area and establish an energy improvements program to make loans to owners of real property within the area for cost-effective energy improvements to existing residential, commercial or industrial buildings on the property. Not less than thirty (30) days prior to the designation

under this subsection, the governing body shall provide an explanation of the proposed program to any utility which distributes electricity or natural gas in the area in which the proposed program will operate. A governing body which establishes an energy improvements program may secure a loan under the program with a lien on the benefited property and enforce the lien in the same manner as provided for special assessments under W.S. 15-6-401 et seq. Additionally, the governing body may require any other security for a loan it deems reasonable and necessary. The designation may establish:

(i) A loan application process that includes an energy audit of the building proposed to be improved and other requirements to ensure that the loan will be used for energy improvements which are cost effective and otherwise consistent with the purpose of the program;

(ii) The loan terms, including interest rates;

(iii) The application and loan fees sufficient to pay the administrative and financing costs of the program, included costs associated with loan delinquencies; and

(iv) Any requirements and conditions to ensure timely repayment of loans and fees imposed under the program.

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

Approved March 3, 2011.

## Chapter 153

### WYOMING TRADITIONAL FOOD ACT

Original House Bill No. 8

AN ACT relating to food; creating the Wyoming Traditional Food Act; exempting certain activities involving the preparation, service, consumption and storage of food from licensure, permitting, certification, inspection, packaging and labeling; providing definitions; providing conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-7-1701 through 35-7-1703 are created to read:

#### ARTICLE 17

### WYOMING TRADITIONAL FOOD ACT

#### **35-7-1701. Short title.**

This article is known and may be cited as the “Wyoming Traditional Food Act.”



**35-7-1702. Definitions.**

(a) As used in this article:

(i) "Traditional event or activity" means an occasion where potentially hazardous and not potentially hazardous foods have traditionally been, and are presently, stored and prepared in a private home or a place other than an establishment, which is equipped for the storage and preparation of food for consumption or use in conducting traditional activities, including but not limited to the preparation of food:

(A) For family and nonpaying guests;

(B) For weddings, funerals, potluck dinners, charitable dinners and charitable cook-offs or functions as defined in W.S. 35-7-110(a)(xxix);

(C) For the sales of donated foods which are prepared for consumption and the sales are sponsored by a nonprofit entity as a fundraiser to support its purposes;

(D) For outdoor activities such as picnics, barbeques, roundups, camping or outdoor work conducted by employees or volunteers;

(E) By utilizing kitchen equipment provided by employers as a convenience for the storage and preparation of foods for consumption on the premises by employees and nonpaying guests.

**35-7-1703. Wyoming Traditional Food Act; purpose.**

Notwithstanding any other provisions of law, there shall be no licensure, permitting, certification, inspection, packaging or labeling required by any state governmental agency or any agency of any political subdivision of the state which pertains to the preparation, serving, use, consumption or storage of foods at a traditional event or activity. Nothing in this article shall preclude an agency from providing assistance, consultation or inspection, when requested by the traditional event or activity organizer.

**Section 2.** W.S. 35-7-110(a)(xi), 35-7-119 by creating a new subsection (f), 35-7-121 by creating a new subsection (h) and 35-7-124 by creating a new subsection (g) are amended to read:

**35-7-110. Definitions.**

(a) As used in this act:

(xi) "Establishment" means and includes any place or any area of any establishment in which foods, drugs, devices and cosmetics are displayed

for sale, manufactured, processed, packed, held or stored. “Establishment” does not include a home kitchen where food is prepared and stored for family consumption, or any other place equipped for the preparation, consumption and storage of food on the premise by employees or nonpaying guests;

**35-7-119. Fair packaging and labeling provisions.**

(f) Subsections (a) and (c) of this section shall not apply to the preparation, service, use, consumption or storage of foods at a traditional event or activity pursuant to W.S. 35-7-1703. The definitions in W.S. 35-7-1702 shall apply to this subsection.

**35-7-121. Inspections; examinations.**

(h) Subsection (a) of this section shall not apply to food prepared for, served, consumed, stored or sold at a traditional event or activity pursuant to W.S. 35-7-1703. The definitions in W.S. 35-7-1702 shall apply to this subsection.

**35-7-124. License required; exemptions; electronic transmittals.**

(g) Subsection (a) of this section shall not apply to food prepared for, served, consumed, stored or sold at a traditional event or activity pursuant to W.S. 35-7-1703. The definitions in W.S. 35-7-1702 shall apply to this subsection.

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

Approved March 3, 2011.

## Chapter 154

### ECONOMIC ANALYSIS

Original Senate File No. 9

AN ACT relating to economic analysis; providing for collecting, compiling, analyzing and distributing county economic data; providing for establishment of uniform data criteria; authorizing a position and a temporary contract position; providing appropriations; requiring reporting; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1024(a) by creating new paragraphs (vii) through (x) and by renumbering (vii) as (xi) is amended to read:

**9-2-1024. Duties performed through division of economic analysis.**

(a) The department through the division of economic analysis, in cooperation with other governmental and private agencies, shall:

(vii) Establish uniform criteria for collecting, compiling, analyzing, reporting and distributing economic data for all Wyoming counties related to uses of and economic impacts to state and federal surface and mineral lands, including but not limited to development of agriculture, grazing, minerals, timber, water, industrial resources, recreation and energy production;

(viii) Utilize a nationally recognized model for the compilation and the analysis of the data described in paragraph (vii) of this subsection;

(ix) Collect, compile, analyze, maintain, update, report, distribute and consolidate into digest form the economic data described in paragraph (vii) of this subsection. The analysis shall be independent pertaining to the data collected and shall not express any opinion of the economic impacts determined under paragraph (vii) of this subsection. Any economic data collected, compiled, analyzed, maintained, updated, reported or consolidated by the division of economic analysis under this subsection, other than information that is not available for inspection under W.S. 16-4-201 through 16-4-205, shall be available for public review and comment. This data shall be updated at least once every three (3) years;

(x) Supervise and coordinate statistical, informational or research programs conducted by the division on behalf of counties and establish and maintain a central depository of economic, statistical and other data relative to Wyoming counties;

~~(vii)~~(xi) Prepare an annual catalog listing the type of statistical information available from state agencies and other sources.

**Section 2.** There is authorized one (1) full-time position to the department of administration and information, economic analysis division for the purpose of implementing this act. There is appropriated two hundred fifty-five thousand dollars (\$255,000.00) from the general fund to the department of administration and information. This appropriation shall only be expended for the purpose of implementing this act and shall be for the period beginning with the effective date of this act and ending June 30, 2012. 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.

**Section 3.** From the effective date of this act through June 30, 2012, the department of administration and information, economic analysis

division, may contract for one (1) at-will contract employee for purposes of administering this act. There is appropriated from the general fund thirty-four thousand dollars (\$34,000.00) for purposes of this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the department's 2013-2014 standard biennial budget request.

**Section 4.** No later than January 1, 2013, the department of administration and information 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 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, 2011.

## Chapter 155

### NATIONAL GUARD-BILLETED SOLDIERS FUND

Original Senate File No. 112

AN ACT relating to the military; establishing a fund for monies collected from soldier billeting operations; specifying the use of monies in the fund; specifying administration of the fund; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 19-7-205 and 19-7-206 are created to read:

**19-7-205. Wyoming military department billeting operations fund; investment by state treasurer.**

(a) A fund is established which shall be known as the Wyoming military department billeting operations fund.

(b) Monies received from the operation of billeting activities shall be transmitted to the state treasurer for credit to the fund monthly and shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) in a manner designed to obtain the highest return possible consistent with preservation of the transmitted monies. Income and any interest earned from investment of the fund shall be monthly credited by the state treasurer to the fund and distributed in accordance with

W.S. 19-7-206.

**19-7-206. Wyoming military department billeting operations fund; uses of fund; administration; rulemaking.**

(a) Income and any interest earned from the billeting operations fund created by W.S. 19-7-205 shall be administered by the adjutant general.

(b) Income and any interest earned in the billeting operations fund shall be used only to operate day to day billeting activities at Camp Guernsey for the benefit of paying customers using chargeable quarters, including personnel, cleaning, laundry and amenity services.

(c) No minimum balance is required to be maintained in the fund. The fund may be drawn to a zero balance at any time using normal approval processes for the movement of monies.

(d) The adjutant general shall promulgate rules and regulations for the administration of the billeting operations fund created by W.S. 19-7-205.

**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, 2011.

## Chapter 156

### VETERAN'S TAX EXEMPTION

Original House Bill No. 255

AN ACT relating to taxation and revenue; clarifying requirements to remain qualified for the veteran's property tax exemption; and providing for an effective date.

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

**Section 1.** W.S. 39-13-105(k) is amended to read:

**39-13-105. Exemptions.**

(k) After filing a sworn claim pursuant to subsection (c) of this section, in subsequent years the claimant ~~may qualify shall remain qualified~~ for the tax exemption provided by this section and W.S. 39-11-105(a)(xxiv) ~~by contacting if the claimant contacts~~ the assessor's office by telephone or other communication method on or before the fourth Monday in May and ~~verifying confirms~~ that ~~the veteran the claimant~~ continues to meet the requirements set forth in 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 3, 2011.

## Chapter 157

### MILITARY DEPARTMENT-FEDERALLY FUNDED POSITIONS

Original Senate File No. 131

AN ACT relating to the military department; authorizing the adjutant general to create and fill authorized positions that are fully reimbursed by federal funding; requiring reporting; and providing for an effective date.

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

**Section 1.** W.S. 19-7-103(b) by creating a new paragraph (xxii) is amended to read:

**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:

(xxii) If the authority is specifically granted by the legislature in its biennial budget, he may hire a person to occupy a new or existing position of state employment within the military department when federal funds are received which reimburse the state of Wyoming for one hundred percent (100%) of the cost of the position. In the event that federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for a position filled pursuant to this paragraph, as determined by the United States property and fiscal officer for Wyoming, he shall eliminate the position. He shall report to the legislature through the general government appropriations process all positions that are created or eliminated pursuant to this paragraph.

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

Approved March 3, 2011.

**Chapter 158****OFF-ROAD VEHICLE REGISTRATION-EXEMPTION**

Original House Bill No. 208

AN ACT relating to off-road vehicles; exempting off-road vehicles operated for agricultural purposes from registration requirements; and providing for an effective date.

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

**Section 1.** W.S. 31-2-707 by creating a new subsection (c) is amended to read:

**31-2-707. Exemptions.**

(c) Off-road recreational vehicles, when being operated for agricultural use, including but not limited to irrigation, fencing or moving livestock, are exempt from this article.

**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, 2011.

**Chapter 159****RAILROADS-FENCE REPAIRS**

Original House Bill No. 202

AN ACT relating to railroads; providing for fence repairs by landowners; limiting duties and liability as specified; and providing for an effective date.

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

**Section 1.** W.S. 37-9-312(a)(ii) and by creating a new subsection (c) is amended to read:

**37-9-312. Immediate or urgent fence repairs.**

(a) After notification to the railroad and the department of transportation by the landowner concerning any damaged fence or a fence in disrepair, the landowner shall have the right to be reimbursed by the railroad for the reasonable and customary costs for such repairs, provided:

(ii) Following the notice by the landowner, the railroad fails to commit that it will make the repairs within three (3) business days of the initial

notice by the landowner or fails to complete the repairs within five (5) business days or within a mutually agreed upon time from the date of the initial notice by the landowner; and

(c) Repairs made by a landowner pursuant to this section shall not be deemed to create any continuing duty or any landowner liability.

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

Approved March 3, 2011.

## Chapter 160

### STATE PARKS-TEMPORARY PEACE OFFICERS

Original Senate File No. 109

AN ACT relating to peace officers; providing for the department of state parks and cultural resources to enter into memoranda of understanding to temporarily hire peace officers of other agencies and governmental entities; and providing for an effective date.

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

**Section 1.** W.S. 7-2-106(c), (e)(ii) and by creating a new paragraph (iii) and by creating a new subsection (f) is amended to read:

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

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

(e) Nothing in this section shall be construed to authorize a peace officer:

(ii) As defined in W.S. 7-2-101(a)(iv)(E) or (G) to act pursuant to paragraph (a)(ii) or (iii) or subsection (b) of this section; or



(iii) As defined in W.S. 7-2-101(a)(iv)(E), (F) or (J) to act pursuant to subsection (f) of this section.

(f) Subject to the limitations in paragraph (e)(iii) of this section, the department of state parks and cultural resources may request any other agency or governing body employing peace officers to assign peace officers qualified pursuant to W.S. 9-1-701 through 9-1-707 under their respective command to perform law enforcement duties within the jurisdiction of the department of state parks and cultural resources. Peace officers, while so assigned and performing duties, are subject to the direction and control of the department of state parks and cultural resources and shall have full peace officer authority within the department's jurisdiction during the assignment. The assignments under this subsection shall be restricted to the terms of a written memorandum of understanding entered into in advance by the department and each participating agency employing peace officers. The memorandum of understanding shall, at minimum, specify:

(i) The length of term of the assignment;

(ii) The peace officers covered by the assignment;

(iii) A general description of the geographical boundaries of territory covered by the assignment;

(iv) The responsibilities of the department and each participating law enforcement agency for costs and expenses related to the assignments, including the cost of all wages, salaries, benefits and damage to equipment belonging to an officer or his employer while acting under the provisions of this subsection.

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

Approved March 3, 2011.

## Chapter 161

### DEPARTMENT OF HEALTH REORGANIZATION

Original House Bill No. 215

AN ACT relating to administration of government; providing for a study of the reorganization of the department of health; providing for a study of all programs which provide Medicaid services or determine Medicaid eligibility; providing for a reorganization plan; creating the position of state Medicaid agent within the department of health; providing for appointment of the state Medicaid agent by the governor as specified; providing for duties of the state Medicaid agent; providing for reports as specified; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 42-4-104 by creating a new subsection (e) is amended to read:

**42-4-104. Powers and duties of department of health; state Medicaid agent appointed by governor.**

(e) The chief administrator of the Medicaid program created pursuant to this chapter shall be the state Medicaid agent within the department of health, who shall be appointed by the governor, shall serve at the pleasure of the governor and may be removed by the governor as provided by W.S. 9-1-202. The state Medicaid agent shall oversee and coordinate all programs which provide Medicaid services or determine Medicaid eligibility pursuant to W.S. 42-4-106 and chapter 2 of this title.

**Section 2.**

(a) The director of the department of health may examine the programs and functions of the department, prepare a plan for the reorganization of the department and all other programs providing Medicaid services or determining Medicaid eligibility and submit the plan to the governor for approval. The department reorganization plan as approved by the governor, if it includes actions requiring changes in statutes, shall be submitted to the joint labor, health and social services and joint appropriations interim committees of the legislature no later than November 15, 2011, if it is to be considered at the 2012 budget session, or September 1, 2012, if it is to be considered at the 2013 general session, and made available to the public

(b) Any reorganization plan proposing to create a new department developed pursuant to this section shall comply with the provisions of W.S. 9-2-1707(a)(iii) except that the dates specified in this section shall govern, as appropriate.

**Section 3.**

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the office of the governor. 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 retaining the services of an appropriate consultant to assist in the preparation of the plan authorized by this act.

(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.

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

Approved March 3, 2011.

**Chapter 162****REVIEW OF STATE EXECUTIVE DEPARTMENT POSITIONS**

Original House Bill No. 252

AN ACT relating to administration of government; providing for a study of state executive department positions; providing for reports; and providing for an effective date.

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

**Section 1.**

(a) The department of administration and information shall conduct a study of the classification and identification of state executive branch employees and the classification and identification of persons employed as directors, executive secretaries and deputy directors by boards and commissions in Wyoming. The study shall review those positions which are identified as at-will positions and positions which serve at the pleasure of the governor, an agency head or subordinate position, or a board or commission. The study shall also review those positions which would be affected by classifying or identifying all agency positions:

(i) At the level of division administrator or equivalent and higher levels of responsibility as at-will positions; and

(ii) Board or commission director, executive secretary and deputy director positions as at-will positions; and

(iii) If the governor determines further review is appropriate, at the level of program manager or equivalent and higher levels of responsibility as at-will positions.

(b) In determining positions which are equivalent to an administrator or program manager the department shall consult with the governor's office and shall consider:

(i) The rate of pay for the position;

(ii) The need of the agency to be responsive in filling the position in order for the executive branch to fulfill service commitments to Wyoming citizens;

(iii) Duties and responsibilities of the position including accountability and human relations requirements;

(iv) The supervisory role of the position, if any, and the number of employees supervised;

(v) Knowledge, experience and skills in problem solving required of the position;

(vi) The position based on the agency's organizational structure.

(c) The study shall:

(i) Estimate costs associated with classifying and identifying positions as at-will positions as provided in this section;

(ii) Determine a process and timeline for implementing any modifications of positions to at-will positions;

(iii) Consider any federal requirements for positions in programs that are partly federally funded.

(d) As used in this section "agency" means any board, commission, council, committee or office in the executive branch of state government except the offices listed in W.S. 9-2-1704(a) and the University of Wyoming.

**Section 2.** The study results shall be presented to the joint labor, health and social services interim committee and the joint appropriations interim committee not later than September 1, 2011. The committees shall review the study and determine whether the extension of at-will employment in the executive branch agencies and boards and commissions, as specified in this act, will enable the state to more effectively or more efficiently provide services to Wyoming citizens. The joint labor, health and social services interim committee shall develop legislation for introduction in the 2012 budget session as it determines appropriate to achieve that goal. Any legislation developed shall be provided to the joint appropriations interim committee not later than December 1, 2011 for review and comment as that committee determines appropriate.

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

Approved March 3, 2011.

**Chapter 163****DEVELOPMENTAL DISABILITY SERVICES**

Original Senate File No. 29

AN ACT relating to the Medicaid program; providing requirements for the reimbursement of home and community based waiver service providers; directing the department of health to provide enhanced reimbursement of certified behavioral specialists as specified; directing the department and the university, with the community college commission, to develop a training and certification program for behavior specialists; specifying a basis for calculation of budget requests for home and community based waiver service providers; 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. 21-17-123 is created to read:

**21-17-123. Program for certification of behavioral specialists.**

The community college commission shall cooperate with the department of health and the University of Wyoming to develop a course of training and education in the field of professional health services for behavioral specialists with an emphasis in the care of persons dually diagnosed with an intellectual disability and a mental disorder. The course may be offered at the University of Wyoming or one (1) or more community colleges, or both, in collaboration. The program shall be designed to lead to certification as a behavioral health specialist pursuant to W.S. 42-4-120(j) and rules and regulations of the department of health. Certification may also be granted to behavioral specialists who have completed another training program that meets training standards established by the department and who pass a competency evaluation under direction of the department.

**Section 2.** W.S. 42-4-120(g)(ii) and by creating new subsections (h) through (k) is amended to read:

**42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments; training and certification of specialists.**

(g) The department shall establish by rule and regulation a cost based reimbursement system to pay providers of services and supplies under home and community based waiver programs for persons with developmental disabilities or acquired brain injury. The payment system shall:

(ii) Establish a new base period to be used in calculating reimbursement rates to providers for ~~subsequent budget periods~~ fiscal year 2012 and at least once every four (4) years ~~thereafter~~ but not more than once in any two (2) year period. When a new base period is established, the department shall submit a biennial or supplemental budget request to adjust provider reimbursement rates based on the most current base period;

(h) The department shall apply to the center for Medicare and Medicaid services of the United States department of health and human services for authorization to reimburse at an enhanced rate direct care providers who have training and certification as behavioral specialists in the care of persons dually diagnosed with a developmental disability and a mental illness.

(j) The department, through the developmental disabilities division and the mental health and substance abuse services division, shall collaborate with the University of Wyoming institute for disabilities and the community college commission in developing a training program for behavioral specialists in the care of persons dually diagnosed with a developmental disability and a mental illness. The program shall provide for timely testing and certification and shall include a required curriculum and standards for certification and evaluation of dual diagnosis behavioral specialists where certificants will qualify for reimbursement under the requirements of subsection (h) of this section.

(k) Department budget requests for the cost based reimbursement system established pursuant to subsection (g) of this section shall be calculated to reflect all service units required in plans of care for recipients as of the preceding June 30.

**Section 3.** The department of health shall provide a report by October 1, 2011 and October 1, 2012 to the joint labor, health and social services interim committee. The report shall include the status of the waiver application pursuant to W.S. 42-4-120(h), the status of the training and certification program pursuant to W.S. 42-4-120(j) and the rebasing of the cost base reimbursement system pursuant to W.S. 42-4-120(g)(ii). The report shall include any recommended statutory or rule changes and a detailed budget narrative for any budget requests related to those statutory sections.

#### **Section 4.**

(a) There is appropriated one million two hundred seventy-five thousand nine hundred forty-nine dollars (\$1,275,949.00) from the general fund and one million two hundred seventy-five thousand nine hundred forty-nine dollars (\$1,275,949.00) in federal funds for the adult developmental disability waiver program and seventy-six thousand two hundred ninety-eight dollars (\$76,298.00) from the general fund and seventy-six thousand two hundred ninety-eight dollars (\$76,298.00) in federal funds for the acquired brain injury waiver program to the department of health. These appropriations shall be for the period beginning with the effective date of this act and ending June 30, 2012. These appropriations shall only be expended for the purpose of adjusting the cost based reimbursement formula pursuant to W.S. 42-4-120(g)(ii) to the extent that the adjustment is for previously undercounted provider service units. These appropriations shall be reduced dollar for dollar by any amount appropriated for the same purpose in the general government appropriations bill enacted

during the 2011 general session. Notwithstanding any other provision of law, these appropriations shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from these appropriations shall revert as provided by law on June 30, 2012. These appropriations shall not be included in the department's 2013-2014 standard biennial budget request.

(b) There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purpose of W.S. 42-4-120(j). 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.** 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, 2011.

## Chapter 164

### MEDICAID-REIMBURSEMENT OF SERVICES

Original House Bill No. 20

AN ACT relating to Medicaid; authorizing payment to relatives of persons with developmental disabilities or acquired brain injuries as specified; amending a definition; creating a definition; and providing for an effective date.

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

**Section 1.** W.S. 42-4-102(a)(ii) and by creating a new paragraph (xi) is amended to read:

#### **42-4-102. Definitions.**

(a) As used in this chapter:

(ii) "Medical assistance" means partial or full payment of the reasonable charges assessed by any authorized provider of the services and supplies enumerated under W.S. 42-4-103 and consistent with limitations and reimbursement methodologies established by the department, which are provided on behalf of a qualified recipient, excluding those services

and supplies provided by any relative of the recipient, unless the relative is a family caregiver providing services through a corporation or a limited liability company, which corporation or limited liability company the relative may own, under a home and community based waiver program, or for cosmetic purposes only;

(xi) "Family caregiver" means a relative of a waiver recipient with a developmental disability or acquired brain injury, who provides waiver services through a corporation or a limited liability company, which corporation or limited liability company the relative may own, to the person with a developmental disability or acquired brain injury and who meets the requirements for a qualified family caregiver as established by rules promulgated by the department. Family caregivers shall be certified by the department in the same manner as nonfamily caregivers. For purposes of providing for reimbursement of services to a family caregiver, the department shall amend the state plan and apply for a waiver from the centers for Medicaid and Medicare services, as necessary.

**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, 2011.

## Chapter 165

### HEALTH INSURANCE DEFINITIONS

Original Senate File No. 37

AN ACT relating to insurance; amending the definition of "private health benefit plan"; providing exceptions to the definition of "disability insurance"; providing for applicability; and providing for an effective date.

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

**Section 1.** W.S. 26-1-102(a)(xxxiii) and 26-5-103 by creating a new subsection (b) are amended to read:

#### **26-1-102. Definitions.**

(a) As used in this act:

(xxxiii) "Private health benefit plan" means any hospital or medical policy or certificate, major medical expense insurance, hospital or medical service plan contract or health maintenance organization subscriber contract. "Private health benefit plan" does not include accident only, credit, dental, vision, Medicare supplement, long-term care or disability income insurance, policies or certificates providing coverage for a specified



disease or hospital confinement indemnity or limited benefit health insurance, coverage issued as a supplement to liability insurance, worker's compensation or similar insurance, automobile medical payment insurance or any hospital or medical policy, major medical expense insurance, hospital or medical service plan or contract which by contract or product design is intended to provide coverage for six (6) months or less. Notwithstanding other provisions of this section, the Medicaid program shall continue to obtain reimbursement recovery from all types of insurance included in this section prior to July 2, 2011;

**26-5-103. "Disability insurance" defined.**

(b) For any statute with an effective date on or after July 2, 2011, and unless expressly and specifically provided by statute, the term "disability insurance" does not include any of the following excepted benefits:

(i) Accident only insurance;

(ii) Accidental death or dismemberment insurance;

(iii) Credit insurance;

(iv) Dental or vision care insurance;

(v) Medicare supplemental insurance as defined by section 1882(g)(i) of the federal Social Security Act;

(vi) Long-term care insurance, including nursing home fixed indemnity insurance, except if the commissioner determines that the insurance provides benefits so comprehensive that it is the equivalent of a health benefit plan and should not be exempt under this section;

(vii) Disability income or a combination of accident only and disability income insurance;

(viii) Insurance issued as a supplement to liability insurance;

(ix) Specified disease insurance;

(x) Workers' compensation insurance;

(xi) Medical payment insurance coverage provided under a motor vehicle insurance policy;

(xii) Hospital confinement indemnity insurance;

(xiii) Limited benefit insurance that is offered and marketed as supplemental health insurance and not as a substitute for hospital or

medical insurance or major medical expense insurance.

**Section 2.** The provisions of this act shall only apply prospectively to any individual or group disability insurance policy issued, delivered, issued for delivery or renewed in this state on or after July 1, 2011. Statutory provisions concerning the excepted benefits enumerated in W.S. 26-5-103(b) as amended in section 1 of this act which were enacted prior to July 2, 2011 shall remain applicable.

**Section 3.** The Wyoming insurance department shall review the Wyoming insurance code regarding the statutory use of the definitions of “health insurance,” “disability insurance” and other related insurance product terms. The Wyoming insurance department shall report the results of the review to the joint corporations, elections and political subdivisions interim committee and the joint labor, health and social services interim committee not later than April 1, 2012.

**Section 4.** This act is effective July 1, 2011.

Approved March 3, 2011.

## Chapter 166

### PROPERTY DISCLOSURE STATEMENT-WIND ESTATE

Original House Bill No. 223

AN ACT relating to property; providing that the status of the wind estate shall be disclosed to a prospective buyer of land as specified; and providing for an effective date.

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

**Section 1.** W.S. 34-1-151(a)(vi), (vii) and by creating a new paragraph (viii) is amended to read:

**34-1-151. Property disclosure statement.**

(a) Except as provided in subsection (b) of this section, every seller of vacant land shall provide to any prospective buyer a property disclosure statement that includes, but is not limited to, the following information:

(vi) The availability of fire protection services;~~and~~

(vii) The existence and location of any easements across the land known to the seller or recorded in the records of the county clerk; and

(viii) If fee ownership of the wind estate has in any way been severed in the chain of title from the surface estate.

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

Approved March 3, 2011.

## Chapter 167

### ACCEPTANCE OF CITATION

Original House Bill No. 249

AN ACT relating to criminal procedure; providing that acceptance of a citation by a person serves as a promise to appear in court as specified; and providing for an effective date.

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

**Section 1.** W.S. 7-2-103(b)(iv), 23-6-101, 23-6-102(c), 23-6-103(a), 31-5-1204(c)(ii) and (d)(i), 31-5-1205(d) and (h), 31-5-1206(a) and (b), 31-7-126 and 31-7-129(a)(iv) are amended to read:

#### **7-2-103. Issuance of citations.**

(b) A person may be released if, after investigation, it appears that the person:

(iv) Is willing to ~~sign a citation~~ accept the citation, thereby promising to appear in court at the time and on the date specified in the citation.

#### **23-6-101. Arrest without warrant; when person arrested to be taken immediately before a court.**

Any game warden, commissioner or other employee of the department designated by the commission and any Wyoming law enforcement officer may arrest without warrant any person violating any provision of this act. If the offense charged is punishable as a misdemeanor, the arrested person shall be taken immediately before the nearest or most readily accessible court having jurisdiction of the offense in the county where the offense is alleged to have been committed unless the officer accepts a ~~written~~ promise to appear as provided in W.S. 23-6-102(c) at a later time or a bond pursuant to ~~W.S. 23-6-102~~ 23-6-102(d).

#### **23-6-102. Notice to appear in court; release upon written promise to appear; release upon posting bond.**

(c) The arrested person, in order to secure release as provided in this section, must give his ~~written~~ promise to appear in court by ~~signing at least one (1) copy of the citation prepared by the arresting officer~~ accepting one

(1) copy of the citation. The officer shall deliver one (1) copy of the citation to the person promising to appear. Thereupon the officer shall forthwith release the person arrested from custody.

**23-6-103. Failure to obey citation; appearance by counsel; penalty.**

(a) No person shall violate his ~~written~~ promise to appear given to any officer upon issuance of a game and fish citation regardless of the disposition of the charge for which the citation was originally issued. A ~~written~~ promise to appear in court may be complied with by an appearance by counsel.

**31-5-1204. Authority to make arrest; general arrest procedures; arrest of nonresidents.**

(c) Whenever any person is halted by a police officer for any violation of this act, he shall be taken without unnecessary delay before the proper court as specified in W.S. 31-5-1205(g), in any of the following cases:

(i) In any other event when the person is issued a traffic citation by a police officer and refuses to give his ~~written~~ promise to appear in court ~~as hereinafter provided~~ manifested by his refusal to accept the citation.

(d) Whenever any person is halted by a police officer for any violation of this act and is not required to be taken before a court as provided by subsection (c) of this section, the person shall, in the discretion of the officer, either be given a traffic citation or be taken without unnecessary delay before the proper judge, as specified in W.S. 31-5-1205(g), in any of the following cases:

(i) When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a ~~written~~ promise to appear in court;

**31-5-1205. Traffic citations; notice to appear in court; release upon written promise to appear; procedure before judge or court; arrest for driving under the influence.**

(d) The person charged with the violation may give his ~~written~~ promise to appear in court by signing-accepting at least one (1) copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon, the officer shall not take the person into physical custody for the violation.

(h) Whenever any person is taken into custody by a police officer for the purpose of taking him before a judge or court as authorized or required in this act upon any charge other than a felony or the offenses enumerated in W.S. 31-5-1204(a)(i), (ii) and (iii), and no judge is available at the time of

arrest, and there is no bail schedule established by the judge or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the judge or court, the person shall be released from custody upon the issuance to him of a written traffic citation and his ~~signing a~~ acceptance of the citation signifying his promise to appear as provided in subsection (d) of this section.

**31-5-1206. Violation of promise to appear; appearance by counsel.**

(a) It is unlawful for any person to violate his ~~written~~ promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which the citation was originally issued.

(b) A ~~written~~ promise to appear in court may be complied with by an appearance by counsel.

**31-7-126. Reporting of convictions and failure to appear by courts.**

Every court having jurisdiction under any statute of this state or a municipal ordinance adopted by local authority regulating the driving of motor vehicles, shall forward to the division within ten (10) working days from the date of conviction a record of the conviction of any person in the court for a violation of any of those laws or ordinances, other than those regulating standing or parking of a motor vehicle. The court shall also forward to the division a report of any violation by any person of a ~~written~~ promise to appear in court as given to the arresting officer upon the issuance of a traffic citation and any failure to appear in court at the time specified by the court. Failure of a court to forward a record of conviction or violation under this section within the time specified in this section from the date of conviction or violation shall not affect the division's authority under this act.

**31-7-129. Discretionary suspension of license.**

(a) The division may suspend the license of any driver for a period not to exceed twelve (12) months if the licensee:

(iv) Has violated his ~~written~~ promise to appear in court, given to an arresting officer in this state or any other state upon the issuance of a traffic citation, or has failed to appear in court in this state or another state at the time specified by the court; or

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

Approved March 3, 2011.

**Chapter 168****NEXT OF KIN-DRIVER'S LICENSE OPTION**

Original House Bill No. 194

AN ACT relating to driver's licenses; providing for a symbol on driver's licenses indicating that the designation of a person to contact in case of emergency is on file with the department; and providing for an effective date.

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

**Section 1.** W.S. 31-7-115(a)(iii) by creating a new subparagraph (K) is amended to read:

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

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

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

(K) At the option of the licensee pursuant to a signed application prepared by the department, a symbol that the designation of a person who could be contacted in the event of an emergency is on file with the department.

**Section 2.** This act is effective January 1, 2012.

Approved March 3, 2011.

**Chapter 169****WYOMING NURSE PRACTICE ACT AMENDMENT**

Original House Bill No. 253

AN ACT relating to nursing; expanding the exemption from licensure for persons enrolled in nursing programs; and providing for an effective date.

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

**Section 1.** W.S. 33-21-154(a)(i) is amended to read:

**33-21-154. Exemptions.**

(a) No provisions in this act prohibit:

(i) ~~The practice of professional and practical nursing that is an integral part of a program by students~~ persons enrolled in board approved nursing education programs leading to initial licensure when the practice is part of their program of study;

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

Approved March 3, 2011.

## Chapter 170

### ETHANOL PRODUCER TAX CREDIT

Original House Bill No. 259

AN ACT relating to taxation and revenue; limiting the ethanol tax credit as specified; and providing for an effective date.

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

**Section 1.** W.S. 39-17-109(d)(iv)(C) and (E) is amended to read:

#### **39-17-109. Taxpayer remedies.**

(d) Credits. The following shall apply:

(iv) Any person who has a tax liability in Wyoming for the sale of ethanol based motor fuel or gasoline sold for the purpose of blending into an ethanol based motor fuel may redeem a valid credit with the department to satisfy in part any tax liability imposed under W.S. 39-17-104(a)(i) and (ii). To qualify to redeem tax credits under this subsection, an ethanol producer shall purchase at least twenty-five percent (25%) of Wyoming origin products used in the distillation process, excluding water, during the calendar year in which the tax credits were earned. Each ethanol producer shall verify the origin of the products. In the event of natural damage to a significant portion of available Wyoming products as determined by the Wyoming department of agriculture, the twenty-five percent (25%) purchase requirement of this paragraph shall not apply. In no circumstances may the amount of tax credits redeemed by any person under this section exceed the existing tax liability of the person under W.S. 39-17-104(a)(i) and (ii). The department shall promulgate rules to implement this section. Tax credits under this subsection shall also be subject to the following:

(C) An ethanol producer constructing a new ethanol plant after July 1, 2003 and prior to July 1, 2011, may receive tax credits authorized under this subsection for a period not to exceed fifteen (15) years after the date the construction of the new plant is complete;

(E) Any ethanol producer qualifying for the tax credit under this subsection before July 1, 2009, which expands its production after July 1, 2003 and prior to July 1, 2011, by at least twenty-five percent (25%), shall receive tax credits under this subsection for a period not to exceed fifteen (15) years following the date the expanded production became operational. The maximum tax credit specified in subparagraph (B) of this paragraph for a producer qualifying under this subparagraph shall be increased to the amount available to the producer under subparagraph (B) of this paragraph plus the additional amount authorized under this subparagraph. The additional maximum amount authorized shall be computed by multiplying the percentage increase in expanded production by the maximum tax credit which the producer is eligible to receive under subparagraph (B) of this paragraph. For any ethanol producer meeting the requirements of this subparagraph, each expansion of production after July 1, 2003, of at least twenty-five percent (25%) of the most recent prior production shall qualify for the additional time and additional maximum credit authorized in this subparagraph.

**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, 2011.

## Chapter 171

### WYOMING NURSE PRACTICE ACT-AMENDMENTS

Original Senate File No. 90

AN ACT relating to the Wyoming Nurse Practice Act; amending grounds for discipline of licensees and certificate holders; and providing for an effective date.

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

**Section 1.** W.S. 33-21-146(a)(intro), (x), (xi) and by creating a new paragraph (xii) is amended to read:

**33-21-146. Disciplining licensees and certificate holders; grounds.**

(a) The board of nursing may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee or certificate holder, upon proof that the person:

(x) Has knowingly engaged in an act which the licensee knew was beyond the scope of the individual's nursing practice prior to committing the act, or performed acts without sufficient education, knowledge, or



ability to apply nursing principles and skills;~~or~~

(xi) Has failed to submit to a mental, physical or medical competency examination following a proper request by the board made pursuant to board rules and regulations and the Wyoming Administrative Procedure Act; ~~or~~

(xii) Has violated a previously entered board order.

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

Approved March 3, 2011.

## Chapter 172

### VEHICLE RESTORATION

Original House Bill No. 90

AN ACT relating to motor vehicles; amending provisions for issuance of a title to a vehicle which requires restoration as specified; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 31-2-105 by creating a new subsection (f) is amended to read:

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

(f) If an applicant is applying for title to a vehicle which he will restore for his own personal use, title may be issued without a bond required by this section if the applicant presents an affidavit of vehicle ownership, a notarized bill of sale, a certified written statement of the value of the vehicle and a vehicle identification number (VIN) inspection, at the time of application. If the value of the vehicle cannot be determined from any prior registration or title, the applicant shall provide the county clerk the value of the vehicle. The value of the vehicle shall be determined from any current national appraisal guide, or the applicant may elect to submit a certified written statement obtained from a properly licensed Wyoming vehicle dealer stating the appraised value of the vehicle. Any title issued under this subsection shall state on its face that it is nontransferable for one hundred eighty (180) days from the date title issued. Notwithstanding the other requirements of this subsection, a vehicle shall only be eligible to be titled under this subsection if, on the date the applicant purchased the vehicle it was not operational and could not have been rendered operational without substantial repairs to one (1) or more of the vehicle's mechanical

systems. The department shall define the term “substantial repairs” by rule and regulation.

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

Approved March 3, 2011.

## Chapter 173

### FORECLOSURE AND REDEMPTION REVISIONS

Original House Bill No. 189

AN ACT relating to real property; specifying conditions under which a foreclosure sale may be rescinded; amending redemption periods for agricultural land; amending the manner in which foreclosed distinct lots or tracts are sold; and providing for an effective date.

