

HOUSE BILL NO. HB0008

Department of workforce services consolidation.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

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

6

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

8

9 **Section 1.** W.S. 9-2-2018 by creating new subsections
10 (g) and (h), 9-2-2604(b)(i)(A), 9-5-102(a),
11 16-6-101(a)(i)(intro) and (J)(III), 16-6-102(c),
12 16-6-120(a) and (c), 16-6-1001(c), 19-11-110(b),
13 20-6-106(j), 20-6-211(c), 25-13-102(a), 27-1-106(a),
14 27-1-108, 27-1-109, 27-1-115(b), 27-2-104(a)(intro),
15 27-2-105(a)(intro), 27-2-108, 27-2-109(a) and (g),
16 27-2-112, 27-2-113, 27-3-102(a)(v) and (xx), 27-3-601(a),

1 27-3-602(a)(i) and (f), 27-3-603, 27-3-605(a), 27-4-301(e),
2 27-4-402(a)(x), 27-4-501(a)(iv), 27-6-107,
3 27-6-108(a)(iii), 27-6-112(a)(ii) and (b), 27-8-101,
4 27-8-103, 27-8-104, 27-8-105, 27-8-108, 27-8-109,
5 27-9-102(d), 27-11-112, 27-13-102(a)(intro),
6 27-14-102(a)(vi), 27-14-201(o)(v) and (r)(intro),
7 27-14-202(g), 27-14-408(c), 27-14-805(a)(intro),
8 30-2-101(a)(ii), 30-2-201(a)(intro), 30-2-301(a)(intro),
9 35-11-401(e)(vi), 35-12-110(b)(xix), 35-24-102(a)(xiii),
10 39-15-105(b)(intro) and (i) and 39-16-105(b)(i) are amended
11 to read:

12

13 **9-2-2018. Department of workforce services created;**
14 **director appointed; structure.**

15

16 (g) The governor may:

17

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

23

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

6
7 (h) Information obtained by any division in the
8 department may be transferred to other divisions within the
9 department so long as the transfer is not restricted by
10 federal law, rule or contract. Such information shall not
11 be disclosed outside of the department except as otherwise
12 provided by law. Any employee who discloses information
13 outside of the department in violation of federal or state
14 law may be terminated without progressive discipline.

15
16 **9-2-2604. Workforce development training fund**
17 **established.**

18
19 (b) Revenues in the Wyoming workforce development
20 training fund may be expended for the following:

21
22 (i) For all administrative costs incurred by:

23

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

6

7 **9-5-102. State building commission; authority to buy**
8 **and lease property; acceptance of donations, grants and**
9 **devises.**

10

11 (a) In order to obtain building sites for additional
12 office space and state uses and to insure the proper
13 keeping of valuable state records and provide for the
14 expansion of functions of the state, the general services
15 division, with the approval of the state building
16 commission, may buy, take options to buy and lease property
17 to be used for building sites for future state office
18 buildings. The general services division, with the approval
19 of the commission may lease acquired property until it is
20 needed. The general services division, with the approval of
21 the state building commission, in cooperation with the
22 department of ~~employment~~workforce services, may acquire
23 lands and buildings in the name of the state of Wyoming by
24 purchase, lease agreement, gift or devise to provide

1 suitable quarters for the administration of the Wyoming
2 Employment Security Law and to develop improvements,
3 maintain and repair the lands and buildings.

4

5 **16-6-101. Definitions.**

6

7 (a) As used in this act:

8

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

18

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

22

23 (III) Has paid worker's compensation
24 and unemployment taxes in Wyoming for at least one (1) year

1 and is in good standing with Wyoming worker's compensation
2 and department of ~~employment~~workforce services at the time
3 the bid or request for proposal is submitted.

4

5 **16-6-102. Resident contractors; preference limitation**
6 **with reference to lowest bid or qualified response;**
7 **decertification; denial of application for residency.**

8

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

18

19 **16-6-120. Rulemaking; penalties; enforcement.**

20

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

24

1 (c) The department of ~~employment~~workforce services
2 is authorized and directed to enforce W.S. 16-6-101 through
3 16-6-206.