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

**Section 1.** W.S. 1-18-115 is created to read:

**1-18-115. Rescission of foreclosure sale.**

(a) A judicial or nonjudicial foreclosure sale may be rescinded in accordance with this section at any time after the sale but before the sheriff's deed has been recorded.

(b) If the purchaser at the foreclosure sale was the foreclosing mortgagee, then the foreclosing mortgagee may rescind the sale for any reason by executing and recording a notice of foreclosure sale rescission in the office of the county clerk of the county where the real estate is located.

(c) If the purchaser at the foreclosure sale was not the foreclosing mortgagee, then the foreclosing mortgagee and the certificate holder may agree to rescind the foreclosure sale for any reason. In order to rescind such a foreclosure sale, the foreclosing mortgagee shall refund to the certificate holder either an amount agreed upon by the foreclosing mortgagee and the certificate holder, or the foreclosure sale bid amount plus ten percent (10%) interest per annum, calculated daily. In addition, both the foreclosing mortgagee and the certificate holder shall execute a notice of foreclosure sale rescission which shall be recorded in the office of the county clerk of the county where the real estate is located.

(d) If the purchaser at the foreclosure sale was not the foreclosing mortgagee, and the certificate holder will not agree to rescind the foreclosure sale, then the foreclosing mortgagee may still rescind the sale if the statutory requirements for the foreclosure sale were not fulfilled or if the foreclosure sale did not comply with applicable federal or state law. In order to rescind such a foreclosure sale, the foreclosing mortgagee shall refund to the certificate holder the purchase price, plus ten percent

(10%) interest per annum, calculated daily, and the foreclosing mortgagee shall execute and record a notice of foreclosure sale rescission in the office of the county clerk of the county where the real estate is located which shall recite that the foreclosure sale is being rescinded pursuant to this subsection. The refund of the certificate holder's bid amount, plus interest, shall be the certificate holder's only remedy notwithstanding any other provision of law.

(e) Upon recording a notice of foreclosure sale rescission:

(i) The mortgage and power of sale which are the subject of the rescinded sale are revived and the mortgage may be properly foreclosed in a subsequent foreclosure sale in compliance with applicable law, and all junior liens and rights of junior lienholders are revived with the same lien priority as if no foreclosure sale had taken place;

(ii) The certificate of sale is rendered null and void as if no foreclosure sale had taken place; and

(iii) The mortgagor's indebtedness to the foreclosing mortgagee and all evidence thereof are revived as of the date of the foreclosure sale and as if no certificate of sale had been issued, or as otherwise agreed to by the mortgagor and mortgagee.

**Section 2.** W.S. 1-18-104(b) and (e) and 34-4-107 are amended to read:

**1-18-104. Redemption by judgment creditors and others; manner prescribed; subsequent redemptions; possession, rents and profits, common carriers excepted.**

(b) The redemptioner shall pay to the purchaser or to the officer conducting the sale, either an amount agreed upon by the purchaser and the redemptioner, or the amount bid with interest at ten percent (10%) per annum from the date of sale, and the amount of any assessments or taxes and the amount due on any prior lien which the purchaser may have paid after the purchase, with interest. If the purchaser also has a lien prior to that of the redemptioner, the redemptioner shall also pay the amount of the lien with interest.

(e) The execution debtor in case of a sale on execution, and the mortgagor or owner in case of a mortgage foreclosure, is entitled to possession of the lands sold and to the rents and profits for a period of three (3) months after the sale unless the property is agricultural property in which case the entitlement to possession of the lands sold and to the rents and profits shall be for a period of twelve (12) months after the sale. At the expiration of three (3) months from sale of nonagricultural land and twelve (12) months from sale of agricultural land, the purchaser is entitled to possession and to the rents and profits of the lands until redemption is made from him, and each redemptioner until another redemption is made is likewise entitled to possession and to the rents and profits.

**34-4-107. Manner in which distinct tracts or lots sold.**

If the mortgaged premises consist of distinct tracts or lots, ~~they shall be first offered the foreclosing mortgagee may offer for sale separately, and no more sufficient tracts or lots as shall be sold than shall be necessary to satisfy the amount due on such mortgage at the date of the notice of sale, with interest and costs and expenses allowed by law,; provided, however, that in the event the aggregate of bids on such distinct tracts or lots is not sufficient to satisfy said amount due, all such distinct tracts or lots shall be offered and or the foreclosing mortgagee may offer all such distinct tracts or lots to be sold as a whole.~~

**Section 3.** This act is effective July 1, 2011.

## Chapter 174

### PLATTED PLOTS-REQUIREMENT

Original House Bill No. 224

AN ACT relating to property; providing a definition of sale for prohibition on sale of nonplatted lands as specified; providing for enforcement; and providing for an effective date.

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

**Section 1.** W.S. 34-12-115 is amended to read:

#### **34-12-115. Selling lots not platted prohibited.**

(a) Any No person who shall dispose of, or offer for sale, or lease, sell, as defined in W.S. 18-5-302(a)(v), any lots in any town, or addition to any town or city, until the plat thereof has been duly acknowledged and recorded as provided in this act., shall forfeit and pay fifty dollars (\$50.00) for each lot, and part of lot sold, leased or disposed of, or offered for sale.

(b) The provisions of this section are enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.

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

Approved March 3, 2011.

**Chapter 175****ELECTRONIC FINE SUBMITTAL**

Original House Bill No. 190

AN ACT relating to the courts; providing for the electronic submittal of fees, fines, bonds and penalties to a circuit court as specified; allowing for the creation of an internet based electronic transaction system as specified; and providing for an effective date.

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

**Section 1.** W.S. 5-9-154 is created to read:

**5-9-154. Electronic submittal of fees, fines, bonds and penalties.**

(a) The supreme court may authorize, develop and implement an electronic transaction system via internet technology or similar medium for submittal of payment to the circuit courts of all fees, penalties and fines and bonds for misdemeanor offenses for which bond may be posted and forfeited. The supreme court shall ensure that any electronic transaction system implemented shall ensure compliance with W.S. 5-9-144, 5-9-146, 5-9-149 and any other applicable provisions of law. The supreme court shall further ensure that the adopted electronic transaction system provides for efficient, safe, secure and accurate transactions.

(b) The supreme court may accept payment through the electronic system by credit card, direct withdrawal or any other negotiable instrument under W.S. 9-4-217(h).

(c) Any fees assessed for processing a credit card payment shall be borne by the person tendering payment.

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

Approved March 3, 2011.

**Chapter 176****REVISOR'S BILL**

Original Senate File No. 69

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(d)(intro) and (ii), 5-9-128(a)(vi)(A), 6-4-403(b)(iv), by amending and renumbering (vi) as (v) and by renumbering (v) as (vi), 6-7-101(a)(iii)(intro) and (E), 7-4-211(a)(v), 9-1-603(a)(vii), 9-2-908(a)(i) and (ii), 9-2-1523(c), 9-4-601(d)(iv), 9-12-1305(g)(i) and (ii), 12-4-102(a)(iii), 12-4-413(b)(ii), 14-6-412(b)(intro) and (iii), 16-6-101(a)(i)(A), 16-6-708(b), 18-5-306(a)(xi), 18-5-316(b)(ix), 21-2-103, 21-3-125, 21-13-309(m)(v)(intro), 21-17-109 by creating a new subsection (f), 21-18-207, 23-1-705(e)(i), 24-1-128, 26-16-209(b)(ii)(C), 26-42-106(e)(ii) and (vi), 30-1-102, 30-2-607(p), 30-5-109(c)(iii), 30-5-110(f), 30-5-120(a), 31-18-502, 31-18-902(b), 35-1-628(a)(intro), 35-5-221(b), 36-8-1001(c) and 40-12-301(a)(xi)(B) are amended to read:

**1-41-103. Self-insurance account; creation; authorized payments.**

(d) Expenditures may also be made out of the self-insurance account for any one (1) or more of the following:

(ii) Costs of purchasing services, including loss prevention, risk and claims control, and legal, actuarial, investigative, support and adjustment services; ~~and~~

**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:

(A) Construction liens as provided by W.S. 29-2-101 through ~~29-2-109~~ 29-2-113;

**6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim".**

(b) No person shall knowingly:

(iv) Sell, give or otherwise furnish a child any drug prohibited by law without a physician's prescription; ~~or~~

~~(vi)~~(v) Conceal or refuse to reveal to the parent, guardian, lawful custodian or to a peace officer the location of a child knowing that the child has run away from a parent, guardian or lawful custodian, except when the action of the defendant is necessary to protect the child from an

immediate danger to the child's welfare; ~~or~~

~~(v)~~(vi) Cause, encourage, aid or contribute to the endangering of a child's health, welfare or morals, by using, employing or permitting a child:

(A) In any business enterprise which is injurious or dangerous to the health, morals, life or physical safety of the child;

(B) In any place for purposes of begging;

(C) To be exhibited for the purpose of displaying any deformity of a child, except to physicians, nurses or other health professionals; or

(D) In a place used for prostitution.

(E) Repealed By Laws 1999, ch. 180, § 3.

#### **6-7-101. Definitions.**

(a) As used in this article:

(iii) "Gambling" means risking any property for gain contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, but does not include any of the following:

(E) Any game, wager or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly, in professional gambling; ~~or~~

#### **7-4-211. Board of coroner standards.**

(a) There is created a board of coroner standards. The board shall consist of one (1) chairman and six (6) members appointed by and who shall serve at the pleasure of the governor as follows:

(v) One (1) shall be a peace officer certified under W.S. 9-1-701 through 9-1-707-9-1-711.

**9-1-603. Duties generally; retention of qualified practicing attorneys; matters in which county or state is party or has interest; assistance to county and district attorneys in felony trials.**

(a) The attorney general shall:

(vii) Effective July 1, 2000, serve as the designated agency to administer the Wyoming governor's ~~planning~~-council on developmental

disabilities. A memorandum of understanding shall be executed by and between the designated agency and the governor's ~~planning~~-council, which shall incorporate the provisions of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6024;

**9-2-908. Eligibility requirements of qualifying arts organizations; allocation limitations; matching requirements.**

(a) Any qualifying organization may apply to receive monies from the state account to be deposited in the qualifying organization's endowment fund:

(i) If it has received a grant from the department during one (1) of the three (3) years immediately before making application for state fund monies under this subsection; ~~or~~

(ii) Upon approval by the department if it has not received a grant from the department within the past three (3) years; or

**9-2-1523. Confidentiality of panel proceedings; privilege; proceedings and decision inadmissible; assessment of costs.**

(c) Except as provided in W.S. 9-2-1522(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.

**9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.**

(d) Any revenue received under subsection (a) of this section in excess of two hundred million dollars (\$200,000,000.00) shall be distributed as follows:

(iv) Two-thirds (2/3) to the budget reserve account; ~~and~~

**9-12-1305. Wyoming small business investment credit.**

(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)~~-~~9-12-1307(a)(ii)~~, 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)~~ ~~9-12-1307(a)(ii)~~, no credits under this section are disallowed and no credits that were previously taken under this section shall be recaptured.

**12-4-102. Application for licenses and permits; contents; signature and verification.**

(a) Any person desiring a license or permit authorized by this title shall apply to the appropriate licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the clerk of the appropriate licensing authority and shall contain the following provisions:

(iii) A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and of any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application;~~and~~

**12-4-413. Bar and grill liquor license; authorized; requirements.**

(b) The number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(ii) Not more than two (2) licenses for population in incorporated cities between seven thousand five hundred one (7,501) and fifteen thousand (15,000);~~and~~

**14-6-412. Commencement of proceedings; contents of petition.**

(b) The petition shall set forth all jurisdictional facts, including but not limited to all of the following:

(iii) Whether the child is being held in detention or shelter care and if so, the name and address of the facility and the time shelter care commenced;~~and~~

**16-6-101. Definitions.**

(a) As used in this act:

(i) "Resident" means a person, partnership, limited partnership, registered limited partnership, registered limited liability company or corporation certified as a resident by the department of employment prior to bidding upon the contract or responding to a request for proposal, subject to the following criteria:

(A) Any person who has been a resident of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal;~~or~~

**16-6-708. Responsibilities under alternative delivery contracts.**

(b) All bids ~~let~~received under this section including subcontractor bids, shall be opened in public following reasonable public notice.

**18-5-306. Minimum requirements for subdivision permits.**

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section and may exempt from paragraph (xii) of this subsection the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(xi) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter and prior to final approval of the subdivision the subdivider shall provide the following:

(A) The intended disposition of the water rights, by:

(~~I~~) Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the board of this action;~~or~~

(~~B~~)(II) Evidence that the subdivider has submitted to the state engineer the documentation necessary to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or

(~~C~~)(III) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114, ~~and~~

(~~D~~)(B) If the subdivision is located within lands, served by or crossed by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted, at least sixty (60) days prior to the submittal of the application for the subdivision permit to the company,

or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations;

~~(E)~~(C) Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river;

~~(F)~~(D) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, the application shall include a review and recommendations from the irrigation district regarding the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the applicant shall certify that it has met with and made a good faith effort to resolve any conflicts with the irrigation district; and

~~(G)~~(E) If the subdivision will create a significant additional burden or risk of liability to the irrigation district, company, association or remaining appropriators including appropriators on an unorganized ditch, the applicant shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability.

**18-5-316. Requirements for large acreage subdivision permits.**

(b) The board may require any or all of the following information to be submitted with an application for a subdivision permit pursuant to this section:

(ix) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to final approval of the subdivision the subdivider shall provide the following:

(A) The intended disposition of the water rights by:

(I) Evidence that the subdivider has submitted to the state engineer the documentation necessary to relinquish the water rights and has notified purchasers and the board of this action; ~~or~~

~~(B)~~(II) Evidence that the subdivider has submitted to the state engineer the documentation necessary to change the use, place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or

~~(C)~~(III) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application,

for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114.;

~~(D)~~(B) If the subdivision is located within an irrigation district or within lands, served by a ditch, irrigation company or association or by an unorganized ditch, evidence that the plan has been submitted to the district board company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations; and

~~(E)~~(C) Evidence that the subdivider will specifically state on all offers relative to the subdivision his intent to comply with this paragraph and that the seller does not warrant to a purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

**21-2-103. Effect on functions and powers of community college commission.**

~~Except as provided in W.S. 21-4-304, Nothing in this code shall be construed to limit or contravene the functions and powers of the community college commission of Wyoming as established by law.~~

**21-3-125. Application of Municipal Budget Act.**

The Municipal Budget Uniform Municipal Fiscal Procedures Act applies to every school district within the state.

**21-13-309. Determination of amount to be included in foundation program for each district.**

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. ~~21-13-103(a)(xiv)~~ 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii) and (xviii) and on file with the secretary of state pursuant to W.S. 21-13-101(c). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

**21-17-109. Course in field of professional health services; authority**

**to offer; contracts with students; repayment of funds expended; deposit of repayments.**

(f) Upon recommendation of the president of the university, the board of trustees may relieve a student of the obligation to repay amounts expended under paragraph (i) of this subsection, in whole or in part, where repayment would cause undue hardship. The university shall annually report the number of students relieved from repayment under this subsection to the joint labor, health and social services interim committee not later than October 1.

**21-18-207. Cooperative educational services.**

The commission shall encourage community colleges and school districts to utilize the procedures provided by W.S. 21-20-101 through ~~21-20-109~~ 21-20-111.

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

(e) The department shall issue:

(i) For a fee of two dollars (\$2.00) a resident deer or antelope license and for a fee of five dollars (\$5.00) an elk license to any resident who was born on or before January 1, 1930, and who has continuously resided in Wyoming for at least the forty (40) years immediately preceding application for the license; ~~and~~

**24-1-128. Marking of highways.**

All center markings and supplementary road shoulder markings on all highways within the boundaries of the state of Wyoming completed in asphalt, oil, concrete, or other hard surface shall be maintained with bright yellow lines, whether or not said markings be solid or broken yellow lines. The director of the department of transportation shall have the duty to enforce the provisions of this section and to provide for the effective maintenance of said yellow markings. The state transportation commission after a hearing may waive the application of this ~~act~~ section to any highway or highway project if necessary to promote a safe and effective utilization of such highway or highway project. The governor and the president of the senate and the speaker of the house of representatives of the state of Wyoming shall be notified in writing at least five (5) days before the hearing.

**26-16-209. Section applicability; premium adjustment for any policy; annual calculation; exception.**

(b) Except as provided in subsection (h) of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be the uniform percentage of the premiums specified in the policy for each

policy year, excluding:

(ii) Any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of:

(C) One hundred twenty-five percent (125%) of the nonforfeiture net level premium as otherwise defined in this section, ~~and~~ In applying this percentage, no nonforfeiture net level premium is deemed to exceed four percent (4%) of either the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first ten (10) policy years.

**26-42-106. Powers and duties of the association.**

(e) With respect to only life and health insurance policies and when proceeding under paragraph (b)(ii) or (d)(iii) of this section, the association:

(ii) For group policies, shall make diligent efforts to provide all known insureds or group policyholders thirty (30) days notice of the termination of the benefits provided; ~~and~~

(vi) If it elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy, shall set the premium in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the commissioner or a court of competent jurisdiction; and

**30-1-102. Imperfect certificates void.**

Any certificate of the location of a lode claim which shall not fully contain all the requirements named in ~~the preceding section~~ W.S. 30-1-101, together with such other description as shall identify the lode or claim with reasonable certainty, shall be void.

**30-2-607. Only permissible explosives or blasting devices to be used; requirements as to use.**

(p) Where misfires occur with electric detonators, a waiting period of at least five (5) minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short-circuited before electric connections are examined.

**30-5-109. Rules and regulations governing drilling units.**

(c)(iii) If any of the owners specified in paragraph (ii) ~~above~~ of this subsection, ~~(c)~~, who have not in writing consented to the exception applied for, file written objections to the requested exception with the state oil and gas supervisor during said fifteen (15) day period following the applicant's mailing of the notice of filing, or if for any other reason said supervisor fails to grant such requested exception, then no well shall be drilled on the drilling unit involved except at the location authorized by the order establishing such unit, unless and until the commission shall grant such exception after notice and hearing upon the application as required by this act. Provided that in addition to any other notice required by W.S. 30-5-111(d) as amended, or any other provision of law or the commission's rules, the commission shall cause notice of any hearing before it on an application for such exception to be mailed by registered or certified mail with return receipt to each of the owners specified in paragraph (ii) ~~above~~ of this subsection ~~(c)~~ at least ten (10) days before the date of such hearing.

**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.**

(f) No order of the commission authorizing the commencement of unit operations shall become effective until the plan of unitization has been signed or in writing ratified or approved by those persons who own at least eighty percent (80%) of the unit production or proceeds thereof that will be credited to royalty and overriding royalty interests which are free of costs, and unless both the plan of unitization and the operating plan, if any, have been signed, or in writing approved or ratified, by those persons who will be required to pay at least eighty percent (80%) of the cost of unit operations. However, to the extent that overriding royalty interests are in excess of a total of twelve and one-half percent (12 1/2%) of the production from any tract, such excess interests shall not be considered in determining the percentage of approval or ratification by such cost-free interests. If such consent has not been obtained at the time the commission order is made, the commission shall, upon application, hold such supplemental hearings and make such findings as may be required to determine when and if such consent has been obtained. Notice of such supplemental hearing shall be given by regular mail at least fifteen (15) days prior to such hearing to each person owning interests in the oil and gas in the proposed unit area whose name and address was required by the provisions of ~~subsection~~ paragraph (c)(ii) of this section to be listed in the application for such unit operations. If the required percentages of consent have not been obtained within a period of six (6) months from and after the date on which the order of approval is made, such order shall be ineffective and revoked by the commission, unless, for good cause shown, the commission extends that

time. Any interested person may file an application with the commission requesting an order applicable only to the proposed unit area described in the application which shall provide for the percentage of approval or ratification by either cost-free or cost-bearing interests, or both, to be reduced from eighty percent (80%) to seventy-five percent (75%). The application shall contain the information required by subsection (c) of this section and any order of the commission entered pursuant to the application must comply with subsection (e) of this section. Notice of the hearing on the application shall be given in the same manner and to the same persons as required by subsection (d) of this section. If the commission finds that negotiations were being conducted on the effective date of this act or have been conducted for a period of at least nine (9) months prior to the filing of the application, that the applicant has participated in the negotiations diligently and in good faith, and that the percentage of approval or ratification required by this subsection cannot be obtained, the commission may reduce any percentage of approval or ratification required by this section from eighty percent (80%) to seventy-five percent (75%). Such an order shall affect only the unit area described in the application and shall operate only to approve the proposed plan of unitization and proposed operating plan and to reduce the required percentage of approval or ratification thereof and shall not change any other requirement contained in this section.

**30-5-120. Additional forfeiture or civil penalty for flaring of gas in excess of amounts permitted by order of commission.**

(a) Whenever under the provisions of ~~the preceding section~~ W.S. 30-5-119 a forfeiture or civil penalty is imposed for the flaring of gas in excess of the amounts permitted by an order of the commission there shall also be imposed an additional forfeiture or civil penalty which shall be the greater of either (i) ten percent (10%) of the amount of the forfeiture or civil penalty, or (ii) six and one-quarter percent (6 1/4%) of the value of the amount of gas so flared or vented. Value shall be determined by the average price being paid at the nearest point of connection.

**31-18-502. Decal fee; disposition.**

An additional fee may be collected by the issuing agency from a licensee for each annual decal issued pursuant to W.S. 39-17-202(d) through ~~(j)~~ (g). The fee shall be in an amount determined by the department of transportation to be sufficient to recover reasonable administrative costs of the International Fuel Tax Agreement and the Multistate Highway Transportation Agreement, but not more than ten dollars (\$10.00) per annual decal. The fee shall be remitted to the state treasurer who shall credit the multistate highway and fuel tax agreements account created by W.S. 39-17-211(e) within the highway fund.

**31-18-902. State cooperation with and assistance to interstate cooperating committee.**



(b) Funds for the administration of this agreement, including participation in the cooperating committee and the actual expenses of the designated representative, shall be budgeted from the fees collected under W.S. ~~39-17-206(j)~~ 31-18-502.

**35-1-628. Community based respite care services.**

(a) The department of health shall develop and administer a statewide program to provide community based respite care services to families with a member age birth to twenty-one (21) years who has developmental disabilities who is not eligible for home and community based waiver services under medicaid. This program shall be designed so as to permit persons with developmental disabilities who are under twenty-one (21) years of age to be cared for by the family to the greatest extent possible. The department in consultation with the Wyoming governor's ~~planning~~ council on developmental disabilities shall:

**35-5-221. Cooperation between coroner and procurement organization.**

(b) If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a post-mortem examination is going to be performed, unless the coroner denies recovery in accordance with W.S. ~~35-5-223~~ 35-5-222, the coroner or designee shall conduct a post-mortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

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

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

**40-12-301. Definitions.**

(a) As used in this article:

(xi) "Unpublished cellular telephone number" means a cellular telephone number:

(B) Whose prefix or telephone number has been determined by ~~the~~ the office of the public service commission to be primarily for cellular telephone service.

**Section 2.** W.S. 21-17-109(d)(iv) and 26-16-209(b)(ii)(D) are repealed.

**Section 3.** Any other act adopted by the Wyoming legislature during the

same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

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

Approved March 3, 2011.

## Chapter 177

### CRUELTY TO ANIMALS

Original Senate File No. 100

AN ACT relating to cruelty to animals; defining elements of household pet animal cruelty and providing penalties; creating the animals protection account; providing for a continuous appropriation; providing for 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. 6-3-203 by creating new subsections (o) and (p) is amended to read:

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

(o) There is created the “cruelty to household pet animals protection account.” Funds shall be credited to the account as provided by law. Funds in the account are continuously appropriated to the attorney general to reimburse county law enforcement agencies for eligible expenses regarding household pet animal cruelty cases under subsection (p) of this section. The attorney general shall develop rules and regulations to establish eligible expenses and to determine how county law enforcement agencies will be reimbursed for the costs of any household pet animal cruelty case, in an amount not to exceed ninety percent (90%) in any particular case. Any reimbursement under this subsection shall be contingent upon available funding and upon a showing that the agency has made reasonable efforts to seek reimbursement from the offender of expenses incurred by the agency, as permitted by law. All funds in the account may be used for and are continuously appropriated for eligible expenses authorized to be made under this subsection. The cruelty to household pet animals protection account shall be a permanent, nonreversion account within the state auditor’s office. As used in this subsection and subsection (p) of this section, “household pet” means any privately owned dog, cat, rabbit, guinea pig, hamster, mouse, gerbil, ferret, bird, fish, reptile, amphibian, invertebrate

or any other species of domesticated animal sold, transferred or retained for the purpose of being kept as a pet in or near a house. "Household pet" shall not include any livestock as defined in W.S. 23-1-102(a)(xvi).

(p) A person commits household pet animal cruelty if he:

(i) Keeps any household pet in a manner that results in chronic or repeated serious physical harm to the household pet; or

(ii) Keeps the household pet confined in conditions which constitute a public health hazard.

## **Section 2.**

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the cruelty to household pet animals protection account created by W.S. 6-3-203(o). Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose.

(b) Prior to November 1, 2012, the attorney general shall provide a report to the joint appropriations interim committee and the joint agriculture, state and public lands and water resources interim committee. The report shall identify possible funding mechanisms, including restitution and private contributions for the cruelty to household pet animals protection account, the amount of funds needed, number of cases for which reimbursement was provided under this act and other beneficial information as determined by the attorney general.

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

Approved March 3, 2011.

## **Chapter 178**

### **DUI-ELIMINATION OF RIGHT TO REFUSE TEST**

Original House Bill No. 29

AN ACT relating to driving under the influence; eliminating the driver's right to refuse to undergo a test to determine the alcohol or controlled substance concentration in his body as specified; providing for issuance of a remotely communicated search warrant; conforming provisions; restricting use of test results as specified; repealing conflicting provisions; and providing for an effective date.

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

**Section 1.** W.S. 31-5-234(d), 31-6-102(a)(ii)(B), (C) and by creating a new paragraph (iii), (c), (d)(intro), (e)(intro), (ii) and (f), 31-6-103(b), 31-6-105(b) and (e), 31-6-108(a) by creating a new paragraph (iii), (b)(ii), (iii), (d), (f) and (h)(ii), 31-7-105(b)(i), 31-7-306(b), 31-7-307(c)(ii), (iii), (e), (f) and (j)(ii) and 31-7-402(a) and (b) are amended to read:

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

(d) When a peace officer has probable cause to believe that a person may be violating or has violated subsection (b) of this section, the peace officer may ~~request~~ require that the person submit to a chemical test or tests to be administered in compliance with W.S. 31-6-108. Prosecution for a violation of this section is a bar to prosecution under W.S. 12-6-101(b) or any similar municipal ordinance.

**31-6-102. Test to determine alcoholic or controlled substance content of blood; suspension of license.**

(a) If arrested for an offense as defined by W.S. 31-5-233:

(ii) For tests required under this act, the arrested person shall be advised that:

(B) If ~~a test is taken and the results of the test~~ of the test indicate the person is under the influence of alcohol or a controlled substance, he may be subject to criminal penalties, his Wyoming driver's license or his privilege to operate a motor vehicle shall be suspended for ninety (90) days and he may be required to drive only vehicles equipped with an ignition interlock device;

(C) After ~~submitting to~~ undergoing all ~~required~~ required chemical tests ~~requested~~ required by the peace officer at a place and in a manner prescribed by and at the expense of the agency employing the peace officer, the arrested person may go to the nearest hospital or clinic and secure any additional tests at his own expense;

(iii) The results from the test or tests under this act shall only be used for the purposes of determining the chemical concentration as provided by this section and shall not be used for any other purpose.

(c) Any person dead, unconscious or otherwise in a condition rendering him incapable of ~~refusal to submit to~~ cooperating with the administration of the tests is deemed to have given his consent provided by subsection (a) of this section and the tests may be administered subject to the provisions of this act.

(d) If a person under arrest refuses upon the request of a peace officer

to submit to a chemical test designated by the agency employing the peace officer as provided in subsection (a) of this section, none shall be given except in cases where serious bodily injury or death has resulted or upon issuance of a search warrant. The peace officer shall submit his signed statement to the department. The statement submitted by the officer shall contain: A test of the agency's choice may be administered upon issuance of a warrant, including a remotely communicated search warrant, when reasonable under the circumstances and as provided in this subsection. A remotely communicated search warrant may be issued upon sworn or affirmed testimony of the peace officer who is not in the physical presence of a judicial officer, provided the judicial officer is satisfied that probable cause exists for the issuance of the warrant. All communication between the judicial officer and the peace officer or prosecuting attorney requesting the warrant may be remotely transmitted by voice, image, text or any combination thereof, or by other means and shall be recorded. The testimony and content of the warrant shall be recorded by writing or mechanical, magnetic, electronic, photographic storage or by other means. Upon approval, the judicial officer may direct a peace officer or the prosecuting attorney requesting a warrant from a remote location to sign the judicial officer's name on a warrant at a remote location. A remotely communicated search warrant shall be valid only for purposes specified in this subsection.

(e) ~~If a person submits to chemical testing and~~ the test result indicates the person has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, the peace officer shall submit his signed statement to the department. Based upon the statement the department shall suspend the person's Wyoming driver's license or his privilege to operate a motor vehicle in this state for ninety (90) days. If a criminal conviction results from the same incident on which a suspension under this subsection is based, the suspension under W.S. 31-7-128(b) or revocation under W.S. 31-7-127(a)(ii) shall be reduced by ninety (90) days. The statement submitted by the officer shall contain:

(ii) That a test was taken of the person; ~~submitted to a test;~~ and

(f) In addition to the signed statement submitted under subsection ~~(d)~~ ~~or~~ (e) of this section, the peace officer shall issue the person a temporary license similar to but in lieu of the license authorized under W.S. 31-7-138. This temporary license shall be valid for thirty (30) days, shall not be renewed, shall contain a notice that the person has twenty (20) days from the date of issuance within which to request a hearing from the department and that failure to timely request a hearing will result in the suspension automatically commencing upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the time the temporary license is issued. W.S. 31-7-138(d) and (e) apply to a license under this section. For purposes of this section, the peace officer acts as an agent for the department when providing notice of the suspension and notice of the

opportunity for a hearing. W.S. 31-7-137 applies to a notice under this act. Failure to demand a hearing within the twenty (20) day period is a waiver of the right of hearing, and the suspension shall commence upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the time the temporary license is issued. If a timely demand for hearing is made, the department shall forward the demand to the independent hearing examiner who shall schedule a hearing within forty-five (45) days after receipt of the request and provide the arrested person at least ten (10) days notice of the hearing. The hearing shall be conducted by the hearing examiner. If the hearing examiner fails to schedule the hearing within forty-five (45) days of the request, other than at the request of the licensee, the licensee, as his sole remedy, shall be given credit against any action upheld at the hearing for the time between the expiration of the forty-five (45) day period and the date the hearing was first scheduled.

**31-6-103. Application for hearing; stay of suspension of license; scope of hearing.**

(b) The scope of a hearing for the purposes of this act shall cover the issues of whether a peace officer had probable cause to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon a public street or highway in this state in violation of W.S. 31-5-233(b) or any other law prohibiting driving under the influence as defined by W.S. 31-5-233(a)(v), whether the person was placed under arrest, ~~whether he refused to submit to a test upon request of the peace officer or if he submitted to a test~~ was administered, whether the test results indicated that the person had an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, and whether, except for the persons described in this act who are incapable of refusing cooperating with the administration of the test, he had been given the advisements required by W.S. 31-6-102(a)(ii). At the conclusion of the hearing, the hearing examiner shall order that the suspension either be rescinded or sustained. If ~~the person submitted to a chemical test~~ was administered, the hearing examiner has the same authority to modify a license suspension under this act as he does under W.S. 31-7-105.

**31-6-105. Method of performing chemical analysis; persons permitted to draw blood; request by arrested person for test; information made available; evidence of refusal to take test.**

(b) When a person ~~submits to~~ undergoes a blood test ~~at the request of required by~~ a peace officer under this act, only a physician, registered nurse, qualified clinical or laboratory technician or other person who routinely does venipunctures at the direction of a physician may withdraw blood for the purpose of determining the alcohol concentration or controlled substance content therein. This limitation does not apply to the taking of other specimens.

(e) Upon the request of a person who ~~submits to~~ undergoes a chemical test or tests ~~at the request of~~ as required by a peace officer, full information concerning the test or tests shall be made available to the person or his

attorney.

**31-6-108. Implied consent requirements for youthful drivers.**

(a) If arrested for an offense as defined by W.S. 31-5-234:

(iii) The test or tests results shall only be used for the purposes of determining the chemical concentration as provided by this section and shall not be used for any other purpose.

(b) For tests required under this section, the person shall be advised that:

(ii) ~~If a test is taken and~~ the results of the test indicate an alcohol concentration of two one-hundredths of one percent (0.02%) or more, he may be subject to denial or suspension of his driver's license for the period specified by W.S. 31-7-128(h) and he may be required to drive only vehicles equipped with an ignition interlock device;

(iii) After ~~submitting to all required~~ chemical tests ~~requested~~ required by the peace officer have been administered at a place and in the manner prescribed by and at the expense of the agency employing the peace officer, the arrested person may go to the nearest hospital or clinic and secure any additional tests at his own expense.

(d) Any person dead, unconscious or otherwise in a condition rendering him incapable of ~~refusal to submit to~~ cooperating with the administration of the tests is deemed to have given his consent provided for in this section, and the tests may be administered subject to this section. A chemical test designated by the agency employing the peace officer may also be administered to a person who refuses to take a test upon issuance of a search warrant, including a remotely communicated search warrant, as provided in W.S. 31-6-102(d). A remotely communicated search warrant shall be valid only for purposes specified in this subsection.

(f) ~~If the person refuses testing or submits to a test which~~ discloses an alcohol concentration of two one-hundredths of one percent (0.02%) or more, the peace officer shall issue the person a temporary license similar to but in lieu of the license authorized under W.S. 31-7-138. This temporary license shall be valid for thirty (30) days, shall not be renewed, shall contain a notice that the person has twenty (20) days from the date of issuance within which to request a hearing from the department pursuant to W.S. 31-7-105 and that failure to timely request a hearing will result in the period of suspension or license denial automatically commencing upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the time the temporary license is issued. For purposes of this section, the peace officer acts as an agent for the department when providing notice of the suspension and notice of the opportunity for

a hearing. W.S. 31-7-137 applies to a notice under this act. Failure to demand a hearing within the twenty (20) day period is a waiver of the right of hearing, and the period of suspension or denial shall commence upon expiration of the temporary license or upon expiration of any existing suspension or revocation if the person's license or privilege is suspended or revoked at the time the temporary license is issued. A temporary license issued under this subsection shall afford no driving privilege to a person who is not otherwise licensed to drive a motor vehicle.

(h) At the conclusion of the hearing, the hearing examiner shall order whether or not the person's driver's license shall be suspended or denied. The scope of the hearing shall be limited to the issues of:

(ii) Whether the ~~person refused to submit to a test or if he submitted to a test, the results of a test~~ indicated there was an alcohol concentration of two one-hundredths of one percent (0.02%) or more;

### **31-7-105. Administrative hearings.**

(b) A hearing examiner designated by the office of administrative hearings created by W.S. 9-2-2201 shall sit as the administrative hearing agency for the department to hear all:

(i) Contested cases involving ~~implied consent refusals~~, per se suspensions involving a question of law, medical cancellations and denials, accident suspensions, commercial drivers license disqualifications and any other action as defined by department rule and regulation;

### **31-7-306. Commercial drivers prohibited from operating with any alcohol in system.**

(b) A person who drives, operates or is in physical control of a commercial motor vehicle while having alcohol in his system ~~or who refuses to take a test to determine his alcohol concentration~~ as provided by W.S. 31-7-307 shall be placed out-of-service for twenty-four (24) hours.

### **31-7-307. Implied consent requirements for commercial motor vehicle drivers.**

(c) For tests required under this section, the person shall be advised that:

(ii) If ~~a test is taken and~~ the results of the test indicate a blood alcohol concentration of four one-hundredths of one percent (0.04%) or more, it shall result in a disqualification for a period of not less than one (1) year to life;

(iii) If ~~a test is taken and~~ the results of the test indicate a blood alcohol concentration of less than four one-hundredths of one percent (0.04%), he shall be placed out-of-service for twenty-four (24) hours;



(e) Any person dead, unconscious or otherwise in a condition rendering him incapable of ~~refusal to submit to cooperating with the administration~~ of the tests is deemed to have given his consent provided for in this section, and the tests may be administered subject to this section. A chemical test designated by the agency employing the peace officer may also be administered to a person who refuses to take a test upon issuance of a search warrant, including a remotely communicated search warrant, as provided in W.S. 31-6-102(d). A remotely communicated search warrant shall be valid only for purposes specified in this subsection.

(f) If the person refuses testing or ~~submits to is administered~~ a test which discloses an alcohol concentration of four one-hundredths of one percent (0.04%) or more by weight of alcohol in the person's blood the peace officer shall submit a signed statement to the department. The statement submitted by the officer shall contain:

(j) At the conclusion of a hearing, the hearing examiner shall order the disqualification be rescinded or sustained. The scope of the hearing shall be limited to the issues of:

(ii) Whether the ~~person refused to submit to a test or if he submitted to a test, the results of a test~~ indicated there was at least four one-hundredths of one percent (0.04%) of alcohol in the person's blood; and

**31-7-402. Issuance of ignition interlock restricted license; eligibility.**

(a) A person whose driver's license has been suspended pursuant to W.S. ~~31-6-107(a)(i) or 31-7-128(b)(ii)~~ as a result of a violation related to operating a vehicle under the influence of alcohol, ~~or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration,~~ or whose license is otherwise suspended and is required to operate only vehicles equipped with an ignition interlock device, and who has served at least forty-five (45) days of the suspension period shall apply to the department for an ignition interlock restricted license for the balance of the suspension period or other period required by law.

(b) A person whose driver's license has been ~~suspended pursuant to W.S. 31-6-107(a)(ii) or~~ revoked pursuant to W.S. 31-7-127(a)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, ~~or a refusal to comply with a request to submit to a test to determine the person's blood alcohol concentration,~~ or whose license is otherwise suspended and is required to operate only vehicles equipped with an ignition interlock device, and who has served at least forty-five (45) days of the suspension or revocation period shall apply to the department for an ignition interlock restricted license for the balance of the suspension or revocation period or other period required by law.

**Section 2.** W.S. 31-6-102(a)(ii)(A) and (d)(i) and (ii), 31-6-105(f), 31-6-107,

31-6-108(b)(i), (e), (k), (n) and (p), 31-7-105(f)(v)(H) and 31-7-307(c)(i) are repealed.

**Section 3.** This act is effective July 1, 2011.

Approved March 3, 2011.

## Chapter 179

### SEX OFFENDER REGISTRATION AMENDMENTS

Original House Bill No. 23

AN ACT relating to sex offender registration and notification; amending the information sex offenders are required to provide; requiring specified juveniles to register as sex offenders; amending the information that shall be provided to the public; amending the registration requirements for specified offenses; conforming provisions; requiring offenders convicted but not yet sentenced to register as sex offenders; requiring notice by an offender who will travel out of the country as specified; eliminating language that may permit an offender who has not registered as required to avoid sanctions after a specified time; clarifying conditions under which an offender may petition a court to be relieved of registration requirements; amending and creating definitions; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 7-19-301(a)(iii) and by creating new paragraphs (xxii) and (xxiii), 7-19-302(a)(v), (viii), (x), (xi), by creating new paragraphs (xii) and (xiii), (c)(iii), (iv) and by creating a new paragraph (v), (d), (g) through (j) and by creating new subsections (p) and (q), 7-19-303(c)(iii)(intro), (H), (J) and by creating new subparagraphs (K) and (M), 7-19-304(a)(i), (ii) and (d)(intro) and 7-19-307(a) are amended to read:

#### **7-19-301. Definitions.**

(a) Unless otherwise provided, for the purposes of this act:

(iii) "Convicted" includes pleas of guilty, nolo contendere, ~~and~~ verdicts of guilty upon which a judgment of conviction may be rendered and adjudications as a delinquent for offenses specified in W.S. 7-19-302(j). "Convicted" shall not include dispositions pursuant to W.S. 7-13-301;

(xxii) "Vehicle" includes any of the following that is registered under Wyoming law:

(A) Aircraft as defined in W.S. 10-1-101(a)(i);

(B) Motor vehicle, commercial vehicle or trailer as defined in W.S. 31-1-101;

(C) Watercraft as defined in W.S. 41-13-101(a)(vii).

(xxiii) Words in the plural form include the singular and words in the singular form include the plural.

**7-19-302. Registration of offenders; procedure; verification.**

(a) Any offender residing in this state or entering this state for the purpose of residing, attending school or being employed in this state shall register with the sheriff of the county in which he resides, attends school or is employed, or other relevant entity specified in subsection (c) of this section. The offender shall be photographed, fingerprinted and palmed by the registering entity or another law enforcement agency and shall provide the following additional information when registering:

(v) Place and physical address of employment;

(viii) The name and ~~location~~ physical address of each educational institution in this state at which the person is employed or attending school;

(x) A DNA sample. As used in this paragraph, "DNA" means as defined in W.S. 7-19-401(a)(vi); ~~and~~

(xi) The age of each victim;

(xii) Internet identifiers, including each email address and other designations used by the offender for self-identification or routing in internet communications or postings. As used in this paragraph, "internet" means as defined in W.S. 9-2-1035(a)(iii); and

(xiii) Any phone number at which the offender may be reached or which may be used on a frequent basis by the offender to place telephone calls.

(c) Offenders required to register under this act shall register with the entities specified in this subsection and within the following time periods:

(iii) Offenders convicted of an offense subjecting them to registration, who, except as provided by paragraph (v) of this subsection, are sentenced on or after January 1, 1985, who reside in or enter this state for the purposes of residing and who are under the jurisdiction of the department or state board of parole or other public agency as a result of that offense shall register within three (3) working days of entering this state, ~~or on or before August 1, 1999, if a current resident.~~ The Wyoming agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to this state, ~~and shall register the offender and perform the related duties specified in W.S. 7-19-305~~ Within three (3) working days after the offender arrives in this state, the Wyoming agency that has jurisdiction over the offender shall notify the county sheriff

of the county in which the offender resides of the offender's presence in the county;

(iv) Offenders convicted of an offense subjecting them to registration, who, except as provided by paragraph (v) of this subsection, are sentenced on or after January 1, 1985, who reside in or enter this state and who are not under the jurisdiction or custody of the department, board of parole or other public agency as a result of that offense shall register ~~on or before August 1, 1999, if a current resident, or within three (3) working days of entering this state if not a current resident;~~

(v) Offenders convicted of an offense subjecting them to registration, whose registration requirement was added by the 2011 amendments to this act and who are sentenced after July 1, 2001 shall register as required by paragraph (iii) or (iv) of this subsection as appropriate.

(d) A nonresident who is employed or attends school in this state shall register with the county sheriff of the county in which he is employed or attends school within three (3) working days of beginning employment or starting to attend school. A resident or nonresident who is employed, resides or attends school in more than one (1) location in this state, shall register with the county sheriff of each county in which he is employed, resides or attends school within three (3) working days of beginning employment, establishing a residence in this state or starting to attend school. The registration information accepted under this subsection shall be subject to the provisions of W.S. 7-19-303.

(g) For an offender convicted of a violation of W.S. ~~6-2-202 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-203 if the victim was a minor and the offender is not the victim's parent or guardian, W.S. 6-2-315(a)(iv), 6-2-316(a)(iii) 6-2-316(a)(i) and (iv), 6-2-317(a)(i), 6-4-303(b)(iv) or W.S. 6-4-304(b) if the victim was a minor, 18 U.S.C. §§ 2252B, 2252C, 2424 and 2425, an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection~~ or an attempt or conspiracy to commit any of the offenses specified in this subsection, the division shall annually verify the accuracy of the offender's registered address, and the offender shall annually report, in person, his current address to the sheriff in the county in which the offender resides, during the period in which he is required to register. During the annual in-person verification, the sheriff shall photograph the offender. Confirmation of the in-person verification required under this subsection, along with the photograph of the offender, shall be transmitted by the sheriff to the division within three (3) working days. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(h) For an offender convicted of a violation of W.S. 6-2-304(a)(iii) if the victim was at least fourteen (14) years of age, W.S. 6-2-314(a)(ii) and (iii),

~~6-2-315(a)(iii)~~ 6-2-315(a)(i) and (iii), W.S. 6-2-315(a)(iv) if the victim was thirteen (13) through fifteen (15) years of age, 6-2-316(a)(i), 6-2-317(a)(ii) W.S. 6-2-317(a)(i) and (ii) or 6-2-318, W.S. 6-4-102 if the person solicited was a minor, W.S. 6-4-103 if the person enticed or compelled was a minor, W.S. 6-4-302(a)(i) if the offense involves the use of a minor in a sexual performance or W.S. 6-4-303(b)(i) through (iii), 18 U.S.C. § 2251, an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection, an attempt or conspiracy to commit any of the offenses specified in this subsection, or any felony offense enumerated in subsection (g) of this section if the offender was previously convicted of a felony under any offense enumerated in subsection (g) of this section, the division shall verify the accuracy of the offender's registered address, and the offender shall report, in person, his current address to the sheriff in the county in which the offender resides, every six (6) months after the date of the initial release or commencement of parole. If the offender's appearance has changed substantially, and in any case at least annually, the sheriff shall photograph the offender. Confirmation of the in-person verification required by this subsection, and any new photographs of the offender, shall be transmitted by the sheriff to the division within three (3) working days. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(j) For an offender convicted of a violation of W.S. 6-2-201 if the victim was a minor, W.S. 6-2-302 or 6-2-303, W.S. 6-2-304(a)(iii) if the victim was under fourteen (14) years of age, W.S. 6-2-314(a)(i), ~~6-2-315(a)(i) and (ii)~~ W.S. 6-2-314(a)(ii) and (iii) if the victim was less than thirteen (13) years of age, W.S. 6-2-315(a)(ii), W.S. 6-2-315(a)(iii) and (iv) if the victim was less than thirteen (13) years of age, W.S. 6-2-316(a)(ii) and (iii), 6-4-402, 18 U.S.C. § 2245, or an offense in another jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances as a criminal offense specified in this subsection, an attempt or conspiracy to commit any of the offenses specified in this subsection, any offense enumerated in subsection (h) of this section if the offender was previously convicted of any offense enumerated in subsection (g) of this section or any felony offense enumerated in subsection (g) or (h) of this section if the offender was previously convicted of a felony under any offense enumerated in subsection (h) of this section, the division shall verify the accuracy of the offender's registered address, and the offender shall report, in person, his current address to the sheriff in the county in which the offender resides every three (3) months after the date of the initial release or commencement of parole. If the offender's appearance has changed substantially, and in any case at least annually, the sheriff shall photograph the offender. Confirmation of the in-person verification required by this subsection, and any new photographs of the offender, shall be transmitted by the sheriff to the division within three (3) working days. Any person under this subsection who has not established a residence or is transient, and who is reporting to the sheriff as required under subsection (e) of this section, shall be deemed in compliance with the address verification requirements of this section.

(p) Any person convicted of any offense enumerated in subsection (g), (h) or (j) of this section who is released from confinement for any reason before being sentenced shall register as described in this section with the county sheriff for each county in which that person resides, is employed or attends school.

(q) Any offender registered pursuant to this act shall notify the county sheriff of each county in which he is registered at least twenty-one (21) days before traveling outside of the United States of America. The notification shall include the name of each country the offender plans to visit, the dates the offender intends to be in each country, the purpose for which the offender is traveling, the offender's means of travel and the offender's country of citizenship, passport number and country of issue. Each county sheriff receiving notification of an offender's intention to travel outside of the United States of America shall forward that information to the division within three (3) working days.

**7-19-303. Offenders central registry; dissemination of information.**

(c) The division shall provide notification of registration under this act, including all registration information, to the district attorney of the county where the registered offender is residing at the time of registration or to which the offender moves. In addition, the following shall apply:

(iii) Notification of registration under this act shall be provided to the public through a public registry, as well as to the persons and entities required by paragraph (ii) of this subsection. The division shall make the public registry available to the public, with the exception of internet identifiers, telephone numbers and adjudications as delinquent, through electronic internet technology and shall include:

(H) History of all criminal convictions subjecting an offender to the registration requirements of this act; ~~and~~

(J) The license plate or registration number and a description of any vehicle owned or operated by the offender; ~~and~~

(K) The physical address of any employer that employs the offender;  
~~and~~

(M) The physical address of each educational institution in this state at which the person is attending school.

**7-19-304. Termination of duty to register.**

(a) The duty to register under W.S. 7-19-302 shall begin on the date of sentencing and continue for the duration of the offender's life, subject to the following:

(i) ~~For An~~ offender specified in W.S. 7-19-302(g), ~~the duty to register shall end fifteen (15) years after the offender was released from prison, placed on parole, supervised release or probation, provided the registration period shall be tolled for subsequent or adjudicated as a delinquent for offenses specified in W.S. 7-19-302(j), who has been registered for at least ten (10) years, exclusive of periods of confinement. The offender and periods in which the offender was not registered as required by law, may petition the district court for the district in the which the offender is registered to reduce the period of registration under this paragraph by five (5) years be relieved of the duty to continue to register if the offender maintains has maintained a clean record as provided in subsection (d) of this section. Upon a showing that the offender has maintained a clean record as provided in subsection (d) of this section for ten (10) years, the district court may order the offender relieved of the duty to continue registration;~~

(ii) An offender specified in W.S. 7-19-302(h) who has been registered for at least twenty-five (25) years, exclusive of periods of confinement and periods in which the offender was not registered as required by law, may petition the district court for the district in which the offender is registered to be relieved of the duty to continue to register if the offender has maintained a clean record as provided in subsection (d) of this section. Upon a showing that the offender has ~~had no further felony or misdemeanor convictions during the period of registration~~ maintained a clean record as provided in subsection (d) of this section for twenty-five (25) years, the district court may order the offender relieved of the duty to continue registration; and

(d) ~~A registration period under subsection (a) of this section may be reduced if, after the duty to register arises, the offender specified in W.S. 7-19-302(g) maintains a clean record for ten (10) years by: An offender seeking a reduction in his registration period as provided in paragraph (a)(i) or (ii) of this section shall demonstrate to the court that he has maintained a clean record by:~~

### **7-19-307. Penalties.**

(a) Failure to register or update any registration information within the time required under W.S. 7-19-302 constitutes a per se violation of this act and is punishable as provided in subsections (c) and (d) of this section. The division shall notify the appropriate authorities when it discovers that an offender fails to register or update any registration information within the time required under W.S. 7-19-302 or when an offender absconds.

**Section 2.** There is appropriated from the general fund to the Wyoming attorney general sixty-six thousand dollars (\$66,000.00). This appropriation shall be expended only for the purpose of implementing the requirements of this act. Any amount of this appropriation expended for information technology or telecommunications personnel, hardware or software or contractual services for information technology, shall not be expended until the chief information officer has approved the expenditure. Upon request

for an 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. 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. This appropriation shall not be included in the attorney general's annual 2013-2014 standard biennial budget request.

**Section 3.** This act is effective July 1, 2011.

Approved March 3, 2011.

## Chapter 180

### IMPERSONATION THROUGH ELECTRONIC MEANS

Original House Bill No. 92

AN ACT relating to crimes and offenses; creating a crime for impersonation through electronic means as specified; providing penalties; providing definitions; authorizing civil relief for damages; and providing for an effective date.

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

**Section 1.** W.S. 6-3-902 is created to read:

**6-3-902. Unlawful impersonation through electronic means; penalties; definitions; civil remedies.**

(a) Any person who knowingly and without consent intentionally impersonates another actual person through, or on, an internet website or by other electronic means, including, but not limited to spoofing and causes or attempts to cause harm, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), imprisonment for not more than one (1) year, or both.

(b) For purposes of this section:

(i) "Electronic means" includes opening an e-mail account or an account or profile on a site transmitted via the internet;

(ii) "Internet" means as defined in W.S. 9-2-1035(a)(iii);

(iii) "Spoofing" means falsifying the name or phone number appearing on caller identification systems.

(c) In addition to any other civil remedy available, a person who suffers



damage or loss by reason of a violation of subsection (a) of this section may bring a civil action against the violator for compensatory damages and injunctive relief or other equitable relief.

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

Approved March 3, 2011.

## Chapter 181

### WICHE-REPAYMENT PROGRAM

Original House Bill No. 103

AN ACT relating to the Western Regional Higher Education Compact; imposing a repayment provision on specified students; defining the requirements of the loan or service repayment program; and providing for an effective date.

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

**Section 1.** W.S. 21-16-202(b)(ii), (iii) and by creating a new paragraph (iv) are amended to read:

**21-16-202. When binding; notice of ratification; power of governor to appoint commissioners; powers of commissioners generally; appropriation of monies.**

(b) In addition to those powers granted to the commissioners in the compact, the commissioners are directed and empowered:

(ii) To ratify any contracts entered into by the western interstate commission for higher education or its officers which are deemed to be in the best interest of the state of Wyoming and its qualified students; ~~and~~

(iii) To impose residency requirements on admission to compact programs. Applicants may appeal any admission decisions rendered pursuant to this paragraph directly to the commission; ~~and~~

(iv) In the interest of recruiting health care professionals to Wyoming, to impose a repayment program for participating students in dentistry, medicine, podiatry, occupational therapy, physical therapy, optometry, physician assistant programs and osteopathic medicine and obtain an agreement from each student first admitted as a WICHE program student to a participating institution of higher education for the 2013-2014 academic year and thereafter, subject to the following:

(A) The student agrees to:

(I) Actively engage in full-time professional practice in Wyoming in

the field in which he was educated for not less than three (3) years as the commission requires. The taking of a medical residency program in the state shall be credited toward the practice requirements at the rate of one-third (1/3) year of full-time practice for each year of service in a medical residency program in the state; or

(II) Repay all amounts expended by the state of Wyoming on the student's education through the WICHE program, together with interest which shall begin accruing after the student's graduation or residency, whichever is later, but in no event later than eight (8) years after the student enters into an agreement, upon terms specified by the commission. However, interest shall begin to accrue when the student has withdrawn from the professional school or a residency program as determined by the commission or is otherwise not making satisfactory progress toward completion of the degree program as determined by the commission. Money expended under this paragraph shall accrue at an annual interest rate equal to that charged for federal Stafford loans at the time interest begins to accrue, which rate shall be adjusted annually to equal the federal Stafford loan rate. In no event shall the interest rate be greater than eight percent (8%).

(B) Upon application of the student, the commission may relieve a student of the obligation to repay amounts expended under subparagraph (A) of this paragraph, in whole or in part, where repayment would cause undue hardship. The commission shall annually report the number of students relieved from repayment under this subparagraph to the joint labor, health and social services interim committee not later than October 1;

(C) Any amounts paid by medical, podiatry, osteopathic, occupational therapy, physical therapy, optometry, physician assistant or dental students in accordance with the contractual arrangements authorized under this paragraph shall be credited to a WICHE program repayment account which shall be expended upon appropriation by the legislature;

(D) The provisions of this paragraph shall not apply to the field of veterinary medicine.

**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, 2011.

**Chapter 182****TEACHER ACCOUNTABILITY ACT**

Original Senate File No. 146

AN ACT relating to teacher contracts; establishing the teacher accountability act; requiring school district teacher performance evaluations to be based in part upon student achievement; directing the state board of education to establish performance criteria based upon educational accountability measures to be established by law; establishing performance as a basis for contract determinations; modifying grounds for teacher suspension, dismissal and termination; clarifying suspension with and without pay; repealing authority of districts to provide continuing contract status without regard to years of service; requiring office of administrative hearings to preside over teacher dismissal, suspension and termination hearings; specifying application; providing intent; requiring studies; and providing for effective dates.

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

**Section 1.** W.S. 21-2-304(b)(xv), 21-3-110(a)(xvii) through (xix) and by creating a new subsection (b), 21-7-102(a)(intro), (ii)(A) and (B) and (vi), 21-7-104(a), 21-7-106(a), 21-7-110(a), (c), (d) and (e), 21-7-112 and 21-7-113 are amended to read:

**21-2-304. Duties of the state board of education.**

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(xv) Promulgate rules and regulations for the development, assessment and approval of annual school district teacher performance evaluation systems based in part upon defined student academic growth measures as prescribed by law and upon longitudinal data systems linking student achievement with teachers of record, clearly prescribing standards for satisfactory and unsatisfactory performance. Rules and regulations adopted under this paragraph shall ~~allow each to the extent student achievement measures are not compromised, provide district flexibility in developing ability to include a portion of an evaluation system which meets designed to address~~ the individual needs of the district. The performance evaluation system shall also include reasonable opportunity for district provision of mentoring and other professional development activities made available to teachers performing unsatisfactorily, which are designed to improve instruction and student achievement;

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xvii) Require the performance of each initial contract teacher to be evaluated in writing at least twice annually based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each

evaluation of his performance;

(xviii) Establish a teacher performance evaluation system and require the performance of each continuing contract teacher to be evaluated in writing at least once each year based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xix) Based upon student achievement measures established by the state board of education under W.S. 21-2-304(b)(xv), performance evaluations ~~required~~ shall serve as a basis for improvement of instruction, enhancement of curriculum program implementation, measurement of both individual teacher performance and professional growth and development and the performance level of all teachers within the school district, and as documentation for unsatisfactory performance for dismissal, suspension and termination proceedings under W.S. 21-7-110;

(b) On or before April 15 of each school year, each school district superintendent shall provide a report to the board of trustees identifying all teachers within the district whose performance, through evaluations conducted under paragraphs (a)(xvii) through (xix) of this section, has been determined inadequate or unsatisfactory for that school year. The report shall include a summary of mentoring and other professional development activities made available to the identified teachers to improve instruction and student achievement. Not later than June 1 of each school year, the board shall file a report with the department of education certifying compliance with this subsection.

### **21-7-102. Definitions.**

(a) As used in ~~the~~ this article the following definitions shall apply:

(ii) "Continuing Contract Teacher":

(A) Any initial contract teacher who has been employed by the same school district in the state of Wyoming for a period of three (3) consecutive school years, has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time and has had his contract renewed for a fourth consecutive school year; or

(B) A teacher who has achieved continuing contract status in one (1) district, and who without lapse of time has taught two (2) consecutive school years and has had his contract renewed for a third consecutive school year by the employing school district, and has performed satisfactorily on performance evaluations conducted by both districts under W.S. 21-3-110(a)(xvii) during this period of time.

(vi) "Suspension" ~~with pay~~ means the removal of a teacher from

the classroom during the school year. Unless otherwise agreed to by the teacher and the district superintendent or board, suspension shall be with, or without, termination of salary pay as follows:

(A) By the superintendent “with pay” pending:

(I) The investigation of an allegation of misconduct which investigation shall not exceed thirty (30) days; and

(II) The final action of the board following completion of the investigation under subdivision (I) of this subparagraph and, if requested, the outcome of a hearing in accordance with W.S. 21-7-110.;

(B) By the board “without pay” for a period not to exceed one (1) calendar year following the outcome of a hearing in accordance with W.S. 21-7-110.

**21-7-104. Employment of continuing contract teachers on continuing basis; salary increases.**

(a) Subject to satisfactory performance evaluation under W.S. 21-3-110(a)(xviii), a continuing contract teacher shall be employed by each school district on a continuing basis from year to year without annual contract renewal at a salary determined by the board of trustees of each district, said salary subject to increases from time to time as provided for in the salary provisions adopted by the board.

**21-7-106. Notice of recommendation of termination to teacher; when termination effective.**

(a) A continuing contract teacher shall be notified of a recommendation of termination by the superintendent or any member of the board designated by the superintendent or designated by the board pursuant to a majority vote of the board by giving the teacher written notice together with written reasons for termination on or before April 15 of any year. Upon receipt of notice, the teacher may request a hearing on the recommendation before an independent hearing officer through the office of administrative hearings as provided under W.S. 21-7-110.

**21-7-110. Suspension or dismissal of teachers; notice; hearing; independent hearing officer; board review and decision; appeal.**

(a) The board may suspend or dismiss any teacher, or terminate any continuing contract teacher, for any of the following reasons:

(i) Incompetency;

(ii) Neglect of duty;

(iii) Immorality including, without limitation, engaging in conduct with a student which would be a violation of W.S. 6-2-314 through 6-2-318,

12-6-101(a) or 35-7-1036;

~~(iv) Insubordination; unsatisfactory performance or any other good or just cause.~~

(v) Physical incapacity to perform job duties even with reasonable accommodation;

(vi) Failure to perform duties in a satisfactory manner;

(vii) Inadequate performance as determined through annual performance evaluation tied to student academic growth completed in accordance with W.S. 21-3-110(a)(xvii) through (xix);

(viii) Conviction of a felony; and

(ix) Any other good or just cause relating to the educational process.

(c) Any continuing contract teacher receiving notice of a recommendation of termination under W.S. 21-7-106(a), or any teacher against whom dismissal or suspension proceedings are instituted, is entitled to a hearing before an independent hearing officer provided through the office of administrative hearings on the recommendation for termination or the reasons for dismissal or suspension, upon submission of a written request to the superintendent. The request for hearing shall be given within seven (7) days after receipt of notice of termination under W.S. 21-7-106(a) or after receiving notice of dismissal or suspension under subsection (b) of this section. ~~The independent hearing officer shall insofar as possible, be impartial, experienced in education, labor and employment matters and in the conduct of hearings. Within five (5) days following receipt of the hearing request, the superintendent and the teacher shall jointly select a hearing officer. If they fail to agree upon selection, the district judge of the judicial district in which the school district is located shall upon request select a hearing officer. Expenses of the hearing officer shall be paid equally by the school district and the teacher by the school district in accordance with W.S. 9-2-2202(b)(ii).~~

(d) Within five (5) days after selection, the hearing officer shall set the date for hearing and notify the teacher and superintendent of the hearing date, time and location. In no event shall the hearing commence on a date later than forty-five (45) days after notice under W.S. 21-7-106(a) or subsection (b) of this section, as applicable. The hearing shall be conducted in accordance with ~~the Wyoming Administrative Procedure Act and the hearing officer may accordingly receive or reject evidence and testimony, administer oaths and if necessary, subpoena witnesses contested case procedures specified under W.S. 9-2-2202(b).~~ All school district records pertaining to the teacher shall be made available to the hearing officer.

~~(e) At the hearing, the teacher has the right to appear in person with or without counsel, to be heard, to present testimony or witnesses and all evidence bearing upon proposed termination, dismissal or suspension and to cross-examine witnesses. the superintendent shall have the~~

burden of proving that the recommendation for termination is based upon reasons provided in the notice of termination submitted pursuant to W.S. 21-7-106(a) or that suspension or dismissal is based upon reasons specified in the notice given under subsection (b) of this section, as applicable.

**21-7-112. Effect on existing contracts.**

The contracts of all teachers in the state of Wyoming from and after ~~the effective date of this act July 1, 2012,~~ shall be subject to the policies, rules, and regulations of the school district not in conflict with this law or the other laws of the state of Wyoming.

**21-7-113. Application to teachers presently employed.**

The provisions of this article shall apply to all teachers who are teaching in Wyoming ~~on the effective date hereof; provided, however, the status of teachers covered under this act will be determined by their original date of employment as a teacher in the state of and after July 1, 2012, and shall apply regardless of whether the teacher was employed prior to July 1, 2012 as a teacher in Wyoming.~~

**Section 2.** W.S. 21-7-102(a)(ix), 21-7-110(f), 21-7-111(b) and 21-7-114 are repealed.

**Section 3.**

(a) If 2011 Senate File 70 is enacted into law, the select committee on statewide educational accountability established under 2011 Senate File 70 shall study the use of the statewide accountability system for use in annual teacher evaluations. The select committee shall be assisted by the advisory committee created under 2011 Senate File 70 to provide information to the select committee as it deems necessary to carry out this section.

(b) The select committee created under 2011 Senate File 70 shall, if 2011 Senate File 70 is enacted, recommend changes to the teacher accountability act established under Section 1 of this act which will provide a consistent, reliable and clearly defined evaluation process to measure teacher performance based upon growth in student performance.

**Section 4.**

(a) This act shall be cited as the teacher accountability act.

(b) The Wyoming legislature finds:

(i) That under current law, teachers achieve continuing contract status after three (3) continuous years of employment with a Wyoming school district, giving teachers tenure. A fundamental premise of tenure is to protect competent teachers from arbitrary termination for reasons unrelated to teaching performance;

(ii) In the absence of clear, coherent criteria to measure job performance to terminate teachers determined to be inadequately performing their duties, tenure has become a guarantee of employment;

(iii) Wyoming school districts have expressed frustration with the difficulty in removing nonperforming teachers from the classroom, describing the process as complex, time consuming and legally challenging;

(iv) The Wyoming teacher contract law should provide protection to performing teachers and ensure that a struggling teacher has a fair opportunity to improve performance;

(v) Current law goes beyond the intended purpose of tenure and provides an obstacle to removing nonperforming teachers and thereby serves to protect jobs for nonperforming teachers at the expense of student performance. This, in turn, creates higher demands on performing teachers to remediate lagging student performance.

(b) Based upon these findings, the Wyoming teacher accountability act places emphasis on a teacher performance evaluation system based upon student achievement for use by school district boards of trustees in determining teacher contract performance and status. The basis for the performance evaluation system shall be built upon the educational accountability system and the assessments and measures within the accountability system identified by law to measure student achievement and the effectiveness of classroom teachers in improving student achievement.

**Section 5.** Prior to November 1, 2011, the joint appropriations interim committee shall review the fiscal impact of this act upon the office of administrative hearings and develop necessary recommendations to the legislature for funding the requirements of this act in establishing the 2013-2014 biennial budget for this office. Not later than September 1, 2011, the office of administrative hearings shall report to the committee on its analysis of the placement of teacher dismissal, suspension and termination hearings under this office, and evaluate the placement of this function as a responsibility for this office.

**Section 6.**

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

(b) Notwithstanding subsection (a) of this section, sections 3, 4 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 2011.



**Chapter 183****EXCISE TAX-VENDOR COMPENSATION**

Original House Bill No. 147

AN ACT relating to taxation and revenue; providing for a credit to vendors or direct payers for the collection and payment of sales and use taxes; specifying the source of the funding of the credit; providing an appropriation; and providing for effective dates.

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

**Section 1.** W.S. 39-15-107(b) by creating a new paragraph (xi), 39-15-111(b)(i), 39-16-107(b) by creating a new paragraph (viii) and 39-16-111(b)(i) are amended to read:

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

(b) Payment. The following shall apply:

(xi) If a vendor or direct payer pays taxes due and payable under this chapter on or before the fifteenth day of the month that the taxes are due under paragraph (v) of this subsection, a credit shall be allowed against the taxes imposed by this chapter for expenses incurred by a vendor or direct payer for the accounting and reporting of taxes. For the first six thousand two hundred fifty dollars (\$6,250.00) of tax due, the credit is equal to one and ninety-five hundredths percent (1.95%) of the amount of tax due. For any tax due in excess of six thousand two hundred fifty dollars (\$6,250.00), the credit for that additional amount shall be one percent (1%) of that amount, provided that the total credit under this paragraph and W.S. 39-16-107(b)(viii) shall not exceed five hundred dollars (\$500.00) in any month. The vendor or direct payer shall deduct the credit for each tax period on forms prescribed and furnished by the department. The credit shall be deducted only from the share of the tax that is distributed to the general fund under W.S. 39-15-111(b)(i).

**39-15-111. Distribution.**

(b) Revenues earned under W.S. 39-15-104 during each fiscal year shall be recognized as revenue during that fiscal year for accounting purposes. Revenue collected by the department under W.S. 39-15-104 shall be transferred to the state treasurer who shall:

(i) Credit sixty-nine percent (69%) to the state general fund except as provided by subsections (c) and (d) of this section and less any credit allowed pursuant to W.S. 39-15-107(b)(xi);

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

(b) Payment. The following shall apply:

(viii) If a vendor or direct payer pays taxes due and payable under this chapter on or before the fifteenth day of the month that the taxes are due under paragraph (a)(i) of this section, a credit shall be allowed against the taxes imposed by this chapter for expenses incurred by a vendor or direct payer for the accounting and reporting of taxes. For the first six thousand two hundred fifty dollars (\$6,250.00) of tax due, the credit is equal to one and ninety-five hundredths percent (1.95%) of the amount of tax due. For any tax due in excess of six thousand two hundred fifty dollars (\$6,250.00), the credit for that additional amount shall be one percent (1%) of that amount, provided that the total credit under this paragraph and W.S. 39-15-107(b)(xi) shall not exceed five hundred dollars (\$500.00) in any month. The vendor or direct payer shall deduct the credit for each tax period on forms prescribed and furnished by the department. The credit shall be deducted only from the share of the tax that is distributed to the general fund under W.S. 39-16-111(b)(i).

**39-16-111. Distribution.**

(b) Revenues earned under this article during each fiscal year shall be recognized as revenue during that fiscal year for accounting purposes. Revenue collected by the department from the taxes imposed by this article shall be transferred to the state treasurer who shall:

(i) Credit sixty-nine percent (69%) to the general fund except as provided by subsections (d) and (e) of this section and less any credit allowed pursuant to W.S. 39-16-107(b)(viii);

**Section 2.** There is appropriated one hundred sixty thousand dollars (\$160,000.00) from the general fund to the department of revenue. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2012. This appropriation shall be expended only for the purpose of implementing the tax credit provided by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the department of revenues' 2013-2014 standard biennial budget request.

**Section 3.**

(a) Section 1 of this act is effective January 1, 2012.

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

Approved March 10, 2011.

**Chapter 184****EDUCATION ACCOUNTABILITY**

Original Senate File No. 70

AN ACT relating to public education; creating the Wyoming Accountability in Education Act and establishing a statewide education accountability system; modifying statewide assessment requirements; establishing system components and student performance measures; imposing duties upon the state board of education and the state superintendent; prescribing consequences for school level student performance; establishing a legislative select committee to review and expand system components; imposing select committee reporting requirements and providing for an advisory committee comprised of public education representatives; providing for a review of school board training needs; requiring a statutory review; prescribing staffing; providing appropriations; and providing for effective dates.

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

**Section 1.** W.S. 21-2-204 is created to read:

**21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.**

(a) This section shall be cited as the “Wyoming Accountability in Education Act.”

(b) A statewide education accountability system shall be established in accordance with this section, which considers use of the components of the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) and as contained in Attachment “A” as defined under W.S. 21-13-101(a)(xvii). The first phase of this system shall be a school-based system that includes student performance as measured through multiple indicators in those subjects for which students are assessed as specified by this subsection, that are reported in terms of student achievement at prescribed performance levels, and that are aggregated to the school level. Core indicators of student performance under the first phase of the statewide school-based accountability system for each applicable school shall be:

(i) School level performance in third through eighth and eleventh grade reading; and

(ii) Additional secondary school level outcomes.

(c) School level performance in reading shall be measured by the statewide assessment system implemented by the state board of education under W.S. 21-2-304(a)(v). Additional secondary school outcomes shall be measured in accordance with subsection (d) of this section. To the extent applicable, each measure shall be aggregated to the school level based upon

those grades served inclusive to each school as reported by the respective school district to the department of education.

(d) Beginning in school year 2011-2012, and each school year thereafter, the department of education shall compute a combined school score for student performance in the core indicators specified under subsection (b) of this section as follows:

(i) For school level reading in grades three (3) through eight (8) and grade eleven (11), using existing proficiency performance levels specified on the statewide assessment:

(A) Each school shall record year-to-year performance level changes in reading for all students within grades three (3) through eight (8) and grade eleven (11) as may be served by that school. Year-to-year school level performance change designations shall be determined using statistically robust methodology and shall be assigned as follows:

(I) "Positive progress" if a school moves from its immediately preceding school year performance level to a higher performance level in the current school year;

(II) "Performance level unchanged" if a school's immediately preceding school year performance level is the same as its performance level in the current school year;

(III) "Negative progress" if a school moves from its immediately preceding school year performance level to a lower performance level in the current school year.

(B) Point values shall be assigned to each school according to the type of change in performance levels from the current school year compared to the performance level of the immediately preceding school year as follows:

(I) Schools demonstrating "positive progress" shall be designated as a positive point value;

(II) Schools demonstrating "performance level unchanged" shall be designated as an unchanged or zero (0) point value;

(III) Schools demonstrating "negative progress" shall be designated as a negative point value.

(ii) For additional secondary school-level outcomes, the following measures shall be used:

(A) A standardized, curriculum based college readiness test in grade eight (8) covering English, reading, mathematics and science, reported

by the percentage of students meeting or exceeding college readiness benchmark scores for each subject area;

(B) A standardized, curriculum based achievement college entrance examination in grade eleven (11) covering English, reading, mathematics and science, reported by the percentage of students meeting or exceeding the college readiness benchmark score for each subject area.

(iii) All information generated under paragraphs (i) and (ii) of this subsection shall be recorded by matrix format established by rule and regulation of the department of education.

(e) The target level for student performance under the first phase of the statewide accountability system shall be positive progress on all core indicators measured under subsection (d) of this section.

(f) Commencing with school year 2013-2014, and each school year thereafter, any school that fails to meet the computed school improvement targets established under subsection (e) of this section shall be subject to the following:

(i) For the first year of failure to meet school improvement targets, the school district for that school shall report to the department of education on its identified cause for the school's failure to meet improvement targets and shall provide written articulation of instructional strategies and programs to accelerate student performance within that school sufficient to meet improvement targets through a performance acceleration plan. The plan shall include class schedules, curriculum choices and instructional materials, shall specify strategies targeting higher performance for students performing below target levels and strategies for maintaining students performing above target levels, and shall verify deployment of resources by the district necessary to implement the strategies for that school. Not later than August 1 of each applicable school year, each district subject to this paragraph shall file the performance acceleration report assembled in accordance with this paragraph with the department in a manner, subject to criteria and on a form prescribed by department rule and regulation. Not later than November 1 of the applicable school year, the department shall discuss each performance acceleration plan with the district superintendent and the chairman of the board of trustees of the school for which the plan is submitted, specifically addressing the performance acceleration strategies and programs contained within the report. The department shall also determine the sufficiency of resources planned for deployment by the district to implement articulated strategies for that school. On or before December 1 of the school year immediately following the school year for which the school improvement target is computed, the department shall report to members of the joint education interim committee and the joint appropriations interim committee, a compilation of all district reports submitted under this paragraph together

with evidence of discussions with the district superintendents and board chairmen required under this paragraph, an analysis of the ability of each district's strategies and programs to succeed in accelerating student performance and the analysis of the sufficiency of resources to implement plan strategies;

(ii) For the second and subsequent years of failure to meet school improvement targets, the department of education shall from within existing resources of the department, designate a technical assistance team to develop turn-around strategies for each under-performing school. The turn-around strategy shall at a minimum, target curriculum, instruction, program content and school organization including the structure of the school day and year, and shall be implemented in the school year immediately following the school year for which the second and subsequent failure occurs. The technical assistance team shall also assist the school and the appropriate school district in implementing turn-around strategies and programs and if necessary, shall impose criteria on district allocation of resources necessary to fully implement turn-around strategies and programs within that school. The department shall report, annually on or before December 1, to members of the joint education interim committee and the joint appropriations interim committee on the technical assistance provided under this paragraph, together with rationale for selecting the imposed turn-around strategies and the evidence supporting the strategies. Any criteria on district resource allocation imposed under this paragraph shall also be included in the annual report;

(iii) In addition to paragraph (ii) of this subsection, the state board shall administer this subsection as part of school district accreditation required under W.S. 21-2-304(a)(ii), through appropriate administrative action taken in accordance with W.S. 21-2-304(b)(ii).

(g) Commencing with school year 2013-2014, and each school year thereafter, the school district for any school meeting the computed school improvement targets computed under subsection (e) of this section shall continue to receive a foundation program guarantee amount under W.S. 21-13-309(p) for that school without expenditure restrictions and interference imposed at the state level.