4

5 **16-6-1001. Capital construction projects**
6 **restrictions; preference requirements; waivers; sunset of**
7 **section.**

8

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

23

1 **19-11-110. Worker's compensation benefits;**
2 **supplementary earnings; voluntary suspension.**

3

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

8

9 **20-6-106. Powers and duties of department regarding**
10 **collection of support.**

11

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

20

21 **20-6-211. Service of income withholding order;**
22 **amended notice to payor; notice to labor organizations;**
23 **penalty.**

24

1 (c) In addition to subsection (a) of this section and
2 in those cases in which it is known that the obligor may be
3 placed in employment with a payor by a labor or other
4 private or public employment referral organization
5 referring individuals to employment and operating within
6 this state, the obligee or the department may prepare, file
7 with the clerk of court and mail to the referring
8 organization certified copies of the income withholding
9 order and the notice to payor or an amended notice to payor
10 pursuant to subsection (b) of this section. The obligee or
11 the department shall send the notice to payor under this
12 subsection within the dates specified under subsection (a)
13 of this section. The referring organization shall at the
14 time of placement, forward the notice to payor to each
15 payor with which the organization places the obligor. Upon
16 forwarding the notice to payor, a labor or other
17 nongovernmental organization shall notify the district
18 court that the income withholding order has been forwarded
19 to the payor. The district court shall, at the time it
20 sends the withholding order and the notice to payor to the
21 referring organization, include a self-addressed, stamped
22 return envelope for the referring organization's use for
23 notification to the district court. Additional envelopes
24 shall be available to the referring organization upon

1 request. Any labor or other nongovernmental organization
2 failing to provide notification to any payor at the time of
3 placement as required by this subsection is liable for an
4 amount of up to fifty dollars (\$50.00) that the payor
5 should have withheld from the obligor's income. The
6 department of ~~employment~~workforce services may be
7 reimbursed by the department of family services for its
8 costs incurred under this act.

9

10 **25-13-102. Correctional industries advisory board.**

11

12 (a) There is created the correctional industries
13 advisory board. The board shall consist of seven (7)
14 members appointed by the governor. Members shall serve a
15 three (3) year term provided that of the initial board, two
16 (2) members shall be appointed for a one (1) year term, two
17 (2) members for two (2) year terms and three (3) members
18 for three (3) year terms. Membership on the board shall
19 include representatives of organized labor, business, the
20 criminal justice system and the educational community. The
21 director of the department of corrections and the director
22 of the department of ~~employment~~workforce services, or
23 their designees, shall serve as ex officio nonvoting
24 members of the board.

1

2 **27-1-106. Certain nonresident employers required to**
3 **post bond; exceptions.**

4

5 (a) All firms, corporations or employers of any kind
6 who are nonresident employers and expect to pay wages in
7 the state of Wyoming in excess of ten thousand dollars
8 (\$10,000.00) monthly or one hundred twenty thousand dollars
9 (\$120,000.00) annually as a result of conducting business
10 within Wyoming, are required to file with the director of
11 the department of ~~employment~~workforce services a surety
12 bond or other security meeting the requirements of this
13 section, approved by the director and the attorney general.

14

15 **27-1-108. Penalties generally.**

16

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

24

1 **27-1-109. Prosecution of violations.**

2

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

13

14 **27-1-115. State directory of new hires; requirements;**
15 **exceptions; definitions.**

16

17 (b) Except as provided in subsection (c) of this
18 section, each employer in the state shall furnish to the
19 department of ~~employment~~workforce services within twenty
20 (20) days of hiring a new employee, or in the case of an
21 employer transmitting reports magnetically or
22 electronically, by two (2) monthly transmissions not less
23 than twelve (12) days nor more than sixteen (16) days
24 apart, a report that contains the name, address and social

1 security number of the employee and the name and address
2 of, and identifying number assigned to, the employer under
3 section 6109 of the Internal Revenue Code. The report shall
4 be made on a W-4 form approved by the internal revenue
5 service or, at the option of the employer, on an equivalent
6 form approved by the department. The form may be
7 transmitted by first class mail, electronically or
8 magnetically in a format acceptable to the designated
9 department.

10

11 **27-2-104. Duties of department of workforce services.**

12

13 (a) The department of ~~employment~~ workforce services
14 shall:

15

16 **27-2-105. Report to governor; statistics and**
17 **information required.**

18

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

22

23 **27-2-108. Right of entry.**

24

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

9

10 **27-2-109. Examination of witnesses.**

11

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

18

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

1 department of employment with regards to chapters 4, 5, 6,
2 7, 8 and 9 of title 27, shall have the right to appeal to
3 district court pursuant to the Wyoming Administrative
4 Procedure Act.