(h) Measured performance results obtained and collected pursuant to this section, together with subsequent actions responding to results, shall be combined with other information and measures maintained and acquired under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H), 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement compared to established targets. The statewide accountability system shall include a process for consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of

student achievement incorporated into the statewide system.

**Section 2.** W.S. 21-2-202(a)(i), (xiv) and (xxi), 21-2-203(c)(ii)(intro), (A) and by creating a new subparagraph (C), 21-2-304(a)(ii), (v)(intro), (B), (D), (E), (H), (vi)(intro) and by creating a new paragraph (vii), (b)(ii) and (xiv) and 21-3-110(a)(xxiv) and by creating a new paragraph (xxx) are amended to read:

**21-2-202. Duties of the state superintendent.**

(a) In addition to any other duties assigned by law, the state superintendent shall:

(i) Make rules and regulations, consistent with this code, as may be necessary or desirable for the proper and effective administration of the state educational system and the statewide education accountability system pursuant to W.S. 21-2-204. Nothing in this section shall be construed to give the state superintendent rulemaking power in any area specifically entrusted to the state board;

(xiv) For purposes of the statewide assessment of students and reporting student performance under W.S. 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be consolidated, combined and analyzed in accordance with W.S. 21-2-204(h) and shall be provided within a reasonable time in accordance with rules and regulations of the state board. In addition and pursuant to W.S. 21-2-304(a)(vii) and 21-3-110(a)(xxiv)(B), effective school year 2012-2013, the state superintendent shall, through the department, receive scores for each student assessed by each school district under the benchmark adaptive assessment administered under W.S. 21-3-110(a)(xxiv)(B), with appropriate linkages to teachers, schools and districts, reported in formats and schedules established by rule and regulation of the state board;

(xxi) Establish and maintain a uniform statewide reporting system based upon requirements of the statewide education accountability system established under W.S. 21-2-204 and the statewide student assessment implemented by the state board under W.S. 21-2-304(a)(v);

**21-2-203. School district data collection and funding model administration; duties and responsibilities specified; data advisory committee; school district compliance.**

(c) The duties of the department are, in accordance with rules promulgated by the state superintendent, to:

(ii) Collect data from school districts necessary for the department to administer the school finance system and the statewide education accountability system established under W.S. 21-2-204. In accomplishing this, the department shall:

(A) Coordinate its work with all other functions of the department so as to consolidate data reporting requirements for school districts and eliminate duplication in reporting to the greatest extent possible, including reporting of assessment results required for determinations under W.S. 21-2-204;

(C) Use existing data to establish longitudinal data systems linking student achievement with teachers of record and relevant school principals, as necessary for the statewide education accountability system.

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(ii) Through the evaluation and accreditation of school districts, implement and enforce the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 in the public schools of this state, including any educational institution receiving any state funds except for the University of Wyoming and Wyoming community colleges, and implement and enforce the statewide education accountability system pursuant to W.S. 21-2-204. The board shall ensure that educational programs offered by public schools in accordance with these standards provide students an opportunity to acquire sufficient knowledge and skills, at a minimum, to enter the University of Wyoming and Wyoming community colleges, to prepare students for the job market or postsecondary vocational and technical training and to achieve the general purposes of education that equips students for their role as a citizen and participant in the political system and to have the opportunity to compete both intellectually and economically in society. In addition, the board shall require school district adherence to the statewide education accountability system;

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for core indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(B) Be administered at appropriate levels at specified grades and at appropriate intervals aligned to the standards, specifically assessing student performance in reading, ~~writing~~ and mathematics at grades four (4), eight (8) and eleven (11), and effective school year 2005-2006, and each school year thereafter, assessing student performance in reading; ~~writing~~ and mathematics at grades three (3) through eight (8) and at grade eleven (11). In addition and commencing school year 2007-2008 and each school year thereafter, the statewide assessment system shall



assess student performance in science not less than once within each grade band for grades three (3) through five (5), grades six (6) through eight (8) and grades ten (10) through twelve (12). The structure and design of the assessment system shall allow for the comprehensive measurement of student performance through assessments that are administered each school year simultaneously on a statewide basis; ~~and through assessments administered periodically over the course of the school year which are designed to provide a more comprehensive and in-depth measurement of subject areas aligned to the state content and performance standards. The assessment system may also measure the other common core of knowledge and skills established under W.S. 21-9-101(b) which can be quantified;~~

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section, link student performance and progress to teachers of record and compare and evaluate student achievement during the process of student advancement through grade levels. The assessment system shall ensure the integrity of student performance measurements used at each grade level to enable valid year-to-year comparisons and shall be sufficient to capture necessary data to enable application of measures of core indicators as required under W.S. 21-2-204;

(E) Include multiple measures and item types including grade appropriate multiple choice ~~and open-ended testing such as constructed-response, extended-response and performance-based tasks,~~ to ensure alignment to the statewide student content and performance standards;

(H) Provide a measure of accountability to enhance ~~teaching and learning~~ in Wyoming and in combination with other measures and information, assist school districts in determining individual student progress as well as school level achievement targets. In addition to reporting requirements imposed under W.S. 21-2-204, the assessment results shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner, ~~and Assessment results~~ shall be used in conjunction with a school district's annual assessment to design educational strategies for improvement and enhancement of student performance. ~~This design for improvement shall be part of each district's school improvement plan required under W.S. 21-2-204. Assessment results shall also be used to guide actions by the state board and the department in providing and directing intervention and technical assistance to districts in developing school turn-around plans in response to student performance target indicators measured and established under W.S. 21-2-204.~~ In consultation and coordination with school districts, the board shall subject to W.S. 21-2-204, review and evaluate the assessment system regularly and based upon uniform statewide reports, ~~from each district,~~ annually report to the legislature ~~on student performance at specified grade levels and on school improvement plans as required under W.S. 21-2-204.~~

(vi) ~~Effective school year 2005-2006 and each school year thereafter Subject to and in accordance with W.S. 21-2-204,~~ through the state superintendent and in consultation and coordination with local school districts, by rule and regulation ~~establish~~ implement a statewide

accountability system, ~~providing~~ In addition and for purposes of complying with requirements under the federal No Child Left Behind Act of 2001, the board shall by rule and regulation provide for annual accountability determinations based upon adequate yearly progress measures imposed by federal law for all schools and school districts imposing a range of educational consequences resulting from accountability determinations, whereby:

(vii) Effective school year 2012-2013, through benchmark adaptive assessments administered by school districts as a component of the district assessment system under W.S. 21-3-110(a)(xxiv), establish statewide standards for the assessment of student growth in mathematics and reading for all students in grades kindergarten through grade eight (8), to be separate from but correlated with the statewide assessment and accountability system established under paragraphs (a)(v) and (vi) of this section. The standards shall include:

(A) A benchmark testing system administered uniformly statewide by school districts, covering curriculum standards established by board rule and regulation, to be administered subject to board prescribed procedures;

(B) Prescribed growth by subject area and by grade level;

(C) Processes and procedures for aligning benchmark assessment results with assessment results obtained under the statewide assessment administered under paragraph (a)(v) of this section, using school year 2011-2012 as the initial year for basing growth measurements;

(D) Use of assessment results to design educational strategies for improvement and enhancement of student performance through district school improvement plans assembled in accordance with subparagraph (a)(v)(H) of this section.

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(ii) Enforce the uniform state educational program standards imposed by W.S. 21-9-101 and 21-9-102 and the uniform student content and performance standards established by rules and regulations adopted under subsection (a) of this section, together with student performance indicators established and measured pursuant to W.S. 21-2-204, by taking appropriate administrative action with the state superintendent, including but not limited to the changing of accreditation status;

(xiv) Based upon student performance levels determined under W.S. 21-2-204, establish improvement goals for public schools for assessment of student progress based upon the national assessment of educational progress testing program and the statewide assessment system established under paragraph (a)(v) of this section;

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xxiv) Establish a student assessment system to measure student performance relative to the uniform student content and performance standards in all content areas for which the state board has promulgated standards pursuant to W.S. 21-2-304(a)(iii). ~~To the extent required by the state board under W.S. 21-2-304(a)(v) and (vi) W.S. 21-2-204 and 21-2-304(a)(vii), the district assessment system shall be integrated with the statewide assessment system and the statewide accountability system. A component~~ Components of the district assessment system required by this paragraph shall include the following:

(A) Until school year 2012-2013 and to the extent not covered under subparagraph (B) of this paragraph, a body of evidence assessment system designed and used to determine the various levels of student performance as described in the uniform student content and performance standards relative to the common core of knowledge and skills prescribed under W.S. 21-9-101(b); and

(B) In accordance with W.S. 21-2-304(a)(vii), a standardized benchmark assessment designed to measure student progress during the school year using a statewide adaptive standard of assessment set by the state board of education, administered not less than two (2) times during each school year in accordance with prescribed time periods and procedures established by the state board. Assessment scores shall be reported to the department of education at times and in a manner prescribed by state board rule and regulation, and shall include appropriate linkages to teachers and schools within the district.

(xxx) In addition to paragraphs (xvii), (xviii) and (xix), require the performance of each school principal to be evaluated by the district superintendent in accordance with the statewide education accountability system established under W.S. 21-2-204. In accordance with rules and regulations of the state board, the district board shall also provide the state board written reports verifying principal performance and providing performance scores necessary for continued employment.

**Section 3.** W.S. 21-2-304(a)(vi)(A) through (E) is repealed.

**Section 4.**

(a) It is the intent of the legislature that this act ensure that Wyoming monitors and attains the highest achievement for children attending Wyoming public schools. This act requires a flow of data from the school level up to the state level and back down to the school level, which considers use of the components of the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) and as contained in Attachment "A" as defined under W.S. 21-13-101(a)(xvii). Measurement of the quality of Wyoming student performance is key to this structure. Core indicators of student

performance for phase one (1) of this accountability system are prescribed by this act. Measurement of those indicators, improvement goals for those indicators, as well as rewards for attaining and consequences for failing to attain those goals, as provided by this act, shall be reviewed and studied by the select committee on statewide education accountability created by this section. The select committee shall also study expansion of the statewide accountability system into the second phase identified by this section. In the manner prescribed by this section, the select committee shall report its recommendations back to the legislature for adoption into law and implementation by the Wyoming state board of education and the department of education.

(b) There is created a select committee on statewide education accountability for purposes of carrying out the study prescribed by this section. The select committee shall provide recommendations to the legislature in accordance with subsection (j) of this section. The select committee shall consist of the following members:

(i) Five (5) members of the Wyoming senate appointed by the president of the senate, with one (1) to be the chairman of the senate education committee and at least one (1) from the minority party; and

(ii) Five (5) members of the Wyoming house of representatives appointed by the speaker of the house, with one (1) to be the chairman of the house education committee and at least one (1) from the minority party.

(c) The chairman of the senate education committee and the chairman of the house education committee shall serve as cochairmen of the select committee on statewide education accountability. Appointments shall be made under subsection (b) of this section not later than March 31, 2011. Members shall serve on the select committee through the 2012 budget session. Select committee members shall receive compensation, per diem and travel expense reimbursement in the manner and amount prescribed under W.S. 28-5-101.

(d) The select committee on statewide education accountability shall be assisted by an advisory committee to provide information to the select committee as it deems necessary to carry out this section. The advisory committee shall consist of the following members:

(i) One (1) member who is a superintendent of a large Wyoming school district and one (1) member who is a superintendent of a small Wyoming school district, appointed by the Wyoming association of school administrators;

(ii) Two (2) members who are school principals from a Wyoming school district, one (1) of which is a secondary school principal appointed

by the Wyoming association of secondary school principals and one (1), an elementary school principal appointed by the Wyoming association of elementary and middle school principals;

(iii) One (1) member who is a Wyoming school district assessment director appointed by the governor;

(iv) Two (2) members who are Wyoming public school teachers, one (1) from an elementary school and one (1) from a secondary school, both appointed by the Wyoming state board of education;

(v) One (1) member who is serving as a trustee on a Wyoming school district board of trustees appointed by the Wyoming school boards association;

(vi) One (1) member serving on the Wyoming state board of education elected by the board as representative;

(vii) A representative of the department of education designated by the state superintendent of public instruction;

(viii) A representative of the governor's office designated by the governor;

(ix) A representative of the Wyoming business community appointed by the governor.

(e) Appointments to the advisory committee pursuant to subsection (d) of this section shall be made by not later than May 1, 2011. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed to the advisory committee which is not an employee of a governmental subdivision or a member of a political subdivision board or commission shall receive per diem and travel expenses in the manner and amount provided state employees under W.S. 9-3-103. Reimbursement shall be made from amounts appropriated under subsection 5(b) of this act.

(f) The select committee shall review phase one (1) of the statewide education accountability system established under W.S. 21-2-204, as created under section 1 of this act, as follows:

(i) Ensure the appropriateness and rigor of the performance levels attached to each core indicator;

(ii) Review necessary modifications to the statewide student assessment implemented by the state board of education under W.S. 21-2-304(a)(v), subject to reporting from the state superintendent required under section 5(b) of this act. In addition, review of the statewide summative

assessment shall be combined with the review of the statewide benchmark adaptive assessment required under this act and reported under section 5(a) of this act. A component of this review shall also consider the use of end-of-course student assessments as a component of both the statewide summative assessment as developed by the state board under section 5(b) of this section, as well as an alternative or component of an alternative to the body of evidence assessment system implemented at the school district level in accordance with section 5(c) of this section. The select committee shall also review supplementation of the state summative and benchmark adaptive assessment by student assessments administered at the local school district level pursuant to W.S. 21-3-110(a)(xxiv) if the recommended local assessment is reliable and valid across all students, schools and school districts statewide, and if the supplemental information allows for a more robust, reliable and valid measure of student achievement;

(iii) Review and improve the reporting scale for measured achievement to ensure each core indicator has a stable, reliable measure which reduces variability caused by small numbers of student populations within any school, grade or district;

(iv) Prescribe procedures for computing assessment scores to ensure reasonably fair and equitable application of accountability system components to identified groups of students for which an achievement gap may occur;

(v) Review methodology for computation of annual change in student performance, as compared to established target levels, to indicate periodic growth or decline in student performance profiled at the school level, leading to a progressive process by which each school, as determined by its overall accountability score, is measured against statewide target levels.

(g) The select committee shall also initiate the second phase of the statewide education accountability system, which shall be predicated upon instructional practice and the development of data necessary to establish measures of teaching practice and the effectiveness of classroom teachers, school principals and district administrators in improving student achievement. The select committee shall establish components of effective teaching and administration, shall structure a statewide system for measuring teacher and administrator effectiveness and shall apply measured performance to performance evaluation consequences and incentives. This system shall be based upon a statewide longitudinal data system established by the department linking student assessment results to teachers of record, enabling computation of the effect on student achievement of school and classroom instruction, targeted student interventions and other educational variables such as class size. As a possible component of the second phase of the statewide accountability system, the select committee shall review merit pay methodologies related to teacher performance measures, including merit-based salary schedules,

bonuses, incentive pay and differential staffing practices. Based upon this review, the select committee shall forward any recommendation for a merit or performance-based pay methodology or system component within its report submitted under subsection (j) of this section.

(h) In addition to subsections (f) and (g), the select committee shall include a component within the statewide accountability system which provides recommendations on student and parental accountability providing incentives and sanctions promoting increased student achievement.

(j) The select committee shall assemble recommendations developed under subsections (f), (g) and (h) of this section, including time schedules prescribing implementation for each system component, together with any associated legislation, for submission to the legislature in sufficient time for consideration in the 2012 budget session. The select committee may introduce legislation as other committees of the legislature.

(k) The select committee shall develop, with the advice of the advisory committee, procedures for identifying and assisting under-performing schools, time schedules within which under-performing schools should reasonably be expected to achieve improvement targets and consequences to districts which fail to meet school improvement targets.

(m) The select committee shall conduct a review of existing provisions within state law for the purpose of determining necessary statutory revisions which establish incentives fostering improved student performance including but not limited to school attendance, decreased student drop-out rates, reduced remediation for entering post-secondary pursuits, and other such factors favorably impacting student performance.

(n) The legislative service office shall staff the select committee. The department of education and other state agencies shall provide information and other assistance to the select committee as requested in order to fulfill duties prescribed by this section. The legislative service office may retain consultants as necessary to staff and advise the select committee in executing responsibilities prescribed by this section. The management council may expend funds appropriated by the legislature for approved contractual agreements between the council and professional consultants on behalf of the select committee.

## **Section 5.**

(a) The state board of education, through the state superintendent and the department of education, shall pilot a statewide benchmark adaptive assessment during school year 2011-2012 in accordance with requirements prescribed under W.S. 21-2-304(a)(vii) and W.S. 21-3-110(xxix). Assessment results from the pilot administration under this subsection shall be used to establish student achievement level alignment with the statewide summative assessment and student performance target levels for

implementation in the 2012-2013 school year. Reports on progress under this section shall be provided by the state board to the select committee on education accountability created under section 4 of this act during benchmark adaptive assessment development and implementation. A final report shall be provided to the select committee on or before December 1, 2011. The select committee shall provide necessary enabling legislation for assessment implementation in school year 2012-2013.

(b) The state board, through the state superintendent and the department, shall commence development of a statewide multiple choice, standardized summative assessment meeting the minimum requirements of 20 U.S.C. 6311 and providing assessment results to teachers and schools within the school year of assessment. At least thirty (30) days prior to issuing a request for proposal (RFP) to commence development and implementation of a statewide summative assessment in conformance with this subsection, the state superintendent shall submit the proposed RFP to the select committee for review. Progress under this subsection including the separate writing assessment, shall be reported to the select committee during the course of the study required under section 4 of this act. In addition and as a component of the statewide summative assessment, the state board shall through the state superintendent and the department, develop an authentic statewide assessment of student writing skills which is:

(i) Limited to one (1) writing prompt in school year 2011-2012, the initial year of implementation statewide as a pilot assessment;

(ii) Based upon research and encourages rigor in the classroom;

(iii) Developed outside of and not as a part of the requirements under 20 U.S.C. 6311;

(iv) Administered separate and at different times from the statewide summative assessment in other subject areas;

(v) Fully implemented in the 2012-2013 school year and each year thereafter.

(c) The state board, through the department of education, shall review the body of evidence component of school district student assessments required by law and provide an alternative to this component that provides a district level of assessment enabling consistent, comparable and aligned measures, with multiple opportunities for students to demonstrate proficiency and establishing accountability at the student, teacher, school and district level. The goal of this review is to replace the current body of evidence system with an alternative system by school year 2012-2013. Progress under this subsection shall be reported to the select committee during its study of statewide education accountability under section 4 of this act.



(d) For the period commencing upon the effective date of this section, and ending June 30, 2012, up to two hundred sixty-five thousand dollars (\$265,000.00) is appropriated from the school foundation program account to the department of education to carry out subsection (a) of this section. This appropriation shall not be included in the department's 2013-2014 standard biennial budget request.

**Section 6.** The select committee on statewide education accountability created under section 4 of this act shall develop recommendations addressing training needs of school district boards of trustees, to be included in select committee recommendations submitted to the legislature under subsection 4(j) of this section.

**Section 7.**

(a) For the period commencing upon the effective date of this act and ending June 30, 2012, unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii), shall be available for expenditure by the legislative service office for professional consulting expertise and other support necessary to carry out and execute the work of the select committee on statewide education accountability as required under this act. Professional consulting expertise may be retained by the legislative service office only upon approval of the management council, and the unexpended, unobligated amounts may be expended for contractual agreements between the council and professional consultants.

(b) For the period beginning upon the effective date of this act and ending June 30, 2012, seventy-five thousand dollars (\$75,000.00) is available from the unexpended, unobligated amounts appropriated to the legislative service office under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(ii) for necessary expenses of the select committee on statewide education accountability established under this act, as necessary to carry out this act.

**Section 8.**

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

(b) Notwithstanding subsection (a) of this section, W.S. 21-2-304(a)(v)(B) and (E), as amended by section 2 of this act, is effective July 1, 2012.

Approved March 10, 2011.

**Chapter 185****SCHOOL FINANCE RECALIBRATION**

Original House Bill No. 127

AN ACT relating to school finance; implementing 2010 recalibration modifications to the Wyoming education resource block grant model; eliminating superfluous and fully executed provisions; modifying the early reading program; clarifying reimbursable expenditures; modifying foundation account payment and recapture schedules and advance payments as specified; imposing specified student-teacher ratios; prohibiting specified district expenditures; modifying foundation account payment and recapture schedules and advance payments as specified; establishing a monitoring process for model cost-based resourcing; imposing reporting requirements; establishing repository for certified staff data and initiating process for data maintenance and usage; providing an appropriation; authorizing positions; and providing for effective dates.

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

**Section 1.** W.S. 9-1-513(b)(ix), 21-2-202(a)(xxvi), (xxix), by creating a new paragraph (xxxii) and (e), 21-2-203(c)(viii) and by creating a new paragraph (ix), 21-2-802 by creating a new subsection (m), 21-3-110(a)(xxiii) and (xxviii), 21-3-401, 21-13-101(a)(xiv), (xvii) and (c), 21-13-102(b), 21-13-307(a) by creating a new paragraph (iv), 21-13-309(m)(iv)(B), (C), (v)(intro), (C), (D)(intro), (G)(II)(intro), (o) and by creating a new subsection (u), 21-13-311 by creating a new subsection (d), 21-13-313(c) and (g), 21-13-320(f), 21-13-321(d) and 21-13-335(d)(intro), (iv) and (e) are 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~~career-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.

**21-2-202. Duties of the state superintendent.**

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxvi) Establish criteria and guidelines for the identification of ~~vocational~~career-vocational education courses by districts, for the computation of full-time equivalent (FTE) students participating in ~~vocational~~career-vocational education courses and for the determination of full-time equivalent (FTE) ~~vocational~~career-vocational education teachers, and

provide for the annual collection of information necessary to implement and administer W.S. 21-13-309(m)(v)(D);

(xxix) By rule and regulation, provide for the reporting of district ~~vocational~~-career-vocational education expenditures;

(xxxii) In consultation with the office of the chief information officer and through a single repository, establish criteria and guidelines for the collection, storage, management and reporting of data related to teacher certification and the administration of the school finance system.

(e) In addition to paragraph (a)(i) of this section, the state superintendent shall promulgate rules and regulations governing the administration of the Wyoming education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-309, and governing the operation of the model in determining school district foundation program payments in accordance with chapter 13, article 3 of this title and other applicable law. The block grant model, as defined under W.S. 21-13-101(a)(xiv) and as maintained under this subsection, shall be made available for public inspection by the state superintendent in electronic format. Copies of the block grant model spreadsheets as administered under department rule and regulation shall be provided to school districts by the state superintendent for district use in district budgeting and in complying with mandatory financial reporting requirements imposed under W.S. 21-13-307(b) and by other provisions of law. To maintain the integrity of the block grant model, copies of the model and model spreadsheets made available under this subsection for public inspection and school district use shall be by protected version only, prohibiting the editing of model components, model data and model formulas. Following adoption of any recalibration of or modification to the block grant model by the Wyoming legislature, and prior to computing the foundation program amount for each school district under W.S. 21-13-309(p) and determining the amount to be distributed to a district under W.S. 21-13-311 or recaptured from a district subject to W.S. 21-13-102(b), the state superintendent shall certify to the legislature that the block grant model as enacted by the legislature is properly incorporated into the administration of the model for the appropriate school year of model application and is made available for public inspection. Technical corrections to model spreadsheets necessary for model administration between any session of the legislature shall be implemented by the state superintendent, shall be in accordance with procedures specified by rule and regulation filed with the secretary of state, ~~and~~ shall be reported to the legislature together with the associated fiscal and technical impact of the correction, and shall be incorporated into the electronic version of the model available for public inspection. As used in this subsection, "technical corrections to model spreadsheets" means corrections necessary to ensure model operation and current school year district payments are in accordance with law and the model is properly computing school foundation program payments to school districts as required by law. Notwithstanding W.S. 16-3-114(c), no judicial review of rules promulgated and adopted under this subsection shall hold unlawful or set aside action of the state superintendent in promulgating or adopting rules unless the rules are by clear and convincing evidence, shown to exceed statutory authority.

**21-2-203. School district data collection and funding model administration; duties and responsibilities specified; data advisory committee; school district compliance.**

(c) The duties of the department are, in accordance with rules promulgated by the state superintendent, to:

(viii) Assist the state superintendent in implementing W.S. 21-13-309(m)(v)(D) and assist districts with computations necessary for reporting student ~~vocational-career-vocational~~ education participation and ~~vocational-career-vocational~~ education instruction information;:

(ix) Pursuant to W.S. 21-2-202(e), make the education resource block grant model available for public inspection.

**21-2-802. Powers and duties; teacher certification; suspension and revocation; certification fees; disposition of collected fees; required data submissions to department of education.**

(m) In accordance with criteria and guidelines established by the state superintendent of public instruction, the board shall submit data elements collected from school administrators, teachers and other school district personnel certified under this article to the department of education for housing in the department's data base repository.

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xxiii) Implement and administer the reading screening program for students in ~~grades one (1) and two (2)~~ kindergarten through grade three (3) as required by W.S. 21-3-401;

(xxviii) Annually report to the state superintendent on district expenditures for ~~vocational-career-vocational~~ education programs, broken down by school, and submitted in a manner and form required by rule and regulation of the state superintendent;

**21-3-401. Reading assessment and intervention.**

(a) Each school district shall design and implement a reading screening program that measures student reading progress in ~~grades one (1) and two (2)~~ kindergarten through grade three (3). The screening program shall be designed by each school district include a reading assessment plan using screening instruments approved by the department of education, which is administered to all students in kindergarten through grade three (3), with standardized measures providing statewide longitudinal data and providing the capability for monitoring and measuring reading progress. The program shall also include a plan for implementation of research based

core curricula aligned to the statewide educational program standards and shall specifically screen for student performance in reading at grades one (1) and two (2) evidenced based interventions to meet the needs of all students.

~~(b) Students not screening successfully shall be assessed to identify the specific reading problem and determine its nature. Students not showing appropriate reading competence under this section shall be placed on an individualized reading plan to remedy the reading related difficulty utilizing an appropriate research-evidence based intervention program, which may include a group reading plan. For students under an individualized education program (IEP) which addresses reading difficulties, the IEP shall be deemed sufficient to meet the requirements of this subsection and no additional plan shall be required.~~

~~(c) For school year 2002-2003 and each school year thereafter, Each district shall annually report to the department of education on the progress of each of its schools toward reaching the goal of eighty-five percent (85%) of identified all students being reading proficient at grade level upon completion of the third grade. The report shall include longitudinal data on all students in grades one (1) through four (4) identified for intervention. If the goal is not reached, the district shall report the reason the goal was not reached and the steps being taken by the district to solve the problem kindergarten through grade three (3), and shall include the percentage of students meeting or exceeding proficiency levels for the reporting period. Each school not meeting the eighty-five percent (85%) goal specified under this subsection shall submit an improvement plan to the department. At a minimum, the improvement plan shall outline the district's general strategy for increasing reading proficiency for the next school year and shall specifically address the student-teacher ratio, the use of certified tutors and the use of instructional facilitators in kindergarten through grade three (3) in all schools within the district.~~

### **21-13-101. Definitions.**

(a) As used in this chapter:

(xiv) "Education resource block grant model" means the block grant model for Wyoming school finance contained within the enumeration of model components summarizing and executing recommendations within the ~~2005-2010~~ cost of education study as referenced in paragraph (xvii) of this subsection and model spreadsheets provided by the consultant performing the ~~2005-2010~~ cost of education study, referenced in paragraph (xviii) of this subsection, all of which are enacted into law, on file with the secretary of state and are on file with maintained and made available for public inspection by the secretary of state state superintendent under W.S. 21-2-202(e), and as may be subsequently modified by the legislature prior to future model recalibration required under W.S. 21-13-309(t);

(xvii) "Attachment A" to ~~2006 House Bill 0139~~ 2011 House Bill 0127 consists of an enumeration of model components as enacted into law,

summarizing and executing recommendations contained within the 2005 2010 cost of education study, as modified by the legislature, and is hereby incorporated into this chapter by this reference;

~~(c) The secretary of state shall maintain and make available for public inspection in a hardcopy or electronic format, as applicable, or both, during regular business hours. The education resource block grant model as defined under paragraph (a)(xiv) of this section and as included in "Attachment A" referenced in paragraph (a)(xvii) of this section, and "Attachment B" referenced in paragraph (a)(xviii) of this section, as each are enacted into law, and including any technical correction which may be implemented by rule and regulation of the state superintendent and under W.S. 21-2-202(e), shall be filed with the secretary of state, pursuant to W.S. 21-2-202(e).~~

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

~~(b) Except as otherwise provided by law, on January 15, March 15 and May 15 of For each school year; in equal payments of twenty-five percent (25%) and the balance to be paid on June 15, each school district shall rebate to the department of education the amount by which the revenue~~

~~(i) A school district whose revenues from the sources provided by W.S. 21-13-310 exceeds exceed the foundation program costs determined under W.S. 21-13-309 by more than three hundred percent (300%), as estimated to the districts on or before August 15 and as subsequently certified to the districts on or before March 1 of the current fiscal year under subsection (e) of this section, to shall rebate fifty percent (50%) of the excess revenues to the department of education by January 15 of the applicable school year. The balance of the excess revenues shall be rebated to the department on or before June 15 of that school year;~~

~~(ii) A school district whose revenues specified under W.S. 21-13-310 for any school year exceed the foundation program costs determined under W.S. 21-13-309 by three hundred percent (300%) or less, as estimated and certified under subsection (e) of this section, shall rebate forty percent (40%) of the excess revenues to the department by January 15 of the applicable school year. The balance of the excess revenues shall be rebated to the department on or before June 15 of the applicable school year;~~

~~(iii) Amounts rebated under paragraphs (i) and (ii) of this subsection shall be credited to the public school foundation program account defined in W.S. 21-13-101(a)(ix).~~

**21-13-307. Eligibility to share in distribution of money from foundation account; mandatory financial reporting.**

(a) Each district which meets the following requirements is eligible to share in the distribution of funds from the foundation account:

(iv) The district shall provide evidence to the state superintendent

that the district has maintained an average student-teacher ratio of not greater than sixteen (16) to one (1) for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding school year. The requirement of this paragraph may be waived by the department of education for any district that demonstrates insufficient school facility capacity, positive school performance, positive student achievement or for other reasons related to the delivery of the education program to students. This paragraph shall not apply to charter schools established under W.S. 21-3-301 through 21-3-314. The department shall compute the student-teacher ratio and report it to each district not later than March 1 of each year. To obtain a waiver under this paragraph, a school district shall apply to the department not later than March 15 of each year. The application shall be based on the student-teacher ratio reported by the department of education, together with any other information required by the department. The department shall approve or deny an application for a waiver under this paragraph not later than April 10 of that year. A waiver approved under this paragraph shall be effective for the school year immediately following the application and approval.

**21-13-309. Determination of amount to be included in foundation program for each district.**

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(iv) Based upon reports from each district on schools operating within that district for the current school year and on grade configurations contained within each reported school during that school year, compute the average daily membership (ADM) for each reported school and each grade within each reported school in accordance with identified grade configurations subject to the following:

(B) For each school year, ~~2006-2007~~, the configuration of grades for each school shall be based upon the ADM reported for each grade in which students were enrolled for the ~~2005-2006~~ immediately preceding school year;

(C) ~~After the 2006-2007 school year, and~~ Excluding charter schools established under W.S. 21-3-301 through 21-3-314, any modification to the configuration of grades in which students are enrolled during any school year such that the configuration differs from that in which students were enrolled during the ~~2005-2006~~ immediately preceding school year shall be documented by the district within reports submitted under this subsection and shall require approval by the state superintendent. Approval by the state superintendent under this subparagraph shall be based upon appropriate delivery of the required educational program, the cost effectiveness of the modified grade configuration for the delivery of adequate educational services to students and any extraordinary circumstances related to the safe and efficient delivery of the education program to students. This subparagraph relates only to the configuration of schools for application

to the education resource block grant model and not to the authority of a district to configure grade levels at each of its schools.

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. ~~21-13-103(a)(xiv)~~ 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii), ~~and (xviii)~~ and on file with the secretary of state and maintained by the state superintendent pursuant to W.S. ~~21-13-101(c) 21-2-202(e)~~. The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

(C) Salaries for all school and district level staffing categories, including teachers, principals and assistant principals, central office administrators, secretarial and clerical staff, operations and maintenance staff and aides and media technicians, shall be based upon average statewide salary levels calibrated for school year 2005-2006 for each staffing category, adjusted under subsection (o) of this section, including the experience, education and responsibility level as appropriate and as computed for each staffing category. The statewide average for each staffing category shall be adjusted for each district based upon the district experience, education and responsibility level relative to the statewide average for that category. District experience, education and responsibility level by appropriate staffing category shall be updated each year such that district adjustments reflect the prior school year staffing information. The district adjusted average salary for each staffing category shall be further adjusted for regional cost differences as measured by the greater of the hedonic wage index or the Wyoming cost-of-living index computed by the division of economic analysis, department of administration and information, with a minimum of one hundred (100) index value, as prescribed by the education resource block grant model. For purposes of the education resource block grant model, the version of the Wyoming cost-of-living index used by the division shall be based upon the unrecalibrated housing cost index weights unless otherwise determined by the legislature based upon recommendation of the joint education interim committee. In addition, the version of the Wyoming cost-of-living index applied under this subparagraph for any school year shall be the average of the six (6) consecutive semi-annual index reports completed by January 1 of the immediately preceding school year;

(D) ~~Vocational-Career-vocational~~ education computations within the education resource block grant model shall be based upon:

(G) Amounts within the block grant model for maintenance and operations shall be based upon actual gross square footage of school buildings and facilities subject to the following:

(II) Actual gross square footage of education space shall be the gross square footage prescribed by statewide building adequacy standards promulgated pursuant to W.S. 21-15-115. Education space capacity in



excess of ~~the following specified maximum percentages of one hundred fifteen percent (115%)~~ of the standard space level shall not be included in actual gross square footage computations under this subdivision.:

(o) To the extent specifically provided within the school foundation program budget as enacted by the legislature, and between periods of model recalibration required under subsection (t) of this section, the amount computed for each district under subsection (m) of this section shall be adjusted to provide for the effects of inflation, excluding those amounts specified under subparagraphs (m)(v)(E) and (F) of this section, shall be adjusted to provide for the effects of inflation and the assessment component contained in paragraph (b)(xxviii) of "Attachment A" as referenced in W.S. 21-13-101(a)(xvii). The adjustment under this subsection shall not be applied until the expiration of the school year immediately following the first school year of application of the recalibrated model, and shall be adjusted on a cumulative basis each school year thereafter and until the first school year of application of a subsequent model recalibration. Following analysis of information reported under subsection (u) of this section, the joint appropriations committee shall submit a recommendation to the legislature and the governor not later than November 1 of each applicable year on an external cost adjustment for purposes of this subsection.

(u) To ensure model components specified under the education resource block grant model defined under W.S. 21-13-101(a)(xiv), as enumerated and enacted by the legislature and included in "Attachment A" referenced in W.S. 21-13-101(a)(xvii), remain resourced at cost-based levels between periods of model recalibration required under subsection (t) of this section, and prior to adjustment for the effects of inflation for any school year under subsection (o) of this section, the joint education interim committee shall annually receive and review reports in accordance with this subsection and report to the joint appropriations interim committee as required by this subsection. The legislative service office shall assemble information necessary to develop a model monitoring process and other reports for the committee using data maintained by the department of education and other state agencies. For this purpose, the department shall annually update and compile information, in a format contained within reports provided during 2010 model recalibration, reported at the model component level, on school district allocation of model resources, as well as other information provided for purposes of developing and completing the 2010 cost of education studies. Each year excluding the first school year of application of any model recalibration performed under subsection (t) of this section, the information and analysis assembled by the legislative service office under this subsection shall be reported to the joint education interim committee in sufficient time to allow committee review of and deliberation on the report and the submission of recommendations to the joint appropriations interim committee by October 15 of the applicable school year. Report recommendations shall be used by the joint appropriations interim committee in its determination of legislative recommendation on model adjustment under subsection (o) of this section.

**21-13-311. Determination of amount to be distributed to each district from foundation account; undistributed balance;**

**prohibition on expenditures.**

(d) Effective school year 2011-2012 and each school year thereafter, no foundation program funds distributed under subsection (a) of this section shall be expended by any district for conducting random drug testing of students within the district without prior approval of the student's parents.

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

(c) ~~One-third (1/3)~~ Fifteen percent (15%) of each district's entitlement shall be paid to the district on ~~or before~~ August 15 of each year: ~~and subject to any adjustment under subsections (d) and (e) of this section, ten percent (10%) of each district's entitlement shall be paid on or about the fifteenth day of October and February, each month through April of each year. The final payment for the balance of the entitlements each district's entitlement shall be distributed in equal payments on or before May 15 of each year.~~ If, after March 1 and before April 1, the state superintendent determines that the entitlement to be paid to a district for that school year is not accurate, the state superintendent shall ~~make additional adjust~~ payments to or ~~require~~ payments from that district as necessary to correct the inaccuracy as soon as practicable. Except as provided under W.S. 21-2-202(e), after March 31 of any school year, the state superintendent shall not adjust any district's entitlement or fiscal information used to compute a district's entitlement for that school year, and the entitlement or fiscal information shall only be adjusted thereafter in accordance with audit review pursuant to W.S. 9-1-513.

(g) In addition to subsections (b) and (c) of this section, the state superintendent shall, for any district subject to W.S. 21-13-102(b) as determined by the department for any school year, ~~or for any district not subject to W.S. 21-13-102(b) whose entitlement amount determined under W.S. 21-13-311(a) for any school year is equal to or less than twenty percent (20%) of the foundation program amount computed under W.S. 21-13-309(p), and upon demonstration by the district of financial need as documented by cash flow analysis,~~ provide payments from the school foundation program account in an amount ~~equal not to one-third (1/3) exceed one-fifth (1/5)~~ of the foundation program amount computed for that district for that school year in accordance with W.S. 21-13-309. The computed amount shall be paid to each eligible district on ~~August 15 or before September 1~~ based upon tentative computations under W.S. 21-13-309, for which the department may use fiscal information available from foundation program computations for the previous school year in the manner provided under subsection (b) of this section. Any district receiving a payment under this subsection ~~shall repay and repaying~~ the foundation program account by ~~June~~ December 15 of that school year ~~shall not be assessed interest. After December 15, the district shall be assessed interest at a rate equal to the rate specified by W.S. 21-13-316(a) until the payment is repaid in full. In no event shall an advance payment under this subsection extend beyond and remain unpaid by any district, including interest, on and after June~~

15 of that school year.

**21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.**

(f) The department of education shall adopt necessary rules and regulations to implement and enforce state standards established under this section and to administer this section. District expenditures computed under subsection (b) of this section shall not include expenditures for employee contributions to the Wyoming retirement system exceeding five and fifty-seven hundredths percent (5.57%) of any member employee's salary. In addition, the department shall, in accordance with procedures prescribed by department rule and regulation, establish a base price for each school bus type or other student transportation vehicle type for the applicable fiscal period that complies with minimum state standards for vehicle specifications and equipment. The department shall also establish a process including competitive bidding which guarantees the acquisition of school buses and other student transportation vehicles approved for reimbursement and complying with state minimum standards and district fleet size restrictions at the established base price for the applicable fiscal year. In addition and for purposes of reimbursement under subsection (g) of this section, the department shall in consultation with the pupil transportation committee, establish a minimum, average and optimal replacement schedule for each school bus type or other student transportation vehicle type. School districts shall notify the department of school bus and other student transportation vehicle needs and requirements for the appropriate fiscal year in the manner and within the times prescribed by department rule and regulation, and shall report expenditures, purchases and lease arrangements for the applicable reporting period, including vehicles replaced by purchases and leases, as required by department rule and regulation. The department shall annually review and conduct audits as necessary of information submitted under this section. As authorized under W.S. 21-13-307(b), the department may correct the information reported by districts under this section as necessary to fairly and accurately reflect the data type, classification and format required to administer this section in accordance with law and department rules and regulations.

**21-13-321. Special education; amount within foundation program formula for special education programs and services; district reporting requirements.**

(d) The department of education shall adopt necessary rules and regulations to implement and administer this section. Districts shall report special education program expenditures for the applicable reporting period as required by department rule and regulation. District expenditures computed under subsection (b) of this section shall not include expenditures for employee contributions to the Wyoming retirement system exceeding five and fifty-seven hundredths percent (5.57%) of any member employee's salary. The department shall annually review and report

to the joint education interim committee regarding services provided to special education students by school districts. The report shall evaluate the extent to which services are being appropriately provided and whether expenditures for services are reasonable in light of charges by providers of similar services in Wyoming. In addition, the department shall when necessary, conduct audits of information submitted by districts under this section and may, in accordance with W.S. 21-13-307(b), correct the information reported by districts as necessary to fairly and accurately reflect the data type, classification and format required to administer this section in accordance with law and department rule and regulation.

**21-13-335. Supplemental financial assistance program for instructional facilitators and instructional coaches.**

(d) Financial assistance under this section shall be based upon prior year school level attendance and configuration reports submitted by each eligible school district pursuant to W.S. 21-13-309(m)(iv). Grant amounts shall be computed by the department for the eligible applicant district as if the education resource block grant model contained the following component for instructional facilitators, funded at an amount equal to sixty percent (60%) for each full-time equivalent position, prorated up and down from the FTE position level specified for each prototype similar to computational operation of other components within the block grant model:

(iv) "FTE" and "ADM" as used in this section shall be as defined in ATTACHMENT "A", ~~to 2006 Wyoming Session Laws, Chapter 37, as~~ referenced in W.S. 21-13-101(a)(xvii).

(e) Financial assistance to each qualifying applicant school district shall be made by the department from amounts appropriated by the legislature to the foundation program account for purposes of the program established by this section and shall be in addition to the foundation program amount computed for that district under W.S. 21-13-309(p). If there is an insufficient amount within the foundation program account from amounts appropriated by the legislature for financial assistance under this section for any school year, the department shall make a pro rata reduction in financial assistance payments among all qualifying districts for that school year. District expenditures of amounts distributed under this section shall be solely for district instructional facilitator and instructional coaching programs in accordance with the program documentation submitted by the district under subsection (b) of this section. The department may withhold a portion or the entire amount to be distributed to any district under this section for noncompliance with program documentation required to be submitted by the applicant district. Any appropriated amounts not expended or encumbered under this subsection as of July 1 of that school year immediately following the school year for which the appropriation applies, shall revert to the foundation program account.

**Section 2.**

(a) 2006 Wyoming Session Laws, Chapter 37, ATTACHMENTS "A" and "B", W.S. 21-13-101(a)(xviii) and 21-13-309(m)(v)(G)(II)(1) and (2) are

repealed.

(b) 2011 Senate File 0001, Section 205, Footnote 4 is repealed.

**Section 3.** On or before November 1, 2011, the legislative service office shall report to the joint education interim committee and the joint appropriations interim committee on the implementation of required reporting mechanisms under W.S. 21-13-309(u), as created under section 1 of this act. This report shall specify cost of system indicators designed to identify possible cost pressures on the Wyoming education resource block grant funding model in categories and model components specified under the 2010 cost of education study. The report shall also prescribe a model monitoring process and methodology such that when triggered, the need for additional in-depth examination of cost integrity is required. Further, the report shall identify necessary data collections for proper analysis of system indicators. The department of education, school districts, the professional teaching standards board and other state agencies shall assist the legislative service office as necessary to carry out this section.

**Section 4.**

(a) For the period commencing upon the effective date of this section and ending June 30, 2012, three hundred fifty thousand dollars (\$350,000.00) is appropriated from the public school foundation program account to the department of education to carry out duties imposed upon the state superintendent under W.S. 21-2-202(a)(xxxii), as amended by section 1 of this act.

(b) In addition to subsection (a) of this section and for purposes of implementing W.S. 21-2-202(a)(xxxii), as amended under section 1 of this act, in multiple phases, the state superintendent is authorized:

(i) For the period commencing on the effective date of this section and ending June 30, 2012, one (1) at-will position to be funded from amounts appropriated to the Wyoming professional teaching standards board from within the special reserve fund account under 2010 Wyoming Session Laws, Chapter 39;

(ii) For the period commencing July 1, 2011, and ending June 30, 2012, and from within existing department funds, the continuation of one (1) of the two (2) at-will positions originally funded under 2010 Wyoming Session Laws, Chapter 39, Section 334(f)(i).

(c) On or before October 1, 2011, the department of education shall report to the joint education interim committee and the joint appropriations interim committee on the expansion of the data repository required under W.S. 21-2-202(a)(xxxii), as amended under section 1 of this act. The report shall include action plans and funding necessary to implement completion of system transition of certificated personnel records from the professional teaching standards board to the department, including implementation of

an on-line certification and certification renewal system and the completion of data migration to the department's data repository.

**Section 5.**

(a) Each school district subject to W.S. 21-13-102(b) for school year 2010-2011, shall on or before July 31, 2011, report the information specified under this section to the department of education. The department shall compile the information and by August 31, 2011, submit the compilation to the legislative service office for distribution to members of the joint education interim committee and the joint appropriations interim committee. Information to be reported by applicable school districts under this section includes the following:

(i) A cash flow analysis, detailing district monthly expenditures and revenues during the reporting period;

(ii) Monthly cash balances for each month during the 2010-2011 school year;

(iii) Amounts borrowed by the district during the reporting period necessary to cover district expenditures;

(iv) Earnings on excess revenues during the reporting period.

**Section 6.**

(a) Except as provided under subsection (b) of this section, this act is effective July 1, 2011.

(b) Notwithstanding subsection (a) of this section, sections 4 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

**ATTACHMENT "A"**

**ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS FOLLOWS:**

(a) For purposes of this attachment:

(i) "ADM" means as defined under W.S. 21-13-101(a)(i) and reflects a per student computation;

(ii) "FTE" means the full time equivalency basis as computed in accordance with guidelines prescribed by rule and regulation of the department of education.

(b) Notwithstanding components specified in the 2010 cost of education

study accepted by the legislature, the Wyoming education resource block grant model components and the resourcing for those components, as enacted by the legislature, shall be as follows:

- |                                  |                                                                                                                                                                                                                               |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) Full-day kindergarten:       | Funded for all elementary schools.                                                                                                                                                                                            |
| (ii) Class size:                 | 16 for grades Kindergarten through 5;<br>21 for grades 6 through 12.                                                                                                                                                          |
| (iii) Core teachers:             | Elementary school ADM divided by 16;<br>Middle school ADM divided by 21;<br>High school ADM divided by 21.                                                                                                                    |
| (iv) Specialist teachers:        | Elementary schools: 20% of core teachers;<br>Middle and high schools: 33% of core teachers.                                                                                                                                   |
| (v) Minimum teachers:            | 6.0 for elementary schools with greater than 49 ADM;<br>8.0 for middle schools with greater than 49 ADM;<br>10.0 for high schools with greater than 49 ADM.                                                                   |
| (vi) Instructional facilitators: | Computed in accordance with W.S. 21-13-335.                                                                                                                                                                                   |
| (vii) Tutors:                    | 1.0 FTE teacher position for every 100 at-risk students with a minimum of 1.0 FTE teacher position for prototypical elementary, middle and high schools, resourced at the highest-grade prototype using the total school ADM. |
| (viii) ELL:                      | 1.0 FTE teacher position for every 100 ELL students.                                                                                                                                                                          |

- (ix) Extended day: Computed in accordance with W.S. 21-13-334.
- (x) Summer school: Computed in accordance with W.S. 21-13-334.
- (xi) Alternative schools: 1.0 assistant principal position plus 1.0 FTE teacher position for every 7 ADM.
- (xii) Substitutes: Additional 5% of ADM generated core, specialist, tutor, instructional facilitator, summer school and extended day teacher positions at \$99.25/day plus 7.65% for benefits.
- (xiii) Supervisory aides: 2.0 for 288 ADM prototypical elementary school;  
2.0 for 315 ADM prototypical middle school;  
5.0 for 630 ADM prototypical high school;  
Resourced at the highest-grade prototype using total school ADM.
- (xiv) Pupil support: 1.0 FTE teacher position for every 100 at-risk students with a minimum of 1.0 FTE teacher position for prototypical elementary, middle and secondary schools resourced at highest-grade prototype using total school ADM;  
  
1.0 FTE guidance counselor position for every 250 secondary ADM.
- (xv) Librarian: 1.0 for each prototypical elementary;  
1.0 for 105 to 630 ADM prototypical middle and high school, prorated



- down below 105 ADM and prorated up for 631 ADM and above, resourced at highest-grade prototype using total school ADM.
- (xvi) Library media tech: 1.0 for each 315 ADM prototypical middle and high school, prorated up and down.
- (xvii) Principal: 1.0 for all schools down to 96 ADM elementary and 105 ADM middle and high, prorated by ADM below these ADM levels.
- (xviii) Assistant principal: Begin phasing in 1.0 assistant principal position for every 288 elementary school ADM beginning at 289 ADM;  
Begin phasing in 1.0 assistant principal position for every 315 middle and high school ADM beginning at 316 ADM;  
Resource at the highest-grade prototype using total school ADM.
- (xix) Secretary: 1.0 for all schools down to 96 ADM elementary and 105 ADM middle and high, prorated by ADM below these ADM levels;  
1.0 for 105 to 315 ADM prototypical middle school, prorated down below 105 ADM and prorated up for 316 ADM and above;  
1.0 for 105 to 630 prototypical high school ADM, prorated down below 105 ADM and prorated up for 631 ADM and above;  
Resource at the highest-grade prototype using total

- school ADM.
- (xx) Clerical: 1.0 for 288 ADM prototypical elementary school;  
1.0 for 315 ADM prototypical middle school;  
2.0 for 315 ADM prototypical high school;  
All FTE positions prorated up and down from prototypical level, resourced at the highest-grade prototype using total school ADM.
- (xxi) Books/Ins. Materials: \$333.43/elementary and middle school ADM;  
\$408.26/high school ADM.
- (xxii) Computers, equipment: \$333.43/ADM.
- (xxiii) Special education: 100% state reimbursement of prior year actual expenditures computed in accordance with W.S. 21-13-321.
- (xxiv) Gifted: \$29.19/ADM.
- (xxv) Vocational education: 0.29 times FTE vocational education ADM;  
\$9,027.27/FTE vocational education teacher for equipment and supplies.
- (xxvi) Student activities: Resource under the following school configurations:  
K-5 elementary school: \$24.05/ADM;  
6-8 middle school: From \$791.02/ADM at 1 ADM school to \$204.38/ADM for 1,260 ADM school;  
9-12 high school: From \$2,039.09/ADM for 1 ADM school to \$601.08/ADM for 1,260 ADM school;

- Alternative school: \$288.98/ADM.
- (xxvii) Professional development: 10 pupil free days as resourced in teacher salary under paragraph (xxxvii) of this subsection; Plus \$116.76/ADM for trainers.
- (xxviii) Assessment: \$37.70/ADM, which amount is not subject to any adjustment made pursuant to W.S. 21-13-309(o).
- (xxix) Central office staff: District ADM 500 and below:  
3 administrative and 3 secretarial;
- District ADM from 500 to 1,000:  
Proration of an additional administrative and secretarial position;  
District ADM at 1,000:  
4 administrative and 4 secretarial;  
adjusted upwards to 3,500 ADM.
- District ADM from 1,000 to 3,500 ADM:  
Proration of additional administrative and secretarial positions;  
District ADM at 3,500:  
8 administrative and 10 secretarial;  
prorated up for districts with ADM greater than 3,500.
- (xxx) Central office nonpersonnel expenses: \$350.28/ADM.
- (xxxi) Transportation: 100% state reimbursement of prior year actual expenditures computed in accordance with W.S.

21-13-320.

- (xxxii) Food services: Assumed to be self supporting program.
- (xxxiii) Maintenance and operations: Based on ADM, gross square footage, number of buildings and classrooms, age of buildings and site acreage for custodians, maintenance workers and groundskeepers, computed in accordance with the 2010 cost of education study. Any building without allowable gross square footage for purposes of major maintenance computations under W.S. 21-15-109 shall use the actual educational gross square footage as approved by the school facilities commission. Groundskeeper FTE computations shall be based upon the lesser of the actual site acreage on which the facility is situated as defined by department rule and regulation, or the school facility guidelines and site acreages established by the school facilities commission under W.S. 21-15-114. Acreages acquired on or prior to July 1, 1997, and acreages acquired after July 1, 1997 through an exchange with another governmental entity if the acreages involved in the exchange were originally acquired by the district and the governmental entity on or prior to July 1, 1997, shall not be subject to groundskeeper FTE computation limitations.

- (xxxiv) M & O supplies: \$0.64 per 110% of gross square feet of authorized education space.
- (xxxv) Utilities: Actual 2009-2010 expenditures by district. For additional school buildings added to district building inventories after 2009-2010, 100% of 2009-2010 district average utility expenditures per gross square foot for district school buildings multiplied by the additional authorized educational square footage.
- (xxxvi) School adjustments: For all schools with 49 or fewer ADM, resource with 1.0 assistant principal position plus 1.0 FTE teacher position for every 7 students for all staff;  
For all schools within a district comprised of less than 243 total K-12 ADM and notwithstanding all other teacher resources, resource each school with a minimum of 1.0 core teacher at every grade with reported ADM, plus 20% of core teachers for elementary specialist teachers and 33% of core teachers for middle and high school specialist teachers;  
For a K-6 school, resource as elementary school;  
For a 5-8 or 6/7-9 school, resource as middle school;  
For a K-7, K-8 or K-9 school, resource K-5 teachers as elementary school and remaining teachers as middle school,

and resource all other staff resources at the highest-grade prototype;  
 For K-12 school, resource K-5 teachers as elementary, 6-8 teachers as middle and 9-12 as high school, and resource all other staff resources at the highest-grade prototype;  
 For 6/7-12 school, resource 6-8 teachers middle school and 9-12 teachers as high school, and resource all other staff resources at the highest-grade prototype.

## (xxxvii) Average Salaries:

Teachers* (includes 10 pupil free days)	\$ 50,662.03
Principals	\$ 83,072.43
Assistant principals	\$ 69,702.30
Superintendents	\$106,892.58
Assistant superintendents	\$ 85,514.06
Business managers	\$ 72,079.04
Aides	\$ 18,445.82
Library media technicians	\$ 43,500.93
Central office secretaries	\$ 34,885.39
School secretaries	\$ 32,409.86
School clerical staff	\$ 24,930.49
Maintenance and operations:	
Maintenance workers/groundskeepers	\$ 35,775.69
Custodians	\$ 29,843.38

\*"Teachers" under this paragraph include core and specialist teachers, instructional facilitators, tutors, ELL teachers, extended day teachers, summer school teachers, pupil support staff, secondary school guidance counselors and librarians.

(xxxviii) Benefits:	21.10% plus health as computed under W.S. 21-13-309(m)(v)(F).
(xxxix) Regional cost adjustment:	As computed under W.S. 21-13-309(m)(v)(C).
(xl) External cost adjustment:	Analysis of appropriate cost indices for professional and nonprofessional labor,

energy and materials.

Approved March 10, 2011.

## Chapter 186

### GUIDES AND OUTFITTERS

Original House Bill No. 88

AN ACT relating to the guides and outfitters and the Wyoming board of outfitters; providing definitions relating to guide and outfitting services; clarifying the board's authority to investigate and issue citations; expanding the board's authority to take disciplinary action against licensees; requiring complainants to cooperate with the board; specifying additional requirements relating to guide and outfitting services; revising penalties; providing for the loss of hunting privileges; and providing for an effective date.

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

**Section 1.** W.S. 23-2-401(b), 23-2-406, 23-2-407(a) and by creating a new subsection (c), 23-2-410(b) and (c)(iii), 23-2-411(a) by creating a new paragraph (vi), 23-2-412(a) by creating a new paragraph (v), 23-2-416(a)(intro) and 23-2-417 are amended to read:

#### **23-2-401. Guides required; exceptions; issuance of resident guide license.**

(b) Any resident possessing a valid resident big or trophy game animal license may apply for and receive a resident guide license. The resident guide license shall be issued without charge or bond by the commission, any district supervisor or resident game warden upon receipt of an affidavit from the resident stating the names and addresses of the nonresident hunters to be guided, the game to be hunted, the area to be hunted, and that the resident has not received nor will accept directly or indirectly any compensation for his services as a guide. A resident guide shall not guide more than two (2) nonresident hunters in any calendar year on any national forest, wilderness area, national game refuge, or national park, except as provided in W.S. 23-2-401, nor shall he accept any compensation or gratuity for his services. An exchange of guide services shall not be considered compensation for the purposes of this section. The name and license number of the nonresident hunter shall be placed on the back of the resident guide license and stamped or signed by the issuer.

#### **23-2-406. Definitions.**

(a) As used in this act:

(i) "Advertises" means attempting by any means, including the

Internet, the World Wide Web or a similar proprietary or common carrier electronic system, to induce persons to enter into an agreement with an outfitter to receive guide or packing services;

(~~ii~~)(ii) “Board” means the Wyoming state board of outfitters and guides established under this act;

(iii) “Guide services” means for hire or remuneration, accompanying and providing assistance to a hunter in the field relating to the taking of any big or trophy game animal except as provided in W.S. 23-2-401(b) and (c);

(~~ii~~)(iv) “Outfitter” means a person including a hunting club, who advertises or holds himself out to the public for hire ~~or remuneration for~~ the purpose of financial gain in order to provide guide or packing services for the purpose of taking any big or trophy game animal, excluding any person who furnishes pack or riding animals and other equipment only to a hunter for his personal temporary use and any landowner providing outfitter services on private lands owned or leased by him. As used in this paragraph:

(A) “Hunting club” means any person requiring dues or remuneration for providing personal services in the field for the taking of any big or trophy game animal;

(B) “Landowner” means any person, firm or corporation holding title to, or occupying under a contract of purchase, agricultural land or any person whose family owns at least a majority of the stock in a Wyoming corporation and who provides services specified in this paragraph on lands owned by the corporation and used primarily for agricultural purposes.

(v) “Outfitter of record” means the licensed outfitter designated by any unlicensed owner of an outfitting business who is specifically authorized to represent the outfitting business and is responsible and accountable for the operation of the outfitting business;

(~~iii~~)(vi) “Professional guide” means any person employed by or operating under an independent contract with a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities for the purpose of hunting animals except any person employed by a licensed outfitter solely to care for, groom or saddle livestock, cook, cut wood or to transport people, equipment and personal property;

(~~iv~~)(vii) “Packing services” means transporting for hire or remuneration, hunters, game animals or equipment in the field for the purpose of taking any big or trophy game animal;

(viii) “Take” means hunt, catch, capture, shoot, trap, kill or possess or attempt to hunt, catch, capture, shoot, trap, kill or possess any big or



trophy game animal;

(v)(ix) “This act” means W.S. 23-2-406 through 23-2-418.

**23-2-407. License required for outfitters and professional guides.**

(a) No person shall hold himself out as, engage in the business of or act in the capacity of an outfitter or shall ~~engage in the occupation of a professional guide as an independent contractor or as an agent or employee, provide guide services or packing services for the purpose of taking any big or trophy game animal~~ unless he is licensed as an outfitter or professional guide pursuant to this act.

(c) No person shall advertise outfitter or guide services to be performed in Wyoming without listing the Wyoming outfitter license number of one (1) or more outfitters who are contractually obligated to provide the services advertised. This subsection shall not apply to landowners as defined in W.S. 23-2-406(a)(iv)(B).

**23-2-410. Powers and duties of board; generally; employees; licensing and regulation.**

(b) The board may employ personnel as required to carry out this act and establish compensation for any employees subject to legislative budget authorization. The board may investigate alleged violations of this act, including but not limited to violations of W.S. 23-2-407(a). In enforcing this act and its rules and regulations, the board shall require investigators to receive peace officer training and qualification under W.S. 9-1-701 through 9-1-708.

(c) The board shall license and regulate outfitters and professional guides in this state and shall:

(iii) Conduct hearings upon complaints received relative to licensees. The board may require the complainant to appear before the board in an investigation or a hearing the board conducts. The board may summarily dismiss a complaint upon failure of the complainant to appear or otherwise cooperate with the board;

**23-2-411. Outfitter qualifications for licensure; licensed outfitter may act as professional guide; required reporting of criminal history.**

(a) An applicant for an outfitter’s license shall in addition to any other criteria imposed by rule and regulation of the board, possess the following qualifications:

(vi) Have committed no violations of W.S. 23-2-416(a).

**23-2-412. Qualifications for professional guide’s license; valid**

**during employment by outfitter only.**

(a) An applicant for a professional guide's license under this act shall meet the following qualifications:

(v) Have committed no violations of W.S. 23-2-416(a).

**23-2-416. License suspension and revocation; grounds; payment of damages; proceedings.**

(a) The board may require ~~payment of a licensee to pay~~ damages as provided by subsection (b) of this section, ~~may refuse to issue or renew or may suspend or revoke a license issued under this act or may otherwise discipline a licensee~~ for any of the following causes:

**23-2-417. Violations in general; penalties.**

(a) Any person violating any provision of this act is guilty of a misdemeanor punishable by a fine of not to exceed ~~two thousand dollars (\$2,000.00); imprisonment for not more than one (1) year; or both five thousand dollars (\$5,000.00).~~

(b) In addition to subsection (a) of this section, the court may in its discretion, revoke any license issued under this act ~~or W.S. 23-1-101 through 23-6-208~~, to any person violating this act, for the remainder of the year in which the conviction occurs, and may suspend the person's privilege to receive ~~a~~ any license under this act ~~or under W.S. 23-1-101 through 23-6-208~~, for a period not to exceed five (5) years.

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

Approved March 10, 2011.

**Chapter 187****GAME AND FISH VIOLATIONS-PENALTIES**

Original Senate File No. 85

AN ACT relating to game and fish; specifying penalties for convictions of taking specified big game animals without a license and for wanton destruction of big game animals; providing an exception to a firearms criminal statute as specified; and providing for an effective date.

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

**Section 1.** W.S. 23-3-102(d) and 23-3-107(d) are amended to read:

**23-3-102. Taking certain game animals without license or during a closed season prohibited.**

(d) Any person who knowingly takes any antlered elk, antlered deer, antlered moose, horned antelope, bighorn sheep, mountain goat, mountain lion, grizzly bear or black bear without the proper license or during a closed season except as otherwise permitted by this act is guilty of a misdemeanor punishable by a fine of not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00), imprisonment for not more than one (1) year, or both. A third or subsequent conviction within ten (10) years for a violation of this subsection shall constitute a felony punishable by a fine of not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00), imprisonment for not more than two (2) years, or both. For the purposes of determining whether a violation of this subsection is a felony, convictions resulting from the same occurrence shall be considered a single conviction even if the result of the occurrence is more than one (1) misdemeanor conviction. The provisions of W.S. 6-8-101(a) shall not apply to convictions under this section.

**23-3-107. Wanton destruction of big game animal; reward.**

(d) Violation of this section constitutes a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii). A third or subsequent conviction within ten (10) years for a violation of this section shall constitute a felony punishable by a fine of not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00), imprisonment for not more than two (2) years, or both. For the purposes of determining whether a violation of this subsection is a felony, convictions resulting from the same occurrence shall be considered a single conviction even if the result of the occurrence is more than one (1) misdemeanor conviction. The provisions of W.S. 6-8-101(a) shall not apply to convictions under this section.

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

Approved March 10, 2011.

## Chapter 188

### LONG TERM SERVICES AND SUPPORT

Original Senate File No. 25

AN ACT relating to the Wyoming Long Term Care Choices Act; authorizing a statewide network of aging and disability resource centers as specified; providing an appropriation; and providing for effective dates.

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

**Section 1.** W.S. 42-6-109 is created to read:

**42-6-109. Aging and disability resource centers.**

(a) The department is authorized, using competitive grants and contracts, to fund a statewide network of aging and disability resource centers.

(b) Locations of the aging and disability resource centers shall be determined by the department of health, aging division. In selecting locations for aging and disability resource centers, the department of health, aging division, shall require a degree of local community funding, which may include in kind contributions, for a center.

(c) The purpose of each center shall be to create a single, coordinated system of information and assistance for all persons seeking long term support. Each center shall assist eligible persons in making informed decisions about health care access and long term care service and support options and shall serve as a referral agency to the long term care support system. Centers shall provide information and assistance to individuals needing either public or private resources, professionals seeking assistance on behalf of their clients and individuals planning for their future long term care needs.

(d) The department of health, aging division, shall provide an annual report beginning October 1, 2011, to the joint labor, health and social services interim committee and the joint appropriations interim committee concerning implementation of the aging and disability resource centers, the dollar value of local contributions and cost avoidance as provided in this section.

**Section 2.** W.S. 42-6-102(a)(xi) is amended to read:

**42-6-102. Definitions.**

(a) As used in this act:

(xi) "This act" means W.S. 42-6-101 through ~~42-6-108~~ 42-6-109.

**Section 3.** There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. This appropriation shall only be expended for the purpose of funding and administering aging and disability resource centers pursuant to W.S. 42-6-109. 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.

**Section 4.**

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

the Wyoming Constitution.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2011.

Approved March 10, 2011.

## Chapter 189

### WYOMING SAFE HOMES ACT-2

Original House Bill No. 256

AN ACT relating to domestic and sexual violence; creating a Wyoming Safe Homes Act as specified; authorizing a victim of domestic or sexual violence to terminate a lease as specified; providing an affirmative defense as specified; prohibiting eviction of victims of domestic or sexual violence as specified; providing definitions; prohibiting waiver of provisions of act by separate agreement; and providing for an effective date.

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

**Section 1.** W.S. 1-21-1301 through 1-21-1304 are created to read:

#### ARTICLE 13 WYOMING SAFE HOMES ACT

##### **1-21-1301. Short title.**

This act shall be known and may be cited as the “Wyoming Safe Homes Act.”

##### **1-21-1302. Definitions.**

(a) As used in this act:

(i) “Domestic abuse” means as defined in W.S. 35-21-102(a)(iii);

(ii) “Landlord” means the owner of a building or the owner’s agent with regard to matters concerning the landlord’s renting or leasing of a dwelling;

(iii) “Sexual violence” means any act of sexual assault, sexual abuse or stalking of an adult or minor, including any nonconsensual sexual contact or intrusion as those terms are defined in the Wyoming Criminal Code;

(iv) “Tenant” means a person who has entered into an oral or written lease with a landlord whereby the person is the lessee under the lease;

(v) "This act" means W.S. 1-21-1301 through 1-21-1304.

**1-21-1303. Breach of lease; recovery of rent; affirmative defense.**

(a) In any action brought by a landlord against a tenant to recover rent for breach of lease, the tenant shall have an affirmative defense and not be liable for rent for the period after which a tenant vacates the premises owned by the landlord and covered by the lease, if by a preponderance of the evidence, the court finds that:

(i) At the time the tenant vacated the premises, the tenant or a member of the tenant's household was under a credible imminent threat of domestic abuse or sexual violence at the premises, as demonstrated by medical, court or police evidence of domestic abuse or sexual violence; and

(ii) The tenant gave seven (7) days written notice to the landlord prior to vacating the premises stating that the reason for vacating the premises was because of a credible imminent threat of domestic abuse or sexual violence against the tenant or a member of the tenant's household.

(b) In any action brought by a landlord against a tenant to recover rent for breach of lease, the tenant shall have an affirmative defense and not be liable for rent for the period after which a tenant vacates the premises owned by the landlord and covered by the lease, if by a preponderance of the evidence, the court finds that:

(i) The tenant or a member of the tenant's household was a victim of domestic abuse or sexual violence on the premises that are owned or controlled by the landlord and the tenant has vacated the premises as a result of the sexual violence;

(ii) The tenant gave seven (7) days written notice to the landlord prior to vacating the premises stating that the reason for vacating the premises was because of the domestic abuse or sexual violence against the tenant or a member of the tenant's household, the date of the sexual violence, and that the tenant provided medical, court or police evidence of domestic abuse or sexual violence to the landlord supporting the claim of domestic abuse or sexual violence; and

(iii) The domestic abuse or sexual violence occurred not more than sixty (60) days prior to the date of giving the written notice to the landlord, or if circumstances are such that the tenant could not reasonably give notice within that time period because of reasons related to the domestic abuse or sexual violence, including, but not limited to, hospitalization or seeking assistance for shelter or counseling, then as soon thereafter as practicable.

(c) A landlord may not terminate a tenancy based solely on the tenant's or

applicant's or a household member's status as a victim of domestic abuse or sexual violence. This subsection does not prohibit adverse housing decisions based upon other lawful factors within the landlord's knowledge.

(d) Nothing in this act shall be construed to be a defense against:

(i) An action for recovery of rent for the period of time before the tenant vacated the landlord's premises and gave notice to the landlord as required in this section; or

(ii) Forcible entry and detainer for failure to pay rent before the tenant gave notice to the landlord as required in this section and vacated the premises.

**1-21-1304. Prohibition of waiver or modification.**

The provisions of this act shall not be waived or modified in any lease or separate agreement between a landlord and tenant.

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

Approved March 10, 2011.

**Chapter 190**

**SCHOOL ATHLETICS SAFETY**

Original Senate File No. 38

AN ACT relating to education; requiring school boards to develop protocols for training of coaches and athletic trainers and education of students regarding head injury and concussion resulting from athletic activities; and providing for an effective date.

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

**Section 1.** W.S. 21-2-202(a) by creating a new paragraph (xxxii) and 21-3-110(a) by creating a new paragraph (xxx) are amended to read:

**21-2-202. Duties of the state superintendent.**

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxxii) To assist local school districts in developing protocols under W.S. 21-3-110(a)(xxx) and in sufficient time to enable school districts to adopt and implement protocols commencing school year 2011-2012, develop model protocols for addressing risks associated with concussions and other

head injuries resulting from athletic injuries. No district shall be required to adopt any part of the model protocols.

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xxx) Commencing school year 2011-2012, adopt protocols to address risks associated with concussions and other head injuries resulting from athletic injuries. The protocols shall:

(A) Include training of coaches and athletic trainers to facilitate the recognition of symptoms of concussions;

(B) Address restrictions concerning participation in school athletic events after suffering a concussion or head injury;

(C) Include means for providing to students and parents information on head injuries and concussions and related restrictions on participation in athletic activities.

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

Approved March 10, 2011.

## Chapter 191

### ENERGY IMPACTED COUNTY ROADS PROGRAM

Original Senate File No. 107

AN ACT relating to counties; creating a program to assist counties impacted by energy development; providing authority to the state loan and investment board to issue grants to counties to reconstruct or replace roads impacted by energy development; creating the energy impacted county roads program account; providing for distributions from the account as specified; providing definitions; granting rulemaking authority; providing for reports; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 9-16-101 through 9-16-103 are created to read:

#### CHAPTER 16 ENERGY IMPACTED COUNTY ROADS PROGRAM

**9-16-101. Energy impacted county roads program; definitions.**

(a) As used in this chapter:



(i) "Board" means the state loan and investment board;

(ii) "Energy impacted counties" means counties which are eligible for funding under this chapter as determined in accordance with W.S. 9-16-102;

(iii) "Energy impacted county road" means a county dedicated and maintained road serving a site or sites, on which energy development has occurred, which requires construction, reconstruction, rehabilitation or expansion as a result of energy development as determined by the board;

(iv) "Road" includes:

(A) Bridges and culverts;

(B) Rights of way; and

(C) Purchase of land to complete a county road and bridge project.

(v) "Program" means the energy impacted county road program created by W.S. 9-16-102.

**9-16-102. Energy impacted county roads program; creation, rulemaking.**

(a) The board shall establish and administer the energy impacted county roads program as provided by this chapter. Applications for a grant under the program shall be made on forms prescribed by and subject to rules promulgated by the board. Grants may be made by the board for energy impacted county road projects.

(b) The board may award grants to stockpile material for energy impacted county roads.

(c) In awarding grants, the board shall consider the following:

(i) Whether the county's total proposed energy impacted road projects exceed fifteen percent (15%) of the average total annual county expenditures for its road and bridge maintenance and construction expenditures for the preceding five (5) years;

(ii) Whether the county has demonstrated that it has pursued alternative methods of funding including cost sharing from private sources;

(iii) That the funds will not supplant existing funding levels from traditional sources.

(d) After review of the applications the board shall as soon as practical notify the counties of its determination. Energy impacted counties shall remain eligible for grants under the program until the county no longer qualifies under subsection (c) of this section.

(e) Each application submitted to the board under the program shall contain only one (1) proposed energy impacted county road project.

(f) No one county may be eligible to receive an amount in excess of forty percent (40%) of the total funds available at the beginning of the state's fiscal year, without unanimous approval of the board.

(g) Upon completion of the projects, the county shall report the expenditures of all funds.

(h) The legislature may define, specify, authorize or limit the counties or areas within the state eligible for this program and the amounts of distribution.

(j) Funds from this appropriation shall not be used to hire more county employees.

**9-16-103. Energy impacted county roads program account.**

(a) There is created the energy impacted county roads program account within the office of the treasurer. Funds in the account shall be continually distributed to energy impacted counties to further the purposes of the program at the direction of the board. Funds shall not revert to the general fund until directed by the legislature.

(b) The board shall submit an annual report of the grants awarded and the progress of the program created under this act to the joint appropriations and joint transportation, highways and military affairs interim committees on or before December 1 of each year.

**Section 2.** There is appropriated six million dollars (\$6,000,000.00) from the general fund to the energy impacted county roads program account. Pursuant to W.S. 9-16-102(j), these funds shall be used to address the impacts of oil development in the Niobrara or similar formations as determined by the state loan and investment board. Notwithstanding any other provision of law, any unexpended funds appropriated under this section shall not revert until further act of the legislature to revert the funds.

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

the Wyoming Constitution.

Approved March 10, 2011.

## Chapter 192

### OVERWEIGHT AND OVERSIZE VEHICLE PENALTIES

Original Senate File No. 124

AN ACT relating to motor vehicles; increasing fines for overweight and oversize vehicles; and providing for an effective date.

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

**Section 1.** W.S. 31-18-805(a) and (e) is amended to read:

**31-18-805. Penalties for violations; permit where vehicle or load cannot be dismantled; enforcement; fines.**

(a) Any person who violates this article, rules and regulations promulgated under it or the conditions of any permit issued under it is guilty of a misdemeanor punishable except where otherwise provided in this article, by a fine of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), imprisonment for not more than thirty (30) days, or both.

(e) Notwithstanding subsection (a) of this section, the fine for exceeding weight limitations is as follows:

<u>EXCESS WEIGHT (LBS)</u>	<u>FINE</u>
0 - 2,000	\$ 25.00
2,001 - 4,000	<del>50.00</del> <u>75.00</u>
4,001 - 6,000	<del>75.00</del> <u>125.00</u>
6,001 - 8,000	<del>100.00</del> <u>150.00</u>
8,001 - 10,000	<del>150.00</del> <u>200.00</u>
10,001 - 12,000	<del>200.00</del> <u>300.00</u>
12,001 - 14,000	<del>250.00</del> <u>400.00</u>
14,001 - 16,000	<del>300.00</del> <u>500.00</u>

16,001 - 18,000	<del>400.00</del> <u>600.00</u>
18,001 - 20,000	<del>500.00</del> <u>700.00</u>
Over 20,000	<del>750.00</del> <u>1,000.00</u>

Plus an additional ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) for each one thousand (1,000) pounds or fraction thereof exceeding twenty thousand (20,000) pounds over the legal limits.

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

Approved March 10, 2011.

## Chapter 193

### MEDICAID OPTIONS STUDY

Original Senate File No. 50

AN ACT relating to the administration of government, Medicaid and the 2010 federal health care reform; providing for a study related to options for reconfiguring of the Medicaid program; requiring a report; providing report requirements; providing for legislative advice as specified; providing appropriations; and providing for an effective date.

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

#### Section 1.

(a) The governor shall conduct a study to develop estimates of the cost of redesigning the Medicaid programs currently operating and those mandated by the Patient Protection and Affordable Care Act, P.L. 111-148, and the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, hereinafter referred to collectively as “the health care reform acts.” The governor shall designate a study oversight entity, which may be a state agency, more than one (1) state agency or an ad hoc committee created by the governor to conduct the study.

(b) The oversight entity shall have the authority to contract with experts and consultants as may be useful in conducting the study and making the cost estimates.

(c) The study shall be subject to the following:

(i) The study shall examine the Medicaid state plan that provides health care paid by the state and federal government and determine the

total annual cost of health care benefits per enrolled persons who are part of each program. The cost shall be broken down by state share, federal share, client share and any other costs, administrative or otherwise hidden, that are part of each program;

(ii) The study shall examine the broad categories, including physical, mental and dental health, of the benefits associated with each program and account for the cost of each benefit;

(iii) The study shall collect information from insurance companies to determine premium costs of private insurance providing equivalent or nearly equivalent benefits for similarly grouped clients, considering such factors as age, geographic area and eligibility category;

(iv) The study shall summarize the basic insurance policy benefits package that is available using a median value of individual and group health insurance premium paid in the state of Wyoming and compare the benefits with those provided by the various Medicaid programs;

(v) The study shall compare the cost of the health care portion of each Medicaid program in paragraph (i) of this subsection with the premium and other costs of private insurance premiums and other associated costs if the Medicaid clients were covered by private insurance;

(vi) The study shall determine the cost of the state supporting Medicaid-like insurance premiums for individuals who would otherwise be eligible for Medicaid programs;

(vii) The study shall determine the cost of the state supporting Medicaid-like insurance premiums using a sliding scale of reasonable co-pays by clients whose income is greater than one hundred percent (100%) of the federal poverty level up to the level currently established for the various Medicaid programs and up to the level proposed in the federal health care reform acts;

(viii) The study shall report the total appropriations necessary to support each program by fiscal year through the 2019-2020 biennium;

(ix) The study shall evaluate options including, but not limited to, the following:

(A) Establishment of innovative service delivery systems and models such as healthy frontiers and accountable care organizations, including health homes, medical homes, primary care medical homes and total health records;

(B) Provision of more limited benefits for a specific population than the Medicaid statute requires;

(C) Implementation of cost-sharing at levels that exceed Medicaid statutory limitations;

(D) Implementation of alternative financing mechanisms;

(E) Establishment of insurance models such as the child health insurance program for specific segments of the Medicaid population;

(F) Establishment of managed Medicaid models;

(G) Establishment of innovative programs, including waivers, similar to those developed by Medicaid programs in other states;

(H) Block grants;

(J) Voucher systems.

(x) The study shall separately identify additional anticipated costs to each program affected by proposed coverage limit changes included in the federal health care reform acts, and those shall be noted and considered as additions to predicted future costs of current Medicaid programs;

(xi) The study shall include any proposals in the course of the study that demonstrate the possibility to provide safety-net health insurance coverage for the various Medicaid groups with a savings to the state or enhanced coverage for recipients at a lesser or near neutral cost;

(xii) The study shall include:

(A) Recommended methods to obtain eligibility and participation information;

(B) Recommended methods to track and analyze utilization rates;

(C) Analysis of the implications of the program options considered pursuant to this section on the information needs.

(d) In conducting the study and reporting its results, the oversight entity and any contractors shall consider that the study is expected to be used:

(i) To assist the people, the governor and the legislature of Wyoming in deciding whether to accept the new mandatory eligibility and other requirements of the Medicaid program under the health care reform acts, to withdraw from that program and establish an independent state supported safety net program for health care by setting forth the financial consequences of that decision or to seek a waiver from centers for Medicare and Medicaid services to reconfigure the methods that safety net programs

are offered by cooperative agreement between the state and federal government;

(ii) To assist the executive branch and legislative budget staff in making accurate budget estimates for the cost of Medicaid reconfiguration, if accepted;

(iii) To help form the basis for an application for a Medicaid waiver covering all or part of the current and newly eligible population, the purpose of the waiver being to reduce the cost of the eligibility expansion by using additional cost control techniques;

(iv) To allow legislators and members of the public who are not expert in Medicaid costs to make their own cost estimates using data from the study and varying key assumptions, including estimates of the respective federal and state cost shares.

(e) Upon issuing a request for proposals, the oversight entity shall submit a draft of the request to the joint labor, health and social services interim committee and the joint appropriations interim committee.

(f) The study shall be completed by May 1, 2012, unless the governor requires an earlier completion date, and submitted to the joint labor, health and social services interim committee and the joint appropriations interim committee. The oversight entity shall present the results of the study in person to these committees before the 2013 general session of the legislature.

(g) The joint labor, health and social services interim committee, augmented by two (2) members of the senate appropriations committee appointed by the president of the senate and two (2) members of the house appropriations committee appointed by the speaker of the house of representatives, shall advise the governor and the study oversight entity on the design and breadth of the study and on a mid-study revision thereof.

(h) The study shall be available to the people and the legislature on at least one (1) relevant website and in hard copy.

(j) Members of the augmented labor, health and social services committee shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties required by subsection (g) of this section.

## **Section 2.**

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the governor's office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2013. This appropriation shall only be expended for the purpose

of conducting the study and preparing the report required by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013. This appropriation shall not be included in the governor's 2013-2014 standard biennial budget request.

(b) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office for payment of salary, per diem and mileage for legislators performing services required by subsection (g) of section 1 of this act. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013.

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

Approved March 10, 2011.

## Chapter 194

### MEDICAID COST STUDY

Original Senate File No. 102

AN ACT relating to the administration of government and the 2010 federal health care reform; creating a legislative advisory committee; providing for the development of cost estimates for the mandatory coverage expansion of the Medicaid program; requiring a report; providing report requirements and specifying its expected uses; providing appropriations; and providing for an effective date.

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

#### **Section 1.**

(a) The governor shall conduct a study to develop estimates of the cost of the expansion of the Medicaid program mandated by the Patient Protection and Affordable Care Act, P.L. 111-148, and the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, hereinafter referred to collectively as "the health care reform acts." The governor shall designate a study oversight organization, which may be a state agency, more than one (1) state agency or an ad hoc organization created by the governor to conduct the study.

(b) There is created a Medicaid cost study oversight legislative advisory committee. The committee shall advise the governor and the study oversight organization on the conduct of the study. The advisory committee shall have four (4) members appointed as follows:



(i) Two (2) members appointed by the president of the senate, one (1) of whom he shall designate as cochairman. One (1) appointee shall be a member of the senate appropriations committee and one (1) appointee shall be a member of the senate labor, health and social services committee;

(ii) Two (2) members appointed by the speaker of the house of representatives, one (1) of whom he shall designate as cochairman. One (1) appointee shall be a member of the house appropriations committee and one (1) appointee shall be a member of the house labor, health and social services committee.

(c) The oversight organization shall have the authority to contract with experts and consultants as may be useful in conducting the study and making the cost estimates.

(d) The study shall be subject to the following:

(i) The results of the study shall be expressed in the total annual costs for each category of expansion and for each of the relevant years, without regard to state and federal shares. The results of the study shall be presented in a format that facilitates further cost estimates using various estimates of federal and state cost sharing. If differing cost shares are likely for differing categories of costs, the total costs shall be broken down into these differing categories in a subordinate table in the report. The study shall include a table in an addendum, appendix or footnote showing the results of the federal and state cost shares as per federal law at the time of the completion of the study and may also show the results using any other combinations of federal and state cost shares which the oversight organization believes to be relevant;

(ii) The annual cost estimates shall be shown in state fiscal years, calendar years and federal fiscal years;

(iii) The first years for which the annual costs are shown shall be the first years in which the mandatory expansion is scheduled to be in effect for a portion of the year. The last year for which cost estimates are shown shall be the final year included in the state's biennium commencing July 1, 2018 and ending June 30, 2020;

(iv) The results shall be expressed assuming all eligible people participate in the program and may also be expressed assuming only a percentage of those eligible actually participate, provided the assumptions used in estimating the percentage of actual participation are explicitly stated;

(v) The study shall determine and show separately, before including in the final totals, the costs for the populations now categorically eligible

who will become eligible due to the expansion in the financial eligibility to one hundred thirty-eight percent (138%) of the federal poverty level. The study shall assume that the cost experience for these populations will be similar to the similar populations now in Wyoming Medicaid unless there is specific reason to believe the costs for an identified population will be different;

(vi) The study shall attempt to determine the actual costs for serving those in the expanded program who become eligible due to the removal of the categorical eligibility restrictions considering:

(A) The age and gender distribution of the expected new enrollees;

(B) The health status of expected new enrollees;

(C) The socio-economic status of expected new enrollees;

(D) The health care utilization rate, including the effect of previously unmet health needs, of expected new enrollees;

(E) The probable effect of federal and state laws requiring, providing or limiting services offered and cost controls employed. The study shall explore any cost control measures that may apply to Wyoming, such as payment based on medical outcome rather than for specific procedures. The study shall assume that existing state laws, regulations and practices will continue. However, if current state laws, regulations or practices conflict with the federal health care reform acts or other federal laws, the study shall identify those laws, regulations or practices and assume that they will be changed to conform with federal requirements.

(vii) The study shall include an estimate for the costs associated with individuals with incomes above the eligibility minimums who can be expected to take steps to intentionally reduce their incomes to become eligible. Unless a different estimate is used based upon expert opinion, the study shall assume that fifty percent (50%) of persons with income between one hundred thirty-eight percent (138%) and one hundred fifty percent (150%) of the federal poverty level, and who have expensive chronic medical conditions or conditions that require expensive nonemergency medical treatment, will experience reduced income to become eligible for Medicaid. Unless a different estimate is used based upon expert opinion, the study shall assume that twenty-five percent (25%) of persons with income greater than one hundred fifty percent (150%) and less than two hundred percent (200%) of the federal poverty level, and who have expensive chronic medical conditions or conditions that require expensive nonemergency medical treatment, will experience reduced income to become eligible for Medicaid;

(viii) To the extent feasible, in estimating the costs for the newly eligible

enrollees, the study shall use Wyoming experience and shall modify costs based on private or other governmental programs by factors to account for the costs for the Medicaid and the other populations based on historical experience for Medicaid and the private or other governmental programs, for comparable populations adjusted for severity of health status;

(ix) The study shall identify the explicit cost effects, if any, of any new federal requirements under the health care reform acts on the Medicaid program for those eligible in Wyoming at the time of the enactment of the health care reform acts. If relevant, these cost effects shall be shown separately and included in the final cost estimates;

(x) The study shall estimate the administrative costs, including the costs of additional eligibility determinations, itemize these costs separately and include them in the final cost estimates;

(xi) The study shall identify any explicit savings to the state general fund due to the elimination or reduction of any current program or institutions which will no longer be needed because its enrollees may or shall be transferred to the Medicaid program pursuant to the health care reform acts or other federal law;

(xii) The study shall consider any other factors the governor or the oversight organization deems relevant considering the expected uses of the study identified in subsection (d) of this section;

(xiii) The study shall set forth the probable ongoing costs of the current Medicaid program, assuming the program in effect on the day before the enactment of the health care reform acts.

(e) In conducting the study and reporting its results, the oversight organization and any contractors shall consider that the study is expected to be used:

(i) To assist the people, the governor and the legislature of Wyoming in deciding whether to accept the new mandatory eligibility and other requirements of the Medicaid program under the health care reform acts or to withdraw from that program, by setting forth the financial consequences of that decision;

(ii) To assist the executive branch and legislative budget staff in making accurate budget estimates for the cost of Medicaid expansion, if accepted;

(iii) To help form the basis for an application for a Medicaid waiver covering all or part of the newly eligible population, the purpose of the waiver being to reduce the cost of the eligibility expansion by using additional cost control techniques;

(iv) To allow legislators and members of the public who are not expert in Medicaid costs to make their own cost estimates using data from the study and varying key assumptions, including estimates of the respective federal and state cost shares.

(f) Before letting any contract, the oversight organization shall submit a draft of the request for proposal or other document governing the contract to the joint labor, health and social services interim committee and the joint appropriations interim committee.

(g) The study shall be completed by September 1, 2012, unless the governor requires an earlier completion date, and submitted to the joint labor, health and social services interim committee and the joint appropriations interim committee. The oversight organization shall be prepared to present the results of the study to these committees before the 2013 general session of the legislature.

(h) The study shall be available to the people and the legislature on at least one (1) relevant website and in hard copy.

(j) Members of the legislative advisory committee shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the task force.

## **Section 2.**

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the general fund to the governor's office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2013. This appropriation shall only be expended for the purpose of conducting the study and preparing the report required by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013. This appropriation shall not be included in the governor's 2013-2014 standard biennial budget request.

(b) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office for payment of salary, per diem and mileage for legislative advisory committee members. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2013.

(c) Notwithstanding the procurement procedures established pursuant to W.S. 9-2-1016(b)(iv), the department, in developing requests for proposals and considering any bids to perform the study required by this act, shall consider any cost savings and efficiencies which may result from use of

the study and the entity which conducted the 2010 Medicaid cost study submitted to the department.

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

Approved March 10, 2011.

## Chapter 195

### HEALTH INSURANCE EXCHANGES

Original House Bill No. 50

AN ACT relating to the administration of government and the 2010 federal health care reform; providing for a study of whether the state should establish and operate a Wyoming health insurance exchange or participate in a regional exchange; creating a steering committee; requiring a report and specifying report requirements; providing an appropriation; and providing for an effective date.

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

#### **Section 1.**

(a) The steering committee created under subsection (c) of this section shall conduct a study of whether to create a Wyoming health insurance exchange or participate in a regional exchange, hereinafter referred to as “the exchange,” as provided in the Patient Protection and Affordable Care Act, P.L. 111-148, and the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, hereinafter referred to collectively as “the health care reform acts.”

(b) The study shall be paid for, to the extent possible, by a federal grant awarded to the state for planning and establishment of insurance exchanges.

(c) There is created the Wyoming Health Insurance Exchange Steering Committee. The committee shall consist of:

(i) Two (2) senators appointed by the president of the senate, one (1) of which shall serve as co-chairman of the committee;

(ii) Two (2) representatives appointed by the speaker of the house, one (1) of which shall serve as co-chairman of the committee;

(iii) Two (2) representatives from the business community in the state appointed by the governor;

(iv) Two (2) representatives from domestic insurance companies appointed by the governor;

(v) One (1) insurance producer appointed by the governor;

(vi) One (1) medical provider appointed by the governor;

(vii) One (1) person representing hospitals in the state appointed by the governor;

(viii) One (1) person representing Wyoming consumers appointed by the governor;

(ix) At least five (5) members from affected state agencies and the governor's office appointed by the governor. The governor shall appoint two (2) co-chairmen for the steering committee.

(d) The Wyoming health insurance exchange steering committee shall have the authority to contract with experts and consultants as may be useful in conducting the study.

(e) The study shall:

(i) Recommend whether the state should proceed or not proceed with the development of an exchange;

(ii) If the recommendation is that the state should proceed with the development of the exchange, provide a work plan for the development of the exchange and identify any legislation needed to implement the exchange during the 2012 legislative budget session or subsequent legislative sessions;

(iii) Recommend whether the state should proceed with the development of the exchange within the state, as a partner with other states or defer the decision until 2013. If a deferral is recommended, the study shall identify the additional work needed before a final decision can be made;

(iv) Evaluate how the exchange will help the operation of the private marketplace in health insurance by helping people comparison shop for health insurance and by reducing the marketing cost for health insurance. The study shall identify any additional work needed to facilitate these goals, if they are feasible;

(v) Consider options being considered by other states in developing and operating health insurance exchanges;

(vi) Evaluate whether the exchange should offer a full scope of services or whether a more limited scope of services is appropriate;

(vii) Recommend whether Wyoming should proceed with the development of a health insurance exchange if the related provisions in the health care reform acts are repealed; and

(viii) Evaluate whether an exchange can be used to facilitate the sale of health insurance across state lines.

(f) A preliminary study report shall be provided to the joint labor, health and social services interim committee by October 1, 2011.

(g) The legislative members of the committee shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the committee as provided in W.S. 28-5-101. There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the legislative service office for the salary, per diem and travel for the legislative members of the steering committee. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012.

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

Approved March 10, 2011.

## Chapter 196

### COURT JURISDICTION

Original Senate File No. 15

AN ACT relating to court jurisdiction; increasing circuit court jurisdiction as specified; increasing jurisdiction for small claims court; and providing for an effective date.

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

**Section 1.** W.S. 1-21-201, 5-3-112(a)(iii) and 5-9-128(a)(i) through (iii) and (vi)(intro) are amended to read:

**1-21-201. Procedure and costs generally; jurisdiction extended.**

In the trial of civil cases before any circuit court in which the amount claimed, exclusive of costs, does not exceed ~~five thousand dollars (\$5,000.00)~~ six thousand dollars (\$6,000.00), the procedure and costs are as defined

in W.S. 1-21-201 through 1-21-205. The department of revenue may consolidate claims for collection of taxes against a single taxpayer into a single case under the procedures in W.S. 1-21-201 through 1-21-205 subject to specified dollar limitations.

**5-3-112. Assignment to circuit court judge.**

(a) A judge of the district court may assign to a circuit court judge any case or proceeding within the jurisdiction of the district court subject only to the following restrictions:

(iii) Consent of each plaintiff and each defendant in a civil action wherein the amount in controversy is ~~twenty thousand dollars (\$20,000.00)~~ fifty thousand dollars (\$50,000.00) or greater; and

**5-9-128. Civil jurisdiction.**

(a) Each circuit court has exclusive original civil jurisdiction within the boundaries of the state for:

(i) An action where the prayer for recovery is an amount not exceeding ~~seven thousand dollars (\$7,000.00)~~ fifty thousand dollars (\$50,000.00), exclusive of court costs;

(ii) Actions to recover specific personal property the value of which does not exceed ~~seven thousand dollars (\$7,000.00)~~ fifty thousand dollars (\$50,000.00), exclusive of court costs and shall be prosecuted in accordance with W.S. 1-15-301 through 1-15-306;

(iii) Actions to foreclose or enforce a lien on or security interest in personal property perfected under the Uniform Commercial Code, W.S. 34.1-1-101 through 34.1-10-104, when the amount claimed on the lien or security interest does not exceed ~~seven thousand dollars (\$7,000.00)~~ fifty thousand dollars (\$50,000.00), exclusive of court costs;

(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)~~ fifty thousand dollars (\$50,000.00), exclusive of court costs:

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

Approved March 10, 2011.



**Chapter 197****GAME & FISH-LAND ACQUISITION**

Original House Bill No. 100

AN ACT relating to game and fish; prohibiting the acquisition of lands by the game and fish commission through adverse possession or proscriptive easement as specified; and providing for an effective date.

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

**Section 1.** W.S. 23-1-302(b) by creating a new paragraph (iii) is amended to read:

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

(b) Notwithstanding subsection (a) of this section:

(iii) The commission shall not assert any claim based upon adverse possession or a prescriptive easement as a basis to acquire any interest in real property. Provided, however, that the commission may assert a claim of adverse possession or prescriptive easement as a basis for correcting or interpreting a defect in a written grant of an interest in real property.

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

Approved March 10, 2011.

**Chapter 198****LEGISLATIVE COMMITTEE MEMBERSHIP**

Original Senate File No. 95

AN ACT relating to the legislature; modifying required composition of specified committees; modifying dates for appointments to be made; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 28-8-107(a), 28-11-101(a)(intro), (i) and (ii), 28-11-201(a) and 28-11-301(a) are amended to read:

**28-8-107. Auditing of state agencies; management audit committee; factors to be considered in audit reports.**

(a) During every regular session the president of the senate and the

speaker of the house of the Wyoming legislature shall each appoint five (5) members of their respective bodies to a management audit committee. ~~Not more than three (3) members appointed from each house shall be from the same political party.~~ Appointments to the committee by each presiding officer shall reflect as nearly as possible the percentage of the elected membership of the majority and minority parties of each house, provided that not more than four (4) members appointed by each presiding officer shall be from the same political party. The committee may appoint one (1) additional member of the legislature to this committee.

**28-11-101. Appointment of members; powers and duties; related duties of water development commission.**

(a) Not later than March ~~15-31~~ following each general election, a select water committee shall be appointed subject to the following:

(i) The president of the senate shall appoint six (6) members of the senate apportioned as nearly as possible to reflect the percentage of the elected membership of the majority and minority parties of the senate, provided not more than ~~four (4)~~ five (5) of the members shall be from the same political party;

(ii) The speaker of the house of representatives shall appoint six (6) members of the house apportioned as nearly as possible to reflect the percentage of the elected membership of the majority and minority parties of the house, provided not more than ~~four (4)~~ five (5) of the members shall be from the same political party;

**28-11-201. Appointment of members; powers and duties.**

(a) Not later than March ~~15-31~~ following each general election, the president of the senate shall appoint six (6) members of the senate, and the speaker of the house of representatives shall appoint six (6) members of the house to a select committee on capital financing and investments. ~~Not more than four (4) members from each house shall be from the same political party.~~ Appointments to the committee by each presiding officer shall reflect as nearly as possible the percentage of the elected membership of the majority and minority parties of each house, provided that not more than five (5) members appointed by each presiding officer shall be from the same political party.

**28-11-301. Appointment of members; powers and duties; related duties of school facilities commission.**

(a) Not later than March ~~15-31~~ following each general session, the president of the senate shall appoint five (5) members of the senate and the speaker of the house shall appoint five (5) members of the house to a select committee on school facilities. ~~Not more than three (3) members~~

~~from each house shall be from the same political party~~ Appointments to the committee by each presiding officer shall reflect as nearly as possible the percentage of the elected membership of the majority and minority parties of each house, provided that not more than four (4) members appointed by each presiding officer shall be from the same political party.

**Section 2.** Commencing with the sixty-first legislature, the membership of every committee subject to this act shall be apportioned in accordance with this act.

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

Approved March 10, 2011.

## Chapter 199

### HATHAWAY SUCCESS CURRICULUM-2

Original House Bill No. 13

AN ACT relating to education; extending the requirements of the Hathaway success curriculum; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1307(b)(intro), (d)(intro) and (e)(intro) is amended to read:

#### **21-16-1307. Success curriculum; test standards.**

(b) The success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be as follows:

(d) The success curriculum required to qualify for opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be as follows:

(e) The success curriculum required to qualify for provisional opportunity scholarship eligibility under this article for students graduating from high school in the 2010-2011 school year and each school year thereafter shall be the curriculum required for high school graduation under W.S. 21-2-304(a)(iii) subject to the following:

**Section 2.** This act is effective immediately upon completion of all acts

necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 10, 2011.

**Original Senate Joint Resolution No. 2**

A JOINT RESOLUTION proposing to amend the Wyoming Constitution by creating a new section providing that the right to make health care decisions is reserved to the citizens of the state of Wyoming, providing for direct payments to health care providers, allowing the legislature to establish restrictions and requiring the state of Wyoming to protect health care rights from undue governmental infringement.

*BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING*, two-thirds of all the members of the two houses, voting separately, concurring therein:

**Section 1.** The following proposal to amend Wyoming Constitution, Article 1, by creating a new Section 38 is proposed for submission to the electors of the State of Wyoming at the next general election for approval or rejection to become valid as a part of the Constitution if ratified by a majority of the electors at the election:

**Article 1, Section 38. Right of health care access.**

(a) Each competent adult shall have the right to make his or her own health care decisions. The parent, guardian or legal representative of any other natural person shall have the right to make health care decisions for that person.

(b) Any person may pay, and a health care provider may accept, direct payment for health care without imposition of penalties or fines for doing so.

(c) The legislature may determine reasonable and necessary restrictions on the rights granted under this section to protect the health and general welfare of the people or to accomplish the other purposes set forth in the Wyoming Constitution.

(d) The state of Wyoming shall act to preserve these rights from undue governmental infringement.

**Section 2.** That the Secretary of State shall endorse the following statement on the proposed amendment:

The adoption of this amendment will provide that the right to make health care decisions is reserved to the citizens of the state of Wyoming. It permits any person to pay and any health care provider to receive direct payment for services. The amendment permits the legislature to place reasonable and necessary restrictions on health care consistent with the purposes of the Wyoming Constitution and provides that this state shall act to preserve these rights from undue governmental infringement.

Approved February 19, 2011.

**Original Senate Joint Resolution No. 1**

A JOINT RESOLUTION proposing to amend the Wyoming Constitution by recognizing and preserving the heritage of Wyoming citizens' opportunity to fish, hunt and trap wildlife.

*BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of the two houses, voting separately, concurring therein:*

**Section 1.** The following proposal to amend Wyoming Constitution, by creating Article 1, Section 38 is proposed for submission to the electors of the State of Wyoming at the next general election for approval or rejection to become valid as a part of the Constitution if ratified by a majority of the electors at the election:

**Article 1. Section 38. Opportunity to hunt, fish and trap.**

The opportunity to fish, hunt and trap wildlife is a heritage that shall forever be preserved to the individual citizens of the state, subject to regulation as prescribed by law, and does not create a right to trespass on private property, diminish other private rights or alter the duty of the state to manage wildlife.

**Section 2.** That the Secretary of State shall endorse the following statement on the proposed amendment:

The adoption of this amendment will recognize and preserve the heritage of Wyoming citizens' opportunity to fish, hunt and trap wildlife, subject to regulation as prescribed by law.

Approved March 3, 2011.

**Original House Joint Resolution No. 1**

A JOINT RESOLUTION proposing to amend the Wyoming Constitution to expand the authority of district court commissioners.

*BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of the two houses, voting separately, concurring therein:*

**Section 1.** The following proposal to amend Wyoming Constitution, Article 5, Section 14 is proposed for submission to the electors of the State of Wyoming at the next general election for approval or rejection to become valid as a part of the Constitution if ratified by a majority of the electors at the election:

**Article 5, Section 14. District courts generally; commissioners.**

The legislature shall provide by law for the appointment by the several district courts of one or more district court commissioners (who shall be persons learned in the law) in each organized county in which a district court is holden, such commissioners shall have authority to perform such ~~chamber business in the absence of the district judge from the county or upon his written statement filed with the papers, that it is improper for him to act,~~ as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.

**Section 2.** That the Secretary of State shall endorse the following statement on the proposed amendment:

The adoption of this amendment would expand the authority of district court commissioners. If the amendment is adopted, a district court commissioner could perform additional duties assigned by a district court judge, subject to any restrictions the legislature may impose by law.

Approved March 3, 2011.

**Original Senate Joint Resolution No. 6**

A JOINT RESOLUTION requesting Congress to limit air quality regulation by the United States Environmental Protection Agency (EPA).

WHEREAS, the EPA has proposed or is proposing numerous regulations in the area of air quality and regulation of greenhouse gases that are likely to have major effects on the economy, jobs and competitiveness in worldwide markets; and

WHEREAS, the EPA's regulatory activity regarding air quality has become known as the "train wreck" because of numerous and overlapping requirements and because of the potentially devastating consequences the regulatory activity may have on the economy; and

WHEREAS, there is concern that after cap and trade legislation failed in Congress the EPA is attempting to obtain the same results through the adoption of regulations; and

WHEREAS, EPA over-regulation is driving jobs and industry out of the United States; and

WHEREAS, neither the EPA nor any other entity in the executive branch has undertaken a comprehensive study to determine the cumulative effect this regulatory activity will have on the economy including jobs and

competitiveness in worldwide markets; and

WHEREAS, the EPA has not performed any comprehensive study of what benefits will result from its greenhouse gas regulation in terms of impacts on global climate; and

WHEREAS, state agencies are routinely required to identify the costs of their regulations and justify those costs in light of the benefits of the regulations; and

WHEREAS, the EPA has identified “taking action on climate change and improving air quality” as its first strategic goal for the 2011-2015 time period, therefore the EPA should be required to identify the specific actions it intends to take to achieve its goals and to assess the total costs of its actions; and

WHEREAS, the Wyoming Legislature supports continuing improvements in the quality of the nation’s air and believes that those improvements can be made in a sensible fashion without damaging the economy so long as there is a full understanding of the cost of the regulations being implemented; and

WHEREAS, the primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment which will lead to the creation of jobs; and

WHEREAS, public health and welfare will suffer without significant new job creation and economic improvement because people with good jobs are better able to care for themselves and their families than the unemployed and because environmental improvement is only possible in a society that generates wealth.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming Legislature calls on Congress to adopt legislation prohibiting the EPA from regulating greenhouse gas emissions including, if necessary, defunding EPA greenhouse gas regulatory activities.

**Section 2.** That the Wyoming Legislature urges Congress to impose a moratorium on promulgation of any new air quality regulation by the EPA except to directly address an imminent health or environmental emergency for a period of at least two (2) years.

**Section 3.** That the Wyoming Legislature requests the federal government to undertake a study to identify all regulatory activity that the EPA intends to undertake in furtherance of its goal of “taking action on climate change and improving air quality” and specifying the cumulative effect of those regulations on the economy, jobs and American economic competitiveness. The study should be a multi-agency study drawing on the expertise of the EPA along with agencies and departments having expertise



and responsibility in energy and the economy and should provide an objective cost-benefit analysis of the EPA's current and planned regulation related to air quality.

**Section 4.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation. The transmittal to the Wyoming Congressional Delegation shall include a statement requesting the members of the delegation acknowledge receipt of this resolution.

**Section 5.** That the President of the Senate and the Speaker of the House transmit a copy of this resolution to the Council of State Governments-WEST and the chairmen of the agriculture and energy standing committee of the National Conference of State Legislatures as the official position of the Wyoming Legislature.

Approved February 18, 2011.

### **Original Senate Joint Resolution No. 7**

A JOINT RESOLUTION requesting Congress, state and local authorities to take action to mitigate damages caused by bark beetles and to prevent future damages and epidemics.

WHEREAS, it is recognized that bark beetles exist in epidemic quantities in Wyoming and that this epidemic represents a significant threat to the use and enjoyment of Wyoming's lands; and

WHEREAS, this epidemic has killed or is threatening approximately three million one hundred thousand (3,100,000) acres of forested lands in Wyoming; and

WHEREAS, as this epidemic kills trees in Wyoming's forests, those trees eventually fall and block roadways and trails, close campgrounds, destroy utilities, threaten structures and other property and jeopardize utility and other rights-of-way; and

WHEREAS, this epidemic presents a significant threat to Wyoming's environmental and economic prosperity due to the threat of wildfires, destruction of wildlife habitat, threat of mudslides, decreases in water and air quality, loss of recreational areas, loss of tourism and outfitting revenue and the staggering costs of remediation; and

WHEREAS, federal, state and local agencies have begun working together to address the problems created by the epidemic and have enjoyed success in starting to remediate the damages being caused by the epidemic; and

WHEREAS, significant additional remediation efforts are necessary to minimize the impacts of this epidemic and to assure Wyoming's continued environmental and economic prosperity.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That the Wyoming Legislature calls on Congress and federal agencies to fund and support, at heightened levels, efforts to remediate damages and allow for the timely harvest of dead trees caused by the bark beetle epidemic in Wyoming and surrounding states.

**Section 2.** That the Wyoming Legislature calls on Congress in conjunction with all appropriate state and local governments to engage in cooperative efforts to remediate and minimize the impacts of the bark beetle epidemic. These efforts should include the development and improvement of short and long range planning to limit the present and future spread of the epidemic and to limit the impacts and costs associated with the epidemic. These efforts should include work to stop the spread of the epidemic and prevent its reoccurrence through preventative vegetation management practices.

**Section 3.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

**Section 4.** That the President of the Senate and the Speaker of the House transmit a copy of this resolution to the Council of State Governments-WEST as the official position of the Wyoming Legislature.

Approved March 3, 2011.

# INDEX

(Catch Title)

(Chapter No.)

## **Administration of the Government**

Energy impacted county roads program. ....	191
<b><i>Agencies/Boards/Commissions and Departments Generally</i></b>	
Adult protective services. ....	68
Department of health reorganization. ....	161
Economic analysis. ....	154
Primary care support program. ....	135
Professional services procurement. ....	112
Review of state executive department positions. ....	162
School facilities commission-reorganization. ....	2
Substance abuse treatment funding awards. ....	114
Teacher accountability act. ....	182
Workforce services and employment reorganization. ....	49
<b><i>Compensation and Benefits</i></b>	
Review of state executive department positions. ....	162
<b><i>Government Reorganization</i></b>	
Department of health reorganization. ....	161
School facilities commission-reorganization. ....	2
Workforce services and employment reorganization. ....	49
<b><i>Public Funds</i></b>	
Energy impacted county roads program. ....	191
Federal natural resource policy. ....	141
Hydro-power development. ....	109
Primary care support program. ....	135
Public funds-time deposit open accounts interest rate. ....	125
State investments. ....	47
State treasurer reports. ....	10
University of Wyoming-federal mineral royalties. ....	40
University revenue bond supplemental coverage. ....	123
<b><i>State Officers</i></b>	
Health insurance exchanges. ....	195
Medicaid cost study. ....	194
Medicaid options study. ....	193
State treasurer reports. ....	10
<b><i>State Personnel System</i></b>	
Review of state executive department positions. ....	162
<b><i>Wildlife and Natural Resource Funding Act</i></b>	
Large project funding. ....	87
Wildlife and natural resource trust account board. ....	64
<b><i>Wyoming Economic Development Act</i></b>	
Film industry financial incentives program. ....	13
Workforce housing infrastructure funds-reversion. ....	23
Wyoming market research center. ....	20
<b><u>Agriculture/Livestock/Other Animals</u></b>	
Agricultural gas tax refund program. ....	99
Hydro-power development. ....	109
<b><i>Contagious and Infectious Diseases Among Livestock</i></b>	
Quarantine of animals. ....	96

<b><i>Fences and Cattle Guards</i></b>	
Subdivision-perimeter partition fencing.....	102
<b><i>Feral Livestock</i></b>	
Feral livestock.....	21
<b><i>General Provisions</i></b>	
Quarantine of animals.....	96
<b><i>Livestock Remedies</i></b>	
Animal remedies.....	98
<b><i>Livestock Board and State Veterinarian</i></b>	
Animal remedies.....	98
Feral livestock.....	21
Protection of livestock animals.....	100
Quarantine of animals.....	96
<b><i>Offenses Concerning Livestock and Other Animals</i></b>	
Feral livestock.....	21
Protection of livestock animals.....	100
<b><i>Pari-Mutuel Wagering</i></b>	
Pari-mutuel commission-amendments.....	33
Pari-mutuel regulation.....	6
<b><i>Predatory Animals</i></b>	
Animal damage management board-reports.....	19
<b><i>Protection of Domestic Animals</i></b>	
Protection of livestock animals.....	100
<b><i>State Fair</i></b>	
100th state fair celebration.....	70
State fair.....	72
<b><i>State Loan and Investment Board</i></b>	
Energy impacted county roads program.....	191
Hydro-power development.....	109
<b><i>Weed and Pest Control</i></b>	
Weed and pest control.....	37
<b><u>Alcoholic Beverages</u></b>	
<b><i>Local Licenses</i></b>	
Bar and grill liquor licenses.....	22
Liquor license transfers.....	5
<b><u>Appropriations</u></b>	
100th state fair celebration.....	70
Cruelty to animals.....	177
Department of health reorganization.....	161
Developmental disability services.....	163
Dietetics licensure.....	139
District court commissioners-authority.....	NONE
Economic analysis.....	154
Education accountability.....	184
Electronic fine submittal.....	175
Energy impacted county roads program.....	191
Federal natural resource policy.....	141
General government appropriations.....	88
Gillette Madison water project financing.....	61
Health care pilot project amendments.....	134
Health insurance exchanges.....	195
Large project funding.....	87

Long term services and support. ....	188
Medicaid cost study. ....	194
Medicaid options study.....	193
Municipal solid waste landfills. ....	110
National guard-billeted soldiers fund. ....	155
Nuclear energy production study.....	148
Omnibus water bill-construction.....	63
Omnibus water bill-planning.....	1
Primary care support program. ....	135
Production states agreement. ....	92
Review of state executive department positions. ....	162
School finance recalibration.....	185
Spice drugs. ....	137
State archives-storage study.....	116
State parks-acquisition of lands. ....	90
Substance abuse treatment funding awards. ....	114
Wildlife/livestock disease research partnership-funding. ....	145
Wyoming Veterans Memorial Highway.....	89
<b><u>Banks/Banking/Finance</u></b>	
Remote electronic terminals-fees-2. ....	62
<b><u>Children</u></b>	
<i>Child Care Facilities</i>	
CHINS-administrative change of placement.....	12
<i>Juveniles</i>	
CHINS-administrative change of placement.....	12
<i>Parents</i>	
Child custody orders-abandonment. ....	131
<i>Protection</i>	
Child protection shelter care and initial hearings. ....	79
<b><u>Cities and Towns</u></b>	
Bar and grill liquor licenses.....	22
Energy improvement program. ....	152
Liquor license transfers. ....	5
<b><u>City/County/State/Local Powers</u></b>	
County roads-speed limits and local authority to alter.....	32
<i>Public Property</i>	
Public works and contracts-2.....	82
State funded construction projects/preference provisions. ....	81
<i>Uniform Municipal Fiscal Procedures: Public Records/</i>	
<i>Documents and Meetings</i>	
Coroner record confidentiality. ....	144
Guardianship and wards-sealed records.....	59
<b><u>Civil Procedure</u></b>	
<i>Civil Actions</i>	
Court jurisdiction. ....	196
Liability for emergency equipment donations. ....	65
Recreation Safety Act-waiver on behalf of minors. ....	91
Successor Corporation Asbestos-Related Liability Act-2. ....	117
<i>Eminent Domain</i>	
Eminent domain-wind energy collector systems-2.....	86
<i>Enforcement of Judgments</i>	
Execution of judgment liens. ....	16

<b><i>Fees and Costs</i></b>	
Service of process fees.....	132
<b><i>Real Property</i></b>	
Wyoming Safe Homes Act-2.....	189
<b><i>Sale and Redemption of Realty Sold Under Mortgage or Execution</i></b>	
Foreclosure and redemption revisions.....	173
<b><u>Counties</u></b>	
Economic analysis.....	154
Energy impacted county roads program.....	191
Federal natural resource policy.....	141
<b><i>Corporate Powers and Duties</i></b>	
County roads-speed limits and local authority to alter.....	32
<b><i>County Officers</i></b>	
Appointments to county commissioner vacancy.....	115
Counties-election districts.....	78
County officers removal from office.....	41
Service of process fees.....	132
<b><i>Memorial Hospitals</i></b>	
County memorial hospital board members-removal.....	149
<b><i>Planning and Zoning</i></b>	
Subdivision-perimeter partition fencing.....	102
Subdivisions-water study.....	101
<b><u>Courts</u></b>	
DUI-elimination of right to refuse test.....	178
Electronic fine submittal.....	175
Probation and parole-amendments.....	30
Service of process in family violence and stalking cases.....	108
<b><i>Circuit Courts</i></b>	
Assignment of retired circuit court judges.....	11
Circuit court surety bonds-repeal.....	57
Court jurisdiction.....	196
Electronic fine submittal.....	175
<b><i>District Court</i></b>	
CHINS-administrative change of placement.....	12
Court jurisdiction.....	196
District court commissioners-authority.....	NONE
<b><i>In General</i></b>	
Guardianship and wards-sealed records.....	59
<b><i>Supreme Court</i></b>	
Assignment of retired circuit court judges.....	11
<b><u>Crimes and Offenses</u></b>	
Castle doctrine modifications.....	142
Prescriptions for marihuana invalid.....	66
Protection of livestock animals.....	100
Wyoming Controlled Substances Act-amendments.....	45
<b><i>General Provisions</i></b>	
Castle doctrine modifications.....	142
Spice drugs.....	137
State parks-temporary peace officers.....	160
<b><i>Offenses Against Morals/Decency and Family</i></b>	
Human remains-training of search and rescue dogs.....	93

<b><i>Offenses Against Property</i></b>	
Castle doctrine modifications. ....	142
Cruelty to animals.....	177
Impersonation through electronic means. ....	180
<b><i>Offenses Against Public Peace</i></b>	
Unlawful protesting at a funeral-amendments. ....	80
<b><i>Offenses Against the Person</i></b>	
Castle doctrine modifications. ....	142
Sex offender registration amendmets.....	179
Strangulation of a household member. ....	136
<b><i>Weapons</i></b>	
Concealed weapons. ....	84
<b><u>Criminal Procedure</u></b>	
Acceptance of citation. ....	167
Electronic fine submittal.....	175
<b><i>County Coroners</i></b>	
Coroner record confidentiality. ....	144
<b><i>Criminal History Records</i></b>	
Department of insurance-background checks. ....	55
Sex offender registration amendmets.....	179
<b><i>Fugitives and Prevention of Crime</i></b>	
Service of process in family violence and stalking cases.....	108
<b><i>General Provisions</i></b>	
Victim notification amendmets. ....	17
<b><i>Peace Officers</i></b>	
State parks-temporary peace officers.....	160
<b><i>Sentence and Imprisonment</i></b>	
Expungement of felonies.....	69
Federal Motor Carrier Safety Act Compliance. ....	31
Probation and parole-amendments. ....	30
<b><i>Trial and Matters Incident Thereto</i></b>	
Service of process in family violence and stalking cases.....	108
<b><u>Defense Forces and Affairs</u></b>	
Elections-military and overseas voters. ....	15
Temporary military duty-child custody and visitation.....	36
<b><i>Administration</i></b>	
Military department-federally funded positions. ....	157
Title 19-veterans' commission duties. ....	27
<b><i>Veterans</i></b>	
Choice license plates for disabled veterans. ....	26
Title 19-veterans' commission duties. ....	27
Veteran's tax exemption.....	156
Vietnam and veterans welcome home and thank you day. ....	25
<b><i>Wyoming National Guard</i></b>	
National guard-billeted soldiers fund. ....	155
National guard-disposal of land. ....	95
National guard-emergency deployment professional licensing. ....	94
Wyoming Veterans Memorial Highway.....	89
<b><u>Domestic Relations</u></b>	
<b><i>Child Custody</i></b>	
Child custody orders-abandonment. ....	131

Temporary military duty-child custody and visitation.....	36
<b><i>Child Support Enforcement</i></b>	
Child support-orders. ....	121
<b><u>Economic Development</u></b>	
Data processing services centers-tax exemptions. ....	48
Ethanol producer tax credit.....	170
Film industry financial incentives program. ....	13
Manufacturing tax exemption. ....	83
Nuclear energy production study.....	148
Workforce housing infrastructure funds-reversion. ....	23
Wyoming market research center.....	20
<b><u>Education</u></b>	
Charter schools-application. ....	14
Education accountability.....	184
Hathaway student scholarship program. ....	85
Hathaway success curriculum-2.....	199
School facilities-adequacy assessment. ....	71
School facilities commission-reorganization. ....	2
School finance recalibration.....	185
Seclusion and restraint in schools.....	67
<b><i>Capital Construction Projects</i></b>	
School facilities-adequacy assessment. ....	71
School facilities commission-reorganization. ....	2
<b><i>Community Colleges</i></b>	
Developmental disability services. ....	163
Hathaway student scholarship program. ....	85
<b><i>Courses of Study</i></b>	
Hathaway success curriculum-2.....	199
<b><i>Higher Education Generally</i></b>	
Hathaway student scholarship program. ....	85
Hathaway success curriculum-2.....	199
State treasurer reports. ....	10
WICHE-repayment program. ....	181
Wyoming reclamation and restoration center.....	53
<b><i>Pupils</i></b>	
School athletics safety. ....	190
<b><i>School Districts in General</i></b>	
Charter schools-application. ....	14
Education accountability.....	184
Seclusion and restraint in schools.....	67
Teacher accountability act. ....	182
<b><i>School Finance</i></b>	
School finance recalibration.....	185
<b><i>Teachers and Employees</i></b>	
General government appropriations. ....	88
Teacher accountability act. ....	182
<b><i>The Administration of the State System of Education at the State Level</i></b>	
Charter schools-application. ....	14
Education accountability.....	184
School finance recalibration.....	185
Seclusion and restraint in schools.....	67



Teacher accountability act. ....	182
<b><i>University of Wyoming</i></b>	
Hathaway student scholarship program. ....	85
Nuclear energy production study. ....	148
University revenue bond supplemental coverage. ....	123
<b><u>Elderly and disabled</u></b>	
Adult protective services. ....	68
Long term services and support. ....	188
Nursing care facility assessment. ....	105
<b><u>Elections</u></b>	
Counties-election districts. ....	78
Election code-revisions. ....	38
<b><i>Absentee Voting</i></b>	
Election code-revisions. ....	38
Elections-military and overseas voters. ....	15
<b><i>Ballots</i></b>	
Elections-military and overseas voters. ....	15
<b><i>Campaign Practices</i></b>	
Campaign finance-organizations. ....	74
<b><i>Canvass and Recount</i></b>	
Election code-revisions. ....	38
Mail ballot elections. ....	76
<b><i>Municipal Elections</i></b>	
Election code-revisions. ....	38
<b><i>Nominations</i></b>	
Election code-revisions. ....	38
<b><i>Offenses and Penalties</i></b>	
Election code-revisions. ....	38
<b><i>Polling Place Regulations After Polls Close</i></b>	
Election code-revisions. ....	38
<b><i>Polling Place Regulations Before Polls Open</i></b>	
Election code-revisions. ....	38
<b><i>Polling Place Regulations During Voting Hours</i></b>	
Election code-revisions. ....	38
<b><u>Fiduciaries</u></b>	
<b><i>Uniform Trust Code</i></b>	
Uniform Trust Code amendments. ....	126
<b><u>Game and Fish</u></b>	
Acceptance of citation. ....	167
Guides and outfitters. ....	186
<b><i>Administration</i></b>	
Game & fish-donation of hunting licenses. ....	42
Game & fish-land acquisition. ....	197
<b><i>Enforcement Penalties</i></b>	
Game and fish violations-penalties. ....	187
<b><i>Licenses/Fees</i></b>	
Game & fish-donation of hunting licenses. ....	42
Game and fish-turkey pioneer licenses. ....	28
Guides and outfitters. ....	186
Special limited fishing permits. ....	43
<b><i>Protection and Propagation of Fish</i></b>	
Aquatic invasive species-reciprocity. ....	73

**General Provisions**

Obsolete laws-general revisions. ....129

***Legal Time and Holidays***

Vietnam and veterans welcome home and thank you day. ....25

**Guardian and Ward*****General Provisions***

Guardianship and wards-sealed records.....59

**Health care**

Cancer Control Act amendments.....106

Dental services freedom bill. ....107

Developmental disability services. ....163

Health care freedom. .... NONE

Health care pilot project amendments. ....134

Health insurance exchanges.....195

Long term services and support. ....188

Medicaid cost study. ....194

Medicaid options study.....193

Medicaid-reimbursement of services.....164

Nursing care facility assessment.....105

Primary care support program. ....135

Wyoming health insurance pool-sunset. ....56

**Highways*****Establishment of Private Roads***

Establishment of private roads. ....46

***General Provisions***

Wyoming Veterans Memorial Highway. ....89

**Institutions of the State*****Hospitalization of Mentally Ill Persons***

Involuntary commitment examiners.....54

**Insurance Code**

Wyoming health insurance pool-sunset. ....56

***Agencies and Adjusters***

Department of insurance-background checks. ....55

Department of insurance-licensure revisions.....60

***Group and Blanket Disability Insurance***

Health insurance definitions. ....165

Insurance premiums-failure to pay. ....29

***Hospital or Medical Service Insurance and Prepaid Health Service Plans***

Dental services freedom bill. ....107

Insurance premiums-failure to pay. ....29

***Kinds of Insurance/Limits of Risk/Reinsurance***

Health insurance definitions. ....165

***Prepaid or Prearranged Funeral Contracts***

Vaults, crypts and mausoleums-perpetual trust funds.....151

***Rental Car Insurance***

Department of insurance-licensure revisions.....60

***Scope of Code***

Health insurance definitions. ....165

***Surplus Lines and Insurance Agent Examiners***

Insurance-surplus lines. ....103

<b><i>Wyoming Health Insurance Pool Act</i></b>	
Health care pilot project amendments.....	134
Wyoming health insurance pool-sunset.....	56
<b><u>Labor and Employment</u></b>	
Workforce services and employment reorganization.....	49
<b><i>Worker's Compensation</i></b>	
State parks-volunteers.....	7
<b><u>Legislature</u></b>	
Obsolete laws-general revisions.....	129
Production states agreement.....	92
<b><i>General Provisions</i></b>	
Legislative committee membership.....	198
Management audit committee subpoena power.....	75
<b><i>Legislative Service Office</i></b>	
Management audit committee subpoena power.....	75
Obsolete laws-general revisions.....	129
<b><u>Liens</u></b>	
Execution of judgment liens.....	16
Liens.....	130
<b><i>Contractors or Materialmen</i></b>	
Liens.....	130
<b><i>Forms</i></b>	
Liens.....	130
<b><u>Mines and Minerals</u></b>	
<b><i>Oil and Gas</i></b>	
Oil and gas enhanced recovery-microbial conversion.....	50
<b><u>Motor Vehicles</u></b>	
Natural gas vehicles.....	143
<b><i>Abandoned Vehicles</i></b>	
Abandoned vehicles-storage expenses.....	128
<b><i>Commercial Driver's Licenses</i></b>	
Federal Motor Carrier Safety Act Compliance.....	31
<b><i>Commercial Vehicles</i></b>	
Federal Motor Carrier Safety Act Compliance.....	31
Overweight and oversize vehicle penalties.....	192
<b><i>Driver's Licenses</i></b>	
Federal Motor Carrier Safety Act Compliance.....	31
Next of kin-driver's license option.....	168
<b><i>General Offenses and Penalties</i></b>	
Acceptance of citation.....	167
DUI-child endangerment fines.....	122
DUI-elimination of right to refuse test.....	178
<b><i>General Provisions</i></b>	
Off-road vehicle definition.....	9
<b><i>Implied Consent to Chemical Testing</i></b>	
DUI-elimination of right to refuse test.....	178
<b><i>Regulation of Traffic on Highways</i></b>	
County roads-speed limits and local authority to alter.....	32
DUI-child endangerment fines.....	122
DUI-elimination of right to refuse test.....	178
Ignition interlock devices.....	39
<b><i>Title and Registration</i></b>	

Choice license plates for disabled veterans. ....	26
Multiple special handicapped license plates.....	111
Off-road vehicle definition. ....	9
Off-road vehicle registration-exemption. ....	158
State parks-trails. ....	8
Vehicle restoration. ....	172
<b><u>Noncodified Statutes Water</u></b>	
Gillette Madison water project financing.....	61
Omnibus water bill-construction. ....	63
Omnibus water bill-planning.....	1
Water development projects-funding. ....	35
<b><i>Authorization for Water Development Construction Projects</i></b>	
Gillette Madison water project financing.....	61
Omnibus water bill-construction. ....	63
Omnibus water bill-planning.....	1
<b><u>Professions and Occupations</u></b>	
Guides and outfitters. ....	186
<b><i>Dieticians</i></b>	
Dietetics licensure. ....	139
<b><i>Nurses</i></b>	
Wyoming Nurse Practice Act amendment. ....	169
Wyoming Nurse Practice Act-amendments. ....	171
<b><i>Real Estate Brokers and Salesmen</i></b>	
Real estate brokers and salesmen revisions-2.....	104
<b><i>Veterinarians</i></b>	
Wyoming Veterinary Medical Practice Act-2. ....	97
<b><u>Property/Conveyances and Security Transactions</u></b>	
Notaries. ....	113
Wind energy property rights.....	3
<b><i>Conveyances Validated</i></b>	
Wind energy property rights.....	3
<b><i>Foreclosure of Mortgages and Power of Sale</i></b>	
Foreclosure and redemption revisions. ....	173
<b><i>General Provisions</i></b>	
Abolition of worthier title doctrine.....	77
Property disclosure statement-wind estate. ....	166
Vacant land. ....	124
Wind energy property rights.....	3
<b><i>Marketable Titles</i></b>	
Foreclosure and redemption revisions. ....	173
<b><i>Notarial Acts</i></b>	
Notaries. ....	113
<b><i>Platting and Dedication</i></b>	
Platted plots-requirement.....	174
Subdivisions-water study. ....	101
<b><u>Public Health and Safety</u></b>	
Emergency medical review organizations.....	138
<b><i>Adult Protective Services</i></b>	
Adult protective services.....	68
<b><i>Anatomical Gifts</i></b>	
Human remains-training of search and rescue dogs.....	93

<b><i>Assemblage of People</i></b>	
Unlawful protesting at a funeral-amendments.....	80
<b><i>Cemeteries and Burials</i></b>	
Vaults, crypts and mausoleums-perpetual trust funds.....	151
<b><i>Controlled Substances-Drugs</i></b>	
Prescriptions for marihuana invalid.....	66
Spice drugs.....	137
Substance abuse treatment funding awards.....	114
Wyoming Controlled Substances Act-amendments.....	45
<b><i>Domestic Violence Protection</i></b>	
Adult protective services.....	68
Service of process in family violence and stalking cases.....	108
Wyoming Safe Homes Act-2.....	189
<b><i>Environmental Quality</i></b>	
Municipal solid waste landfills.....	110
Performance based evaluation and design.....	147
Resolution-environmental protection agency regulations.....	NONE
Very rare or uncommon area designations.....	140
Voluntary environmental audit report.....	24
Wyoming reclamation and restoration center.....	53
<b><i>Fire Protection</i></b>	
Emergency response-incidents.....	150
<b><i>Food and Drugs</i></b>	
Animal remedies.....	98
Prescriptions for marihuana invalid.....	66
Spice drugs.....	137
Substance abuse treatment funding awards.....	114
Wyoming Controlled Substances Act-amendments.....	45
Wyoming Traditional Food Act.....	153
<b><i>Health Regulations Generally</i></b>	
Human remains-training of search and rescue dogs.....	93
<b><i>Hospital and Related Facilities</i></b>	
County memorial hospital board members-removal.....	149
Nursing care facility assessment.....	105
Primary care support program.....	135
<b><i>Industrial Development and Siting</i></b>	
General government appropriations.....	88
Landowner rights in wind energy development.....	146
Wind energy property rights.....	3
<b><i>Professional Standard Review Organizations</i></b>	
Emergency medical review organizations.....	138
<b><i>Public Programs</i></b>	
Cancer Control Act amendments.....	106
Developmental disability services.....	163
Health care pilot project amendments.....	134
Health insurance exchanges.....	195
Long term services and support.....	188
Medicaid cost study.....	194
Medicaid options study.....	193
Medicaid-reimbursement of services.....	164
Primary care support program.....	135
<b><u>Public Lands</u></b>	

Bark beetle mitigation. ....	NONE
<b><i>Board of Land Commissioners</i></b>	
Grand Teton National Park-transfer of state lands. ....	51
<b><i>Director of the State Land and Farm Loan Office</i></b>	
Grand Teton National Park-transfer of state lands. ....	51
State lands-improvements-2.....	118
<b><i>Leasing Generally</i></b>	
State lands-improvements.....	18
<b><i>State Parks and Preserves</i></b>	
State parks-temporary peace officers.....	160
State parks-trails. ....	8
<b><i>Sale of State Lands</i></b>	
Grand Teton National Park-transfer of state lands. ....	51
<b><u>Public Utilities</u></b>	
<b><i>Railroads</i></b>	
Railroads-fence repairs. ....	159
<b><i>Rates/Interchange of Services and Safety</i></b>	
Natural gas storage.....	52
<b><i>Wyoming Natural Gas and Infrastructure Pipeline Authorities</i></b>	
Wyoming infrastructure authority. ....	119
Wyoming pipeline authority.....	120
<b><u>Resolutions</u></b>	
Bark beetle mitigation. ....	NONE
District court commissioners-authority.....	NONE
Health care freedom.....	NONE
Resolution-environmental protection agency regulations. ....	NONE
Right to hunt, fish and trap.....	NONE
<b><u>Revisions</u></b>	
Obsolete laws-general revisions. ....	129
Revisor's bill. ....	176
<b><u>State-Federal Issues</u></b>	
Bark beetle mitigation. ....	NONE
Health care freedom.....	NONE
Health insurance exchanges.....	195
Medicaid cost study. ....	194
Production states agreement.....	92
Resolution-environmental protection agency regulations. ....	NONE
<b><u>Taxation and Revenue</u></b>	
Agricultural gas tax refund program. ....	99
Ethanol producer tax credit.....	170
Excise tax-vendor compensation. ....	183
Manufacturing tax exemption. ....	83
Sales tax on certain food items.....	34
Taxation of oil and gas field services.....	4
Veteran's tax exemption.....	156
<b><i>Ad Valorem Taxation</i></b>	
Property tax exemption for nonprofit museum. ....	44
Property taxation-appeals. ....	127
Veteran's tax exemption.....	156
<b><i>Administration</i></b>	
Property tax exemption for nonprofit museum. ....	44
Property taxation-appeals. ....	127

Veteran's tax exemption.....	156
<b><i>Fuel Tax</i></b>	
Agricultural gas tax refund program.....	99
Ethanol producer tax credit.....	170
<b><i>Sales Tax</i></b>	
Data processing services centers-tax exemptions.....	48
Excise tax-vendor compensation.....	183
Manufacturing tax exemption.....	83
Sales tax on certain food items.....	34
Taxation of oil and gas field services.....	4
<b><i>Use Tax</i></b>	
Data processing services centers-tax exemptions.....	48
Excise tax-vendor compensation.....	183
Manufacturing tax exemption.....	83
Sales tax on certain food items.....	34
<b><u>Trade and Commerce</u></b>	
Fair practices of equipment act amendment.....	133
<b><i>Consumer Protection</i></b>	
Animal remedies.....	98
<b><i>Wyoming Farm Equipment Fair Dealership Act</i></b>	
Fair practices of equipment act amendment.....	133
<b><u>Uniform Acts</u></b>	
Notaries.....	113
Uniform Trust Code amendments.....	126
<b><u>Water</u></b>	
Gillette Madison water project financing.....	61
Omnibus water bill-construction.....	63
Omnibus water bill-planning.....	1
Water development projects-funding.....	35
<b><i>Planning and Development</i></b>	
Gillette Madison water project financing.....	61
Hydro-power development.....	109
Omnibus water bill-construction.....	63
Omnibus water bill-planning.....	1
Water development projects-funding.....	35
<b><i>Watercraft</i></b>	
Aquatic invasive species-reciprocity.....	73
<b><i>Water Rights/Administration and Control</i></b>	
Subdivisions-water study.....	101
<b><u>Welfare</u></b>	
Nursing care facility assessment.....	105
<b><i>Long Term Care Choices Program</i></b>	
Long term services and support.....	188
<b><i>Medical Assistance and Services</i></b>	
Developmental disability services.....	163
Medicaid cost study.....	194
Medicaid-reimbursement of services.....	164
<b><u>Wills/Estates/Probates</u></b>	
<b><i>General Provisions</i></b>	
Summary probate-amendments.....	58

Uniform Trust Code amendments.....	126
<b><i>Probate Court</i></b>	
Summary probate-amendments.....	58
<b><u>Wyoming Constitution</u></b>	
<b><i>Declaration of Rights</i></b>	
Health care freedom.....	NONE
Right to hunt, fish and trap.....	NONE
<b><i>Judicial Department</i></b>	
District court commissioners-authority.....	NONE
<b><i>Education/State Institutions/Promotion of Health and Morals/ Public Buildings</i></b>	
Health care freedom.....	NONE



## CROSS REFERENCE

### HB/SF CHAPTER

HB0002	56	Wyoming health insurance pool-sunset.
HB0003	5	Liquor license transfers.
HB0004	55	Department of insurance-background checks.
HB0005	123	University revenue bond supplemental coverage.
HB0007	97	Wyoming Veterinary Medical Practice Act-2.
HB0008	153	Wyoming Traditional Food Act.
HB0009	60	Department of insurance-licensure revisions.
HB0013	199	Hathaway success curriculum-2.
HB0015	37	Weed and pest control.
HB0018	96	Quarantine of animals.
HB0019	11	Assignment of retired circuit court judges.
HB0020	164	Medicaid-reimbursement of services.
HB0023	179	Sex offender registration amendments.
HB0028	79	Child protection shelter care and initial hearings.
HB0029	178	DUI-elimination of right to refuse test.
HB0030	16	Execution of judgment liens.
HB0031	6	Pari-mutuel regulation.
HB0036	106	Cancer Control Act amendments.
HB0037	116	State archives-storage study.
HB0042	144	Coroner record confidentiality.
HB0049	135	Primary care support program.
HB0050	195	Health insurance exchanges.
HB0057	21	Feral livestock.
HB0060	4	Taxation of oil and gas field services.
HB0061	1	Omnibus water bill-planning.
HB0062	45	Wyoming Controlled Substances Act-amendments.
HB0063	101	Subdivisions-water study.
HB0066	35	Water development projects-funding.
HB0069	66	Prescriptions for marihuana invalid.

HB0073	107	Dental services freedom bill.
HB0075	17	Victim notification amendments.
HB0076	28	Game and fish-turkey pioneer licenses.
HB0079	46	Establishment of private roads.
HB0080	108	Service of process in family violence and stalking cases.
HB0081	124	Vacant land.
HB0087	129	Obsolete laws-general revisions.
HB0088	186	Guides and outfitters.
HB0090	172	Vehicle restoration.
HB0092	180	Impersonation through electronic means.
HB0095	54	Involuntary commitment examiners.
HB0098	22	Bar and grill liquor licenses.
HB0099	114	Substance abuse treatment funding awards.
HB0100	197	Game & fish-land acquisition.
HB0103	181	WICHE-repayment program.
HB0105	36	Temporary military duty-child custody and visitation.
HB0109	119	Wyoming infrastructure authority.
HB0110	117	Successor Corporation Asbestos-Related Liability Act-2.
HB0111	82	Public works and contracts-2.
HB0113	120	Wyoming pipeline authority.
HB0114	29	Insurance premiums-failure to pay.
HB0115	14	Charter schools-application.
HB0117	48	Data processing services centers-tax exemptions.
HB0123	57	Circuit court surety bonds-repeal.
HB0124	94	National guard-emergency deployment professional licensing.
HB0127	185	School finance recalibration.
HB0129	148	Nuclear energy production study.
HB0133	43	Special limited fishing permits.
HB0135	118	State lands-improvements-2.
HB0136	115	Appointments to county commissioner vacancy.

HB0138	125	Public funds-time deposit open accounts interest rate.
HB0139	89	Wyoming Veterans Memorial Highway.
HB0143	83	Manufacturing tax exemption.
HB0147	183	Excise tax-vendor compensation.
HB0151	109	Hydro-power development.
HB0152	140	Very rare or uncommon area designations.
HB0153	99	Agricultural gas tax refund program.
HB0154	111	Multiple special handicapped license plates.
HB0156	51	Grand Teton National Park-transfer of state lands.
HB0157	77	Abolition of worthier title doctrine.
HB0159	126	Uniform Trust Code amendments.
HB0160	75	Management audit committee subpoena power.
HB0167	142	Castle doctrine modifications.
HB0177	25	Vietnam and veterans welcome home and thank you day.
HB0178	151	Vaults, crypts and mausoleums-perpetual trust funds.
HB0179	152	Energy improvement program.
HB0189	173	Foreclosure and redemption revisions.
HB0190	175	Electronic fine submittal.
HB0193	105	Nursing care facility assessment.
HB0194	168	Next of kin-driver's license option.
HB0202	159	Railroads-fence repairs.
HB0203	121	Child support-orders.
HB0206	150	Emergency response-incidents.
HB0208	158	Off-road vehicle registration-exemption.
HB0209	138	Emergency medical review organizations.
HB0211	149	County memorial hospital board members-removal.
HB0215	161	Department of health reorganization.
HB0217	92	Production states agreement.
HB0223	166	Property disclosure statement-wind estate.
HB0224	174	Platted plots-requirement.

HB0230	86	Eminent domain-wind energy collector systems-2.
HB0235	143	Natural gas vehicles.
HB0242	103	Insurance-surplus lines.
HB0243	93	Human remains-training of search and rescue dogs.
HB0246	95	National guard-disposal of land.
HB0248	80	Unlawful protesting at a funeral-amendments.
HB0249	167	Acceptance of citation.
HB0252	162	Review of state executive department positions.
HB0253	169	Wyoming Nurse Practice Act amendment.
HB0254	127	Property taxation-appeals.
HB0255	156	Veteran's tax exemption.
HB0256	189	Wyoming Safe Homes Act-2.
HB0259	170	Ethanol producer tax credit.
HJ0001	NONE	District court commissioners-authority.
SF0001	88	General government appropriations.
SF0002	10	State treasurer reports.
SF0003	74	Campaign finance-organizations.
SF0004	15	Elections-military and overseas voters.
SF0005	18	State lands-improvements.
SF0006	19	Animal damage management board-reports.
SF0007	72	State fair.
SF0009	154	Economic analysis.
SF0010	100	Protection of livestock animals.
SF0011	12	CHINS-administrative change of placement.
SF0014	78	Counties-election districts.
SF0015	196	Court jurisdiction.
SF0016	71	School facilities-adequacy assessment.
SF0017	30	Probation and parole-amendments.
SF0018	31	Federal Motor Carrier Safety Act Compliance.
SF0020	38	Election code-revisions.
SF0021	44	Property tax exemption for nonprofit museum.

SF0022	3	Wind energy property rights.
SF0023	76	Mail ballot elections.
SF0024	47	State investments.
SF0025	188	Long term services and support.
SF0026	32	County roads-speed limits and local authority to alter.
SF0027	33	Pari-mutuel commission-amendments.
SF0028	7	State parks-volunteers.
SF0029	163	Developmental disability services.
SF0031	9	Off-road vehicle definition.
SF0032	8	State parks-trails.
SF0033	90	State parks-acquisition of lands.
SF0036	67	Seclusion and restraint in schools.
SF0037	165	Health insurance definitions.
SF0038	190	School athletics safety.
SF0039	73	Aquatic invasive species-reciprocity.
SF0041	13	Film industry financial incentives program.
SF0042	26	Choice license plates for disabled veterans.
SF0043	27	Title 19-veterans' commission duties.
SF0045	112	Professional services procurement.
SF0047	84	Concealed weapons.
SF0048	64	Wildlife and natural resource trust account board.
SF0050	193	Medicaid options study.
SF0055	102	Subdivision-perimeter partition fencing.
SF0057	70	100th state fair celebration.
SF0058	146	Landowner rights in wind energy development.
SF0059	137	Spice drugs.
SF0062	87	Large project funding.
SF0063	42	Game & fish-donation of hunting licenses.
SF0065	98	Animal remedies.
SF0067	59	Guardianship and wards-sealed records.
SF0068	58	Summary probate-amendments.
SF0069	176	Revisor's bill.
SF0070	184	Education accountability.

SF0072	133	Fair practices of equipment act amendment.
SF0073	110	Municipal solid waste landfills.
SF0074	20	Wyoming market research center.
SF0075	23	Workforce housing infrastructure funds-reversion.
SF0076	24	Voluntary environmental audit report.
SF0077	41	County officers removal from office.
SF0079	91	Recreation Safety Act-waiver on behalf of minors.
SF0081	63	Omnibus water bill-construction.
SF0085	187	Game and fish violations-penalties.
SF0088	69	Expungement of felonies.
SF0089	68	Adult protective services.
SF0090	171	Wyoming Nurse Practice Act-amendments.
SF0091	145	Wildlife/livestock disease research partnership-funding.
SF0092	52	Natural gas storage.
SF0093	139	Dietetics licensure.
SF0094	65	Liability for emergency equipment donations.
SF0095	198	Legislative committee membership.
SF0099	34	Sales tax on certain food items.
SF0100	177	Cruelty to animals.
SF0101	85	Hathaway student scholarship program.
SF0102	194	Medicaid cost study.
SF0103	61	Gillette Madison water project financing.
SF0107	191	Energy impacted county roads program.
SF0108	62	Remote electronic terminals-fees-2.
SF0109	160	State parks-temporary peace officers.
SF0110	2	School facilities commission-reorganization.
SF0112	155	National guard-billeted soldiers fund.
SF0115	122	DUI-child endangerment fines.
SF0116	50	Oil and gas enhanced recovery-microbial conversion.
SF0117	53	Wyoming reclamation and restoration center.
SF0119	104	Real estate brokers and salesmen revisions-2.
SF0120	49	Workforce services and employment

reorganization.

SF0121	147	Performance based evaluation and design.
SF0124	192	Overweight and oversize vehicle penalties.
SF0128	128	Abandoned vehicles-storage expenses.
SF0131	157	Military department-federally funded positions.
SF0132	136	Strangulation of a household member.
SF0134	130	Liens.
SF0135	40	University of Wyoming-federal mineral royalties.
SF0137	39	Ignition interlock devices.
SF0138	131	Child custody orders-abandonment.
SF0139	134	Health care pilot project amendments.
SF0143	141	Federal natural resource policy.
SF0144	81	State funded construction projects/preference provisions.
SF0146	182	Teacher accountability act.
SF0147	132	Service of process fees.
SF0150	113	Notaries.
SJ0001	NONE	Right to hunt, fish and trap.
SJ0002	NONE	Health care freedom.
SJ0006	NONE	Resolution-environmental protection agency regulations.
SJ0007	NONE	Bark beetle mitigation.

# TABLE OF LAWS CREATED

WYOMING STATUTES	HB/SF	LAWS 2011 Chapter No.
1-1-123(d).....	SF0079.....	91
1-1-131 .....	SF0094.....	65
1-1-131 through 1-1-137 .....	HB0110.....	117
1-2-102(a)(xv) .....	SF0150.....	113
1-18-115 .....	HB0189.....	173
1-21-1301 through 1-21-1304 .....	HB0256.....	189
1-40-204(b)(xi) .....	SF0088.....	69
4-10-505.1 .....	HB0159.....	126
4-10-506(e).....	HB0159.....	126
4-10-510(a)(iv)(N).....	HB0159.....	126
5-9-119(d).....	HB0019.....	11
5-9-154 .....	HB0190.....	175
6-2-509 .....	SF0132.....	136
6-2-602(d).....	HB0167.....	142
6-3-203(o) and (p) .....	SF0100.....	177
6-3-902 .....	HB0092.....	180
6-8-104(a)(iv) .....	SF0047.....	84
7-2-106(e)(iii) and (f) .....	SF0109.....	160
7-4-105 .....	HB0042.....	144
7-13-301(f).....	SF0018.....	31
7-13-401(a)(xiii) and (xiv) .....	SF0017.....	30
7-13-402(j).....	SF0017.....	30
7-13-420(c) .....	SF0017.....	30
7-13-421(h).....	SF0017.....	30
7-13-1502 .....	SF0088.....	69
7-19-106(a)(xxv).....	HB0004.....	55
7-19-201(a)(xx) .....	HB0004.....	55
7-19-301(a)(xxii) and (xxiii) .....	HB0023.....	179
7-19-302(a)(xii), (xiii), (c)(v), (p) and (q).....	HB0023.....	179
7-19-303(c)(iii)(K) and (M).....	HB0023.....	179



8-4-109 .....	HB0177.....	25
9-2-127 .....	HB0049.....	135
9-2-1024(a)(vii) through (x).....	SF0009.....	154
9-2-2002(h).....	SF0120.....	49
9-2-2601(k).....	SF0120.....	49
9-2-2708 .....	HB0099.....	114
9-4-601(d)(vii) .....	HB0005.....	123
9-4-715(m)(vii).....	SF0024.....	47
9-4-1003 .....	HB0005.....	123
9-15-601 through 9-15-614 .....	SF0062.....	87
9-16-101 through 9-16-103 .....	SF0107.....	191
11-5-102(a)(xxiii) .....	HB0015.....	37
11-5-105(b)(vii) .....	HB0015.....	37
11-5-107(d).....	HB0015.....	37
11-10-116 and 11-10-117 .....	SF0057.....	70
11-17-201 through 11-17-209.....	SF0065.....	98
11-19-101(b).....	HB0018.....	96
11-19-103(j).....	HB0018.....	96
11-19-111(d) and (e).....	HB0018.....	96
11-25-102(a)(xiii) and (xiv).....	HB0031.....	6
11-25-105(m).....	HB0031.....	6
11-29-101(a)(vi) .....	SF0010.....	100
11-29-115.....	SF0010.....	100
11-34-306 .....	HB0151.....	109
11-48-102(g) and (h) .....	HB0057.....	21
14-3-402(a)(xxi) through (xxiii) .....	HB0028.....	79
14-3-426(g).....	HB0028.....	79
15-1-701(a)(iv) .....	HB0179.....	152
15-1-702(c) .....	HB0179.....	152
16-6-101(a)(i)(J) and (K) .....	HB0111 .....	82
16-6-1001 .....	SF0144.....	81
18-3-501(k).....	SF0014.....	78
18-3-902(f) through (h).....	SF0077.....	41
18-8-104(e).....	HB0211 .....	149
19-7-103(b)(xxii) .....	SF0131.....	157
19-7-205 and 19-7-206 .....	SF0112.....	155

19-9-401(d).....	HB0124.....	94
19-14-107(c)(v) through (xi).....	SF0043.....	27
20-2-201(g).....	HB0105.....	36
20-2-205.....	HB0105.....	36
21-2-202(a)(xxxii).....	HB0127.....	185
21-2-202(a)(xxxii).....	SF0038.....	190
21-2-202(a)(xxxii).....	SF0036.....	67
21-2-203(c)(ii)(C).....	SF0070.....	184
21-2-203(c)(ix).....	HB0127.....	185
21-2-204.....	SF0070.....	184
21-2-304(a)(vii).....	SF0070.....	184
21-2-802(m).....	HB0127.....	185
21-3-110(a)(xxx).....	SF0070.....	184
21-3-110(a)(xxx).....	SF0036.....	67
21-3-110(a)(xxx).....	SF0038.....	190
21-3-110(b).....	SF0146.....	182
21-13-307(a)(iv).....	HB0127.....	185
21-13-309(u).....	HB0127.....	185
21-13-311(d).....	HB0127.....	185
21-15-111(a)(ix).....	SF0110.....	2
21-15-113(a)(iii) through (vi).....	SF0110.....	2
21-15-117(e).....	SF0016.....	71
21-15-123.....	SF0110.....	2
21-16-202(b)(iv).....	HB0103.....	181
21-16-1304(g).....	SF0101.....	85
21-16-1601 through 21-16-1603.....	SF0117.....	53
21-17-109(f).....	SF0069.....	176
21-17-123.....	SF0029.....	163
22-16-122(f).....	SF0023.....	76
22-16-123.....	SF0023.....	76
22-25-102(k).....	SF0003.....	74
22-25-106(h).....	SF0003.....	74
22-25-110(c).....	SF0003.....	74
23-1-302(b)(iii).....	HB0100.....	197
23-1-705(k).....	SF0063.....	42
23-2-207(a)(v).....	HB0133.....	43

23-2-407(c) .....	HB0088.....	186
23-2-411(a)(vi) .....	HB0088.....	186
23-2-412(a)(v) .....	HB0088.....	186
23-4-206 .....	SF0039.....	73
24-1-134 .....	HB0139.....	89
26-5-103(b).....	SF0037.....	165
26-9-219(b)(vii) .....	HB0004.....	55
26-9-219(d) and (e) .....	HB0009.....	60
26-9-233 .....	HB0009.....	60
26-11-112(e) .....	HB0242.....	103
26-11-118(c) through (g).....	HB0242.....	103
26-11-123 .....	HB0242.....	103
26-16-121 .....	HB0114 .....	29
26-19-114 .....	HB0114 .....	29
26-22-505 .....	HB0073.....	107
26-43-203(g)(vii) .....	SF0139.....	134
26-43-204(f).....	SF0139.....	134
26-43-206(h).....	SF0139.....	134
28-8-107(h).....	HB0160.....	75
30-5-104(d)(ix) .....	SF0116.....	50
30-5-128 .....	SF0116.....	50
31-2-105(f).....	HB0090.....	172
31-2-213(h)(viii).....	HB0154.....	111
31-2-215(e) .....	SF0042.....	26
31-2-707(c) .....	HB0208.....	158
31-5-102(a)(lxiv) through (lxvi) .....	SF0026.....	32
31-6-102(a)(iii).....	HB0029.....	178
31-6-108(a)(iii).....	HB0029.....	178
31-7-115(a)(iii)(K).....	HB0194.....	168
31-7-305(a)(viii), (ix) and (o) .....	SF0018.....	31
31-18-605(a)(vi) .....	SF0018.....	31
31-18-607(c) .....	SF0018.....	31
32-1-105(e) .....	SF0150.....	113
33-21-146(a)(xii) .....	SF0090.....	171
33-28-102(b).....	SF0119.....	104
33-28-105(h).....	SF0119.....	104

33-28-106(f)(viii) through (xvii), (n) and (o).....	SF0119.....	104
33-28-119(h) and (j).....	SF0119.....	104
33-30-202(a)(ix).....	HB0007.....	97
33-30-203(a)(xii) and (xiii).....	HB0007.....	97
33-30-211(e).....	HB0007.....	97
33-47-101 through 33-47-110.....	SF0093.....	139
34-1-151(a)(viii).....	HB0223.....	166
34-1-151(d).....	HB0081.....	124
34-26-101(b)(vii) through (xxii) and (c).....	SF0150.....	113
34-26-103(d).....	SF0150.....	113
34-26-201 through 34-26-206.....	SF0150.....	113
34-26-301 through 34-26-304.....	SF0150.....	113
34-27-101 through 34-27-107.....	SF0022.....	3
35-2-905(a)(v).....	HB0193.....	105
35-5-211(a)(iv).....	HB0243.....	93
35-7-119(f).....	HB0008.....	153
35-7-121(h).....	HB0008.....	153
35-7-124(g).....	HB0008.....	153
35-7-1014(d)(xxxv) through (xli).....	HB0062.....	45
35-7-1014(d)(xxxv).....	SF0059.....	137
35-7-1016(b)(i)(T), (c)(xxix) and (d)(v).....	HB0062.....	45
35-7-1018(g)(lx) through (lxii).....	HB0062.....	45
35-7-1020(c)(lii), (f)(iii) and (iv).....	HB0062.....	45
35-7-1022(f).....	HB0062.....	45
35-7-1059(g)(iii).....	HB0062.....	45
35-7-1060(c)(iv).....	HB0062.....	45
35-7-1701 through 35-7-1703.....	HB0008.....	153
35-11-103(d)(viii) through (x).....	SF0121.....	147
35-11-103(h).....	SF0073.....	110
35-11-502(o) through (r).....	SF0073.....	110
35-11-523 through 35-11-525.....	SF0073.....	110
35-11-523 and 35-11-524.....	SF0121.....	147
35-12-102(a)(xv).....	SF0058.....	146
35-12-107(b)(xv).....	SF0058.....	146
35-12-109(a)(xxii).....	SF0058.....	146
35-12-110(g).....	SF0058.....	146

35-20-102(a)(ii)(E) through (G), (ix)(C), (D), (xxi) and (xxii) .....	SF0089.....	68
37-5-102(f).....	HB0113.....	120
37-5-303(e).....	HB0109.....	119
37-9-312(c).....	HB0202.....	159
39-15-101(a)(xlvi) .....	SF0099.....	34
39-15-107(b)(xi) .....	HB0147.....	183
39-16-101(a)(xix) .....	SF0099.....	34
39-16-107(b)(viii).....	HB0147.....	183
39-17-109(c)(vi).....	HB0153.....	99
42-4-102(a)(xi) .....	HB0020.....	164
42-4-104(e).....	HB0215.....	161
42-4-104(b)(x) .....	HB0193.....	105
42-4-120(h) through (k).....	SF0029.....	163
42-6-109 .....	SF0025.....	188
42-8-101 through 42-8-109 .....	HB0193.....	105
99-3-1405(a)(iv), (j) and (k).....	SF0103.....	61
99-3-1601 through 99-3-1604 .....	SF0081.....	63
99-99-1001(a)(viii) and (m).....	HB0066.....	35

# TABLE OF LAWS AMENDED

WYOMING STATUTES	HB/SF	LAWS 2011 Chapter No.
1-1-122(a)(iii).....	SF0079.....	91
1-2-102(b).....	SF0150.....	113
1-17-314 .....	HB0030.....	16
1-17-341 .....	HB0030.....	16
1-18-104(b) and (e) .....	HB0189.....	173
1-21-201 .....	SF0015.....	196
1-26-815(d).....	HB0230.....	86
1-39-117(a).....	HB0087.....	129
1-41-103(d)(intro) and (ii) .....	SF0069.....	176
2-1-201(a)(i) and (iii).....	SF0068.....	58
2-1-205(a).....	SF0068.....	58
2-11-105(a).....	SF0150.....	113
3-1-110(a).....	SF0067.....	59
4-10-504(b).....	HB0159.....	126
5-3-112(a)(iii) .....	SF0015.....	196
5-6-202(b).....	HB0087.....	129
5-6-301(b).....	HB0087.....	129
5-9-128(a)(i) through (iii) and (vi)(intro).....	SF0015.....	196
5-9-128(a)(vi)(A) .....	SF0069.....	176
6-2-602(b)(i) .....	HB0167.....	142
6-4-403(b)(iv) .....	SF0069.....	176
6-4-502(b)(iii).....	HB0243.....	93
6-5-114 .....	SF0150.....	113
6-6-105 .....	HB0248.....	80
6-7-101(a)(iii)(intro) and (E) .....	SF0069.....	176
6-8-104(a)(intro), (ii), (iii) and (t)(intro) .....	SF0047.....	84
6-10-105 .....	HB0087.....	129
7-1-109(a) through (d).....	HB0075.....	17
7-2-103(b)(iv) .....	HB0249.....	167

7-2-106(c) and (e)(ii) .....	SF0109.....	160
7-3-508(a) and (b) .....	HB0080.....	108
7-4-211(a)(v).....	SF0069.....	176
7-9-103(d).....	SF0017.....	30
7-11-504 .....	HB0087.....	129
7-13-303(a)(intro) .....	SF0017.....	30
7-13-401(a)(ii) .....	SF0017.....	30
7-13-402(b)(intro) and (d).....	SF0017.....	30
7-13-405(a), (b)(intro) and (c).....	SF0017.....	30
7-13-407(a)(i) .....	SF0017.....	30
7-13-408(a) and (b) .....	SF0017.....	30
7-13-410(a).....	SF0017.....	30
7-13-411(a)(iii) and (c) through (e) .....	SF0017.....	30
7-13-418(a)(intro) and (iv).....	SF0017.....	30
7-13-421(d) through (g).....	SF0017.....	30
7-13-1107(c) .....	SF0017.....	30
7-18-108(d).....	SF0017.....	30
7-19-301(a)(iii).....	HB0023.....	179
7-19-302(a)(v), (viii), (x), (xi), (c)(iii), (iv), (d), (g) through (j).....	HB0023.....	179
7-19-303(c)(iii)(intro), (H) and (J).....	HB0023.....	179
7-19-304(a)(i), (ii) and (d)(intro) .....	HB0023.....	179
7-19-307(a).....	HB0023.....	179
9-1-305(a)(iii).....	SF0150.....	113
9-1-513(b)(ix) .....	HB0127.....	185
9-1-603(a)(vii) .....	SF0069.....	176
9-2-908(a)(i) and (ii) .....	SF0069.....	176
9-2-1031(a).....	SF0045.....	112
9-2-1523(c) .....	SF0069.....	176
9-2-1704(d)(xv) .....	SF0110.....	2
9-4-218(a)(iii).....	SF0143.....	141
9-4-601(a)(iv) .....	SF0135.....	40
9-4-601(d)(iv) .....	SF0069.....	176
9-4-601(d)(iv) .....	HB0005.....	123
9-4-715(m)(intro), (vi) and (n).....	SF0024.....	47
9-4-719(n) and (p).....	SF0002.....	10

9-4-804(b)(ii) .....	HB0138.....	125
9-4-810 .....	HB0138.....	125
9-12-106(b)(intro) .....	SF0074.....	20
9-12-112(a)(vi)(intro).....	SF0075.....	23
9-12-402 .....	SF0041.....	13
9-12-407 .....	SF0041.....	13
9-12-905(a).....	SF0075.....	23
9-12-1305(g)(i) and (ii) .....	SF0069.....	176
9-15-104(b).....	SF0048.....	64
9-15-302(b)(iv) through (vi).....	SF0062.....	87
9-15-309(b)(iv) through (vi).....	SF0062.....	87
9-15-508(b)(iv) through (vi).....	SF0062.....	87
11-1-103 .....	HB0057.....	21
11-1-103 .....	HB0018.....	96
11-5-101 .....	HB0015.....	37
11-5-102(a)(i), (ii), (v), (vii), (viii), (x) through (xii), (xviii) and (xx) .....	HB0015.....	37
11-5-104(g).....	HB0015.....	37
11-5-105(b)(vi) .....	HB0015.....	37
11-5-106 .....	HB0015.....	37
11-5-107(a) and (b) .....	HB0015.....	37
11-5-108(a).....	HB0015.....	37
11-5-115(c).....	HB0015.....	37
11-5-117.....	HB0015.....	37
11-6-304(f).....	SF0006.....	19
11-10-101 through 11-10-104.....	SF0007.....	72
11-10-107 .....	SF0007.....	72
11-10-115.....	SF0007.....	72
11-19-103(b) and (e) .....	HB0018.....	96
11-25-104(f) and (g)(iii) .....	SF0027.....	33
11-28-106 .....	SF0055.....	102
11-29-101(a)(iii).....	SF0010.....	100
11-29-103 .....	SF0010.....	100
11-29-106 .....	SF0010.....	100
11-29-108 through 11-29-111 .....	SF0010.....	100
11-29-114(a), (b)(i), (ii), (c) through (e).....	SF0010.....	100



11-34-101(a)(iv) .....	HB0151.....	109
11-34-202(e) .....	HB0151.....	109
11-48-101(a)(iii) .....	HB0057.....	21
11-48-102(a) .....	HB0057.....	21
12-3-101(a).....	HB0087.....	129
12-4-102(a)(iii).....	SF0069.....	176
12-4-413(b)(i) through (iv) .....	HB0098.....	22
12-4-413(b)(ii) .....	SF0069.....	176
12-4-601(b).....	HB0003.....	5
13-1-502(f).....	SF0108.....	62
14-2-309(a)(i) .....	SF0138.....	131
14-3-409(a), (c) and (d)(intro).....	HB0028.....	79
14-3-410(b).....	HB0028.....	79
14-3-422(a).....	HB0028.....	79
14-3-423(b).....	HB0028.....	79
14-3-426(a).....	HB0028.....	79
14-6-412(b)(intro) and (iii) .....	SF0069.....	176
14-6-429(m)(intro) .....	SF0011 .....	12
15-1-101(a)(intro) and (xv).....	HB0087.....	129
15-1-701(a)(ii) and (b) .....	HB0179.....	152
16-4-203(d)(i) .....	HB0042.....	144
16-6-101(a)(i)(intro), (C) and (ii).....	HB0111 .....	82
16-6-101(a)(i)(A) .....	SF0069.....	176
16-6-102(e) .....	HB0111 .....	82
16-6-104 .....	HB0111 .....	82
16-6-111.....	HB0111 .....	82
16-6-120 .....	HB0111 .....	82
16-6-206 .....	HB0111 .....	82
16-6-708(b).....	SF0069.....	176
18-3-501(h).....	SF0014.....	78
18-3-524(a)(ii) .....	HB0136.....	115
18-3-608(a)(intro) .....	SF0147.....	132
18-3-902(a).....	SF0077.....	41
18-3-905 .....	SF0077.....	41
18-5-306(a)(vi)(intro), (B)(III), (IV), (C)(IV) and (V) .....	HB0063.....	101

18-5-306(a)(xi) .....	SF0069.....	176
18-5-316(b)(ix) .....	SF0069.....	176
19-7-103(b)(xii) .....	HB0246.....	95
19-14-107(c)(iii) and (iv).....	SF0043.....	27
20-2-203(a).....	HB0105.....	36
20-2-204(c) .....	HB0105.....	36
20-2-309(a)(i) and (b)(intro) .....	HB0203.....	121
21-2-103 .....	HB0087.....	129
21-2-103 .....	SF0069.....	176
21-2-202(a)(i), (xiv) and (xxi) .....	SF0070.....	184
21-2-202(a)(xxvi), (xxix) and (e).....	HB0127.....	185
21-2-203(c)(ii)(intro) and (A).....	SF0070.....	184
21-2-203(c)(viii) .....	HB0127.....	185
21-2-304(a)(ii), (v)(intro), (B), (D), (E), (H), (vi)(intro), (b)(ii) and (xiv).....	SF0070.....	184
21-2-304(b)(xv) .....	SF0146.....	182
21-3-110(a)(x)(intro), (A)(intro), (II), (B) and (xxvii).....	SF0110.....	2
21-3-110(a)(xvii) through (xix).....	SF0146.....	182
21-3-110(a)(xxiii) and (xxviii) .....	HB0127.....	185
21-3-110(a)(xxiv).....	SF0070.....	184
21-3-125 .....	SF0069.....	176
21-3-307(a)(intro) and (d).....	HB0115.....	14
21-3-309(b)(intro) .....	HB0115.....	14
21-3-401 .....	HB0127.....	185
21-7-102(a)(intro), (ii)(A), (B) and (vi).....	SF0146.....	182
21-7-104(a).....	SF0146.....	182
21-7-106(a).....	SF0146.....	182
21-7-110(a), (c), (d) and (e).....	SF0146.....	182
21-7-112 and 21-7-113.....	SF0146.....	182
21-13-101(a)(xiv), (xvii) and (c).....	HB0127.....	185
21-13-102(b).....	HB0127.....	185
21-13-309(m)(iv)(B), (C), (v)(intro), (C), (D)(intro), (G)(II)(intro) and (o) .....	HB0127.....	185
21-13-309(m)(v)(intro).....	SF0069.....	176
21-13-313(c) and (g).....	HB0127.....	185

21-13-320(f).....	HB0127.....	185
21-13-321(d).....	HB0127.....	185
21-13-335(d)(intro), (iv) and (e) .....	HB0127.....	185
21-15-105(a), (d) and (e).....	SF0110.....	2
21-15-109(b), (c)(intro), (i)(A)(intro), (B), (iv), (v), (e) and (f).....	SF0110.....	2
21-15-111(a)(intro) and (viii).....	SF0110.....	2
21-15-113(a)(intro) and (c) .....	SF0110.....	2
21-15-114(a)(iii) .....	SF0110.....	2
21-15-115(b)(intro) .....	SF0110.....	2
21-15-115(c) .....	SF0016.....	71
21-15-116(a)(intro), (vi), (vii), (d)(intro), (e) and (f) .....	SF0110.....	2
21-15-117(a)(intro), (v), (b) and (d).....	SF0110.....	2
21-15-117(a)(intro), (i) and (b) .....	SF0016.....	71
21-15-118(a)(intro) and (b).....	SF0110.....	2
21-15-119(a)(intro), (b) and (c).....	SF0110.....	2
21-16-202(b)(ii) and (iii) .....	HB0103.....	181
21-16-1302(b).....	SF0002.....	10
21-16-1304(b).....	SF0101.....	85
21-16-1307(b)(intro), (d)(intro) and (e)(intro) .....	HB0013.....	199
21-18-207 .....	SF0069.....	176
22-5-219(a).....	SF0020.....	38
22-5-301 .....	SF0020.....	38
22-5-304 .....	SF0020.....	38
22-5-501(a).....	SF0020.....	38
22-6-107 .....	SF0004.....	15
22-9-107 .....	SF0020.....	38
22-9-109 .....	SF0004.....	15
22-9-121(c)(i) and (ii).....	SF0020.....	38
22-12-108 .....	SF0020.....	38
22-13-105 .....	SF0020.....	38
22-13-107 .....	SF0020.....	38
22-14-103 .....	SF0020.....	38
22-16-101 .....	SF0020.....	38
22-16-106 .....	SF0020.....	38

22-16-122(d) and (e) .....	SF0023.....	76
22-18-111(a)(intro).....	SF0020.....	38
22-23-307 .....	SF0020.....	38
22-23-1003 .....	SF0020.....	38
22-23-1005 .....	SF0020.....	38
22-25-102(a) and (b) .....	SF0003.....	74
22-25-106(b)(i) .....	SF0003.....	74
22-25-107(a)(vii) .....	SF0003.....	74
22-25-110(a) .....	SF0003.....	74
22-26-113 .....	SF0020.....	38
23-1-701(b)(i) .....	SF0063.....	42
23-1-705(e)(i) .....	SF0069.....	176
23-1-705(e)(i) and (ii) .....	HB0076.....	28
23-2-306(c) .....	SF0063.....	42
23-2-401(b).....	HB0088.....	186
23-2-406 .....	HB0088.....	186
23-2-407(a).....	HB0088.....	186
23-2-410(b) and (c)(iii).....	HB0088.....	186
23-2-416(a)(intro) .....	HB0088.....	186
23-2-417 .....	HB0088.....	186
23-3-102(d).....	SF0085.....	187
23-3-107(d).....	SF0085.....	187
23-6-101 .....	HB0249.....	167
23-6-102(c) .....	HB0249.....	167
23-6-103(a).....	HB0249.....	167
24-1-128 .....	SF0069.....	176
24-5-101 .....	HB0087.....	129
24-9-101(b), (c) and (e) .....	HB0079.....	46
24-14-101 .....	HB0087.....	129
25-10-101(a)(iv) .....	HB0095.....	54
25-10-109(h).....	HB0095.....	54
26-1-102(a)(xx) .....	HB0009.....	60
26-1-102(a)(xxxiii) .....	SF0037.....	165
26-3-130(b)(i) .....	HB0009.....	60
26-4-101(a)(v)(B), (viii), (ix) and (xii) .....	HB0009.....	60
26-9-201 .....	HB0009.....	60

26-9-202(a)(vi) .....	HB0009.....	60
26-9-206(a)(v) .....	HB0004.....	55
26-9-207(b) and (c) .....	HB0009.....	60
26-9-209(c) .....	HB0009.....	60
26-9-219(b)(v) and (vi).....	HB0004.....	55
26-9-220(b).....	HB0004.....	55
26-9-231(a) and (f).....	HB0009.....	60
26-11-103(a).....	HB0242.....	103
26-11-107(b)(ii)(B) .....	HB0087.....	129
26-16-209(b)(ii)(C) .....	SF0069.....	176
26-42-106(e)(ii) and (vi).....	SF0069.....	176
26-43-113 .....	HB0002.....	56
26-43-203(a) and (b)(iv).....	SF0139.....	134
26-43-204(b)(i) and (ii) .....	SF0139.....	134
26-43-205(a)(ii) .....	SF0139.....	134
26-43-206(a) and (g) .....	SF0139.....	134
26-47-103(g)(i) .....	HB0009.....	60
26-50-102(a)(iii) .....	HB0009.....	60
27-14-108(e)(x).....	SF0028.....	7
28-1-102(b).....	HB0087.....	129
28-1-104 .....	HB0087.....	129
28-1-109(a).....	HB0160.....	75
28-1-111 and 28-1-112 .....	HB0087.....	129
28-1-113(a) and (c).....	HB0087.....	129
28-1-115(d).....	HB0087.....	129
28-5-101(b) and (d)(intro).....	HB0087.....	129
28-5-102 .....	HB0087.....	129
28-7-102(b).....	HB0087.....	129
28-7-103 and 28-7-104 .....	HB0087.....	129
28-8-101 .....	HB0087.....	129
28-8-102(d).....	HB0087.....	129
28-8-103 .....	HB0087.....	129
28-8-105(a)(intro), (v), (b)(intro) and (iii).....	HB0087.....	129
28-8-107(a).....	SF0095.....	198
28-8-113(a).....	HB0087.....	129
28-9-108 .....	HB0087.....	129

28-11-101(a)(intro), (i) and (ii).....	SF0095.....	198
28-11-101(b)(i) .....	HB0087.....	129
28-11-201(a).....	SF0095.....	198
28-11-301(a).....	SF0095.....	198
28-11-301(b)(iii), (iv), (v), (c)(intro) and (ii).....	SF0110.....	2
29-1-201(a)(xii) .....	SF0134.....	130
29-7-202(a).....	SF0150.....	113
29-10-102 .....	SF0134.....	130
30-1-102 .....	SF0069.....	176
30-1-132 .....	HB0087.....	129
30-2-607(p).....	SF0069.....	176
30-5-109(c)(iii) .....	SF0069.....	176
30-5-110(f).....	SF0069.....	176
30-5-120(a).....	SF0069.....	176
31-1-101(a)(xv)(H) .....	SF0018.....	31
31-1-101(a)(xv)(K)(I) .....	SF0031.....	9
31-2-215(b).....	SF0042.....	26
31-2-701(a)(ii).....	SF0032.....	8
31-5-233(f)(ii) through (iv) .....	SF0137.....	39
31-5-233(m)(i).....	SF0115.....	122
31-5-234(d).....	HB0029.....	178
31-5-234(f)(ii) through (iv) .....	SF0137.....	39
31-5-301(b)(ii) and (iv) .....	SF0026.....	32
31-5-303(b).....	SF0026.....	32
31-5-304(b).....	SF0026.....	32
31-5-1204(c)(ii) and (d)(i) .....	HB0249.....	167
31-5-1205(d) and (h).....	HB0249.....	167
31-5-1206(a) and (b) .....	HB0249.....	167
31-6-102(a)(ii)(B), (C), (c), (d)(intro), (e)(intro), (ii) and (f) .....	HB0029.....	178
31-6-103(b).....	HB0029.....	178
31-6-105(b) and (e) .....	HB0029.....	178
31-6-108(b)(ii), (iii), (d), (f) and (h)(ii).....	HB0029.....	178
31-7-102(a)(xxiii) and (xl) .....	SF0018.....	31
31-7-103(a).....	HB0087.....	129
31-7-105(b)(i) .....	HB0029.....	178

31-7-126 .....	HB0249.....	167
31-7-129(a)(iv) .....	HB0249.....	167
31-7-304(f).....	SF0018.....	31
31-7-305(a)(vi), (vii), (g)(i) and (ii).....	SF0018.....	31
31-7-306(b).....	HB0029.....	178
31-7-307(c)(ii), (iii), (e), (f) and (j)(ii).....	HB0029.....	178
31-7-402(a) and (b) .....	HB0029.....	178
31-13-109(g).....	SF0128.....	128
31-18-502 .....	SF0069.....	176
31-18-605(a)(iv), (v) and (d) .....	SF0018.....	31
31-18-607(b).....	SF0018.....	31
31-18-805(a) and (e) .....	SF0124.....	192
31-18-902(b).....	SF0069.....	176
33-21-146(a)(intro), (x) and (xi) .....	SF0090.....	171
33-21-154(a)(i) .....	HB0253.....	169
33-28-101 .....	SF0119.....	104
33-28-103(a)(iii) through (vi) .....	SF0119.....	104
33-28-104 .....	SF0119.....	104
33-28-105(a), (c)(intro), (v), (e) through (g) .....	SF0119.....	104
33-28-106(a), (b), (c)(intro), (ii), (iii), (d), (e)(intro), (i), (iii), (vi), (vii), (viii)(intro), (f)(intro), (g)(intro), (i) and (k).....	SF0119.....	104
33-28-107(b).....	SF0119.....	104
33-28-108 .....	SF0119.....	104
33-28-109(a) through (c) .....	SF0119.....	104
33-28-110(a), (b)(intro), (i), (iii), (iv), (d) and (f).....	SF0119.....	104
33-28-111(a)(intro), (v), (vi)(intro), (A), (ix), (xiii) through (xx), (xxiii), (xxv) through (xxvii), (xxix)(intro) and (A).....	SF0119.....	104
33-28-112(b).....	SF0119.....	104
33-28-114 and 33-28-115.....	SF0119.....	104
33-28-117 .....	SF0119.....	104
33-28-118(a) through (e) .....	SF0119.....	104
33-28-119(a) and (c)through (g).....	SF0119.....	104

33-28-121 through 33-28-123 .....	SF0119.....	104
33-28-201(b).....	SF0119.....	104
33-28-202(a), (c) and (d)(intro).....	SF0119.....	104
33-28-204 .....	SF0119.....	104
33-28-302(a) through (c), (e), (f), (h)(intro), (i), (iii)(intro), (j), (k), (n), (p) and (q).....	SF0119.....	104
33-28-303(f) and (g).....	SF0119.....	104
33-28-305(b)(ii)(J).....	SF0119.....	104
33-28-306(a)(intro), (i) and (iv).....	SF0119.....	104
33-28-308(a), (c), (d), (f) and (h).....	SF0119.....	104
33-29-114(a)(iv) .....	HB0087.....	129
33-29-125(a)(i) and (ii) .....	HB0087.....	129
33-30-204(e) and (g) through (k).....	HB0007.....	97
33-30-206(b).....	HB0007.....	97
33-30-207(c) .....	HB0007.....	97
33-30-211(a) and (b) .....	HB0007.....	97
33-30-214(a).....	HB0007.....	97
33-38-102(a)(xiv) .....	HB0087.....	129
34-1-137 .....	HB0157.....	77
34-1-151(a)(vi) and (vii) .....	HB0223.....	166
34-2-133(a).....	SF0150.....	113
34-4-107 .....	HB0189.....	173
34-5-101 .....	SF0150.....	113
34-5-104 .....	SF0150.....	113
34-12-115 .....	HB0224.....	174
34-26-101(b)(iii) and (iv) .....	SF0150.....	113
34-26-102(c) and (d) .....	SF0150.....	113
34-26-103(a)(i) .....	SF0150.....	113
34-26-104(a)(i) .....	SF0150.....	113
34-26-106(a)(i) .....	SF0150.....	113
34-26-107(a) and (c) .....	SF0150.....	113
34.1-3-505(b).....	SF0150.....	113
35-1-627 .....	HB0087.....	129
35-1-628(a)(intro) .....	SF0069.....	176
35-4-601 .....	HB0243.....	93
35-4-603 .....	HB0243.....	93



35-4-605 .....	HB0243 .....	93
35-4-607 .....	HB0243 .....	93
35-5-221(b) .....	SF0069 .....	176
35-7-110(a)(xi) .....	HB0008 .....	153
35-7-1014(d)(xxxii), (xxxiv) and (f)(viii) .....	HB0062 .....	45
35-7-1018(e)(iii), (iv), (g)(xxiii) and (lx) .....	HB0062 .....	45
35-7-1020(c)(xxix) .....	HB0062 .....	45
35-7-1022(b)(intro) .....	HB0062 .....	45
35-7-1024(a) .....	HB0062 .....	45
35-7-1030(a) and (c) .....	HB0062 .....	45
35-7-1031(c)(intro) .....	HB0069 .....	66
35-7-1043 .....	SF0017 .....	30
35-7-1059(g)(intro), (i), (h) and (p) .....	HB0062 .....	45
35-8-402(c) .....	HB0178 .....	151
35-9-152(a)(i) and (ii) .....	HB0206 .....	150
35-9-153(a)(intro) .....	HB0206 .....	150
35-9-156(d) .....	HB0206 .....	150
35-11-112(a)(v) .....	HB0152 .....	140
35-12-107(c)(i), (d)(ii) and (g)(ii) .....	SF0058 .....	146
35-12-110(a)(i) and (f)(ii) .....	SF0058 .....	146
35-12-111(a)(iii) .....	SF0058 .....	146
35-12-113(a)(intro) .....	SF0058 .....	146
35-17-101(a)(i)(A) .....	HB0209 .....	138
35-17-102 .....	HB0209 .....	138
35-17-106(a)(intro) .....	HB0209 .....	138
35-20-102(a)(ii)(intro), (C), (D), (iv)(intro), (viii) and (ix)(A) .....	SF0089 .....	68
35-20-105(a), (c)(intro) and (i) .....	SF0089 .....	68
35-20-106(c)(ii) .....	SF0089 .....	68
35-20-107(d) .....	SF0089 .....	68
35-21-104(a)(ii) .....	HB0080 .....	108
35-25-204(d) .....	HB0036 .....	106
36-3-102(c)(iii) .....	HB0135 .....	118
36-5-110 .....	HB0135 .....	118
36-5-110 .....	SF0005 .....	18
36-8-305 .....	HB0087 .....	129

36-8-1001(c) .....	SF0069.....	176
37-5-101(d).....	HB0113.....	120
37-5-206(b).....	HB0113.....	120
37-9-312(a)(ii) .....	HB0202.....	159
39-11-105(a)(xxv).....	SF0021.....	44
39-11-109(b)(iv) .....	HB0254.....	127
39-13-105(k).....	HB0255.....	156
39-13-109(b)(vi) .....	HB0254.....	127
39-15-101(a)(xli) .....	SF0099.....	34
39-15-103(a)(i)(K) .....	HB0060.....	4
39-15-105(a)(viii)(O)(intro), (b)(intro) and (i).....	HB0143.....	83
39-15-105(a)(viii)(S) .....	HB0117.....	48
39-15-111(b)(i).....	HB0147.....	183
39-16-101(a)(xviii) .....	SF0099.....	34
39-16-105(a)(viii)(D)(intro), (b)(intro) and (i).....	HB0143.....	83
39-16-105(a)(viii)(H).....	HB0117.....	48
39-16-111(b)(i).....	HB0147.....	183
39-17-101(a)(i) .....	HB0153.....	99
39-17-107(a)(iv)(C) .....	HB0153.....	99
39-17-109(c)(iv).....	HB0153.....	99
39-17-109(d)(iv)(C) and (E) .....	HB0259.....	170
40-12-301(a)(xi)(B) .....	SF0069.....	176
40-20-113(a)(vii) .....	SF0072.....	133
41-7-804(a)(i) .....	SF0150.....	113
42-4-102(a)(ii) .....	HB0020.....	164
42-4-120(g)(ii) .....	SF0029.....	163
42-6-102(a)(xi) .....	SF0025.....	188
99-3-803(e)(vi) .....	SF0081.....	63
99-3-904(b)(vi) .....	SF0081.....	63
99-3-1103(o)(vi).....	SF0081.....	63
99-3-1104(b)(vi) .....	SF0081.....	63
99-3-1404(d)(iv) through (vi) and (g)(iv) through (vii).....	SF0081.....	63
99-3-1405(e)(intro), (i)(intro), (ii), (iii), (iv)(intro), (f)(i)(J), (O), (P), (g)(i), (ii), (h)(intro), (i)(intro), (ii), (iii),		

(iv)(intro), (A).....SF0103.....61  
99-3-1504(f)(iv) through (vii) and (g)(iv)  
through (vi).....SF0081.....63  
99-99-1001(k).....HB0066.....35

# TABLE OF LAWS REPEALED

WYOMING STATUTES	HB/SF	LAWS 2011 Chapter No.
1-2-102(a)(vii) .....	SF0150.....	113
5-9-115 .....	HB0123.....	57
5-9-152(b).....	HB0123.....	57
5-9-205 .....	HB0123.....	57
7-13-411(a)(i) and (ii) .....	SF0017.....	30
7-13-421(a), (b)(i) through (iv) and (c)(ii) .....	SF0017.....	30
9-4-715(f).....	HB0087.....	129
9-12-106(b)(i) and (ii) .....	SF0074.....	20
11-10-110.....	SF0007.....	72
11-17-101 through 11-17-108.....	SF0065.....	98
11-19-103(c) and (d).....	HB0018.....	96
11-29-101(a)(i) .....	SF0010.....	100
11-29-104 .....	SF0010.....	100
11-29-113.....	SF0010.....	100
11-48-101(a)(iv) .....	HB0057.....	21
14-6-429(n).....	SF0011 .....	12
16-6-101(a)(i)(H).....	HB0111 .....	82
18-3-512 .....	HB0087.....	129
18-3-901 .....	SF0077.....	41
18-3-907 .....	SF0077.....	41
20-2-309(a)(ii) .....	HB0203.....	121
21-2-304(a)(vi)(A) through (E).....	SF0070.....	184
21-7-102(a)(ix) .....	SF0146.....	182
21-7-110(f).....	SF0146.....	182
21-7-111(b) .....	SF0146.....	182
21-7-114 .....	SF0146.....	182
21-13-101(a)(xviii) .....	HB0127.....	185
21-13-309(m)(v)(G)(II)(1) and (2).....	HB0127.....	185
21-15-113(a)(i) and (ii) .....	SF0110 .....	2
21-15-114(a)(i), (iv) through (vi), (viii),		

(x), (xiii), (xiv), (b) and (c) .....	SF0110.....	2
21-15-117(a)(ii) .....	SF0016.....	71
21-17-109(d)(iv) .....	SF0069.....	176
22-5-216 .....	SF0020.....	38
22-12-107(a)(vii) and (viii) .....	SF0020.....	38
24-8-106 .....	HB0087.....	129
26-1-102(a)(xxv).....	HB0009.....	60
26-4-101(a)(xi) .....	HB0009.....	60
26-9-207(h) and (j).....	HB0009.....	60
26-9-218 .....	HB0009.....	60
26-9-222 .....	HB0009.....	60
26-11-117(b)(i).....	HB0087.....	129
26-11-118(a) and (b) .....	HB0242.....	103
26-16-209(b)(ii)(D).....	SF0069.....	176
28-1-114 .....	HB0087.....	129
28-5-101(a).....	HB0087.....	129
31-2-213(h)(iv) .....	HB0154.....	111
31-6-102(a)(ii)(A), (d)(i) and (ii) .....	HB0029.....	178
31-6-105(f).....	HB0029.....	178
31-6-107 .....	HB0029.....	178
31-6-108(b)(i), (e), (k), (n) and (p) .....	HB0029.....	178
31-7-105(f)(v)(H).....	HB0029.....	178
31-7-305(n).....	SF0018.....	31
31-7-307(c)(i).....	HB0029.....	178
32-1-105(a) through (c) .....	SF0150.....	113
32-1-110 through 32-1-113.....	SF0150.....	113
33-4-105(c) .....	HB0087.....	129
33-19-104(a)(i) .....	HB0087.....	129
33-28-102(a).....	SF0119.....	104
33-28-106(e)(viii)(A) through (D), (f)(i) through (vii).....	SF0119.....	104
33-28-110(c) and (g) through (j).....	SF0119.....	104
33-28-111(a)(xxix)(B).....	SF0119.....	104
33-28-119(b).....	SF0119.....	104
33-28-301 .....	SF0119.....	104
33-28-305(f)(iv) .....	SF0119.....	104

33-28-401(f).....	SF0119.....	104
33-29-125(a)(iii).....	HB0087.....	129
33-40-106(b)(iv).....	HB0087.....	129
33-41-111(b).....	HB0087.....	129
33-41-112(b).....	HB0087.....	129
34-26-101(b)(vi).....	SF0150.....	113
34-26-102(h).....	SF0150.....	113
34-26-103(b).....	SF0150.....	113
35-7-1002(a)(iii).....	HB0062.....	45
35-7-1016(c)(xxv).....	HB0062.....	45
35-7-1022(e).....	HB0062.....	45
35-7-1059(m)(v).....	HB0062.....	45
35-11-522(e).....	SF0073.....	110
37-3-204.....	SF0092.....	52
39-17-105(c).....	HB0153.....	99

## TABLE OF LAWS RENUMBERED

<b>WYOMING STATUTES</b>	<b>HB/SF</b>	<b>LAWS 2011 Chapter No..</b>
6-4-403(b)(v) as (vi) .....	SF0069.....	176
9-2-1024(a)(vii) as (xi) .....	SF0009.....	154
11-5-102(a)(xxiii) as (xxiv) .....	HB0015.....	37
11-19-101(b) as (c) .....	HB0018.....	96
14-3-402(a)(xxi) as (xxiv).....	HB0028.....	79
19-7-107 as 19-14-110 .....	SF0043.....	27
35-7-1018(g)(lx) as (lxiii).....	HB0062.....	45
35-7-1060(c)(iv) and (v) as (c)(v) and (vi) .....	HB0062.....	45
35-20-102(a)(xxi) as (xxiii) .....	SF0089.....	68

## TABLE OF LAWS AMENDED AND RENUMBERED

<b>WYOMING STATUTES</b>	<b>HB/SF</b>	<b>LAWS 2011 Chapter No.</b>
6-4-403(b)(vi) as (vii) .....	SF0069.....	176
11-29-101(a)(vi) as (vii) .....	SF0010.....	100

## TABLE OF LAWS SESSION LAWS CREATED

<b>Created:</b>	<b>HB/SF</b>	<b>LAWS 2011 Chapter No.</b>
2010 Wyoming Session Laws, Chapter 39, Section 4, Sections 342 through 345 .....	SF0001.....	88

## TABLE OF LAWS SESSION LAWS AMENDED

<b>Amended:</b>	<b>HB/SF</b>	<b>LAWS 2011 Chapter No.</b>
2008 Wyoming Session Laws, Chapter 48, Section 320, as amended by 2009 Wyoming Session Laws, Chapter 159, creating a new Section 339(e)(iii), as amended by 2010 Wyoming Session Laws, Chapter 39, Section 321.....	SF0139.....	134
2010 Wyoming Session Laws, Chapter 53, Section 1.....	SF0001.....	88
2010 Wyoming Session Laws, Chapter 96, Section 3(b) .....	SF0139.....	134
2010 Wyoming Session Laws, Chapter 39, Section 2, Sections 001, 002, 003, 006, 007, 008, 010, 020, 024, 039, 040, 045, 048, 051, 057, 060, 066, 067, 080, 101, 120, 121, 137, 160, 167, 205, 036, 052 and 054 .....	SF0001.....	88
2010 Wyoming Session Laws, Chapter 39, Section 3, Sections 006, 057 and 067 .....	SF0001.....	88
2010 Wyoming Session Laws, Chapter 39, Section 4, Sections 300, 301, 306, 314, 330, 335(a)(intro), (b)(intro), (c)(intro), (d)(intro) and (e)(intro) .....	SF0001.....	88