5

6 **27-2-112. Sale of office publications; exception.**

7

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

12

13 **27-2-113. Sale of office publications; limitation on**
14 **charges.**

15

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

19

20 **27-3-102. Definitions generally.**

21

22 (a) As used in this act:

23

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

4
5 (xx) "Department" means the divisions within the
6 department of ~~employment~~ workforce services established
7 under W.S. 9-2-2002 which contain the principal operating
8 units that administer the unemployment compensation program
9 pursuant to the Social Security Act;

10

11 **27-3-601. Unemployment insurance commission created;**
12 **composition; terms; vacancies; salary; chairman; quorum;**
13 **removal; office; seal.**

14

15 (a) The unemployment insurance commission of Wyoming
16 is created within the department of ~~employment~~ workforce
17 services and shall consist of three (3) members serving a
18 term of six (6) years each. Appointments, vacancies and
19 expiration of terms shall be in accordance with W.S.
20 28-12-101 through 28-12-103. A member shall not hold any
21 state office or serve as an officer or on a committee of
22 any political organization during the term of membership.
23 No more than two (2) members shall be of the same political
24 party.

1

2 **27-3-602. Powers and duties of unemployment insurance**
3 **commission; personnel.**

4

5 (a) The commission shall:

6

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

12

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

18

19 **27-3-603. Confidentiality of information.**

20

21 Except as otherwise provided, information maintained
22 pursuant to this act shall not be disclosed in a manner
23 which reveals the identity of the employing unit or
24 individual. The confidentiality limitations of this section

1 do not apply to transfers of information between the
2 divisions of the department of ~~employment~~workforce
3 services so long as the transfer of information is not
4 restricted by federal law, rule or contract. Any employee
5 who discloses information outside of the department in
6 violation of federal or state law may be terminated without
7 progressive discipline.

8

9 **27-3-605. Responsibilities of department of workforce**
10 **services.**

11

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

15

16 **27-4-301. Definitions.**

17

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

21

22 **27-4-402. Definitions.**

23

24 (a) As used in this act:

1

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

4

5 **27-4-501. Definitions.**

6

7 (a) Whenever used in this act:

8

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

11

12 **27-6-107. Children; proof of age required; prohibited**
13 **employment.**

14

15 It shall be unlawful for any person, firm or corporation to
16 employ, permit or allow any child under the age of fourteen
17 (14) years to work at any gainful occupation except farm,
18 domestic or lawn and yard service. To ensure that a child
19 is of proper age to be employed under this section, every
20 person, firm or corporation employing a child under sixteen
21 (16) years of age shall procure and have on file where the
22 child is employed, a form of proof of age as required under
23 W.S. 27-6-108; provided however that under no circumstances
24 shall any child under sixteen (16) years of age be employed

1 in any occupation listed in W.S. 27-6-112 or in any
2 occupation declared by the department of employment
3 workforce services to be hazardous for children under
4 sixteen (16) years of age.

5

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

8

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

14

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

18

19 **27-6-112. Children; prohibition of employment in**
20 **certain occupations.**

21

22 (a) No child under sixteen (16) years of age shall be
23 employed, permitted, or allowed to work at, in, or in
24 connection with any of the following occupations, or at any

1 of the following kinds of work except for the purpose of
2 instruction in the public schools:

3

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

9

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

14

15 **27-8-101. Licenses required; fees; posting.**

16

17 No person, firm or corporation shall open, operate or
18 maintain in this state any employment office or agency for
19 the purpose of furnishing employers with persons seeking
20 employment at manual labor or in clerical, industrial,
21 commercial or business pursuits, or for the purpose of
22 securing employment for such described persons, or where a
23 fee, commission or other consideration is charged or
24 exacted or received from applicants either for employment

1 or for help, without first obtaining a license for the same
2 from the department of ~~employment~~ workforce services. The
3 uniform fee for such license in cities of five thousand
4 (5,000) inhabitants and over shall be twenty-five dollars
5 (\$25.00) per annum, and in cities containing less than five
6 thousand inhabitants, ten dollars (\$10.00) per annum. Every
7 license shall contain a designation of the city, street and
8 number of the building in which such office or agency is
9 conducted, and such license together with a copy of this
10 act shall be posted in a conspicuous place in each and
11 every employment agency.

12

13 **27-8-103. Bond of licensee.**

14

15 The department of ~~employment~~ workforce services shall
16 require with each application for a license a bond in the
17 sum of five hundred dollars (\$500.00) with one (1) or more
18 sureties to be approved by the department, and conditioned
19 that the obligors will not violate any of the duties,
20 terms, conditions, provisions or requirements of this act,
21 or of other laws germane hereto. For any violation of the
22 conditions of said bond, the department is authorized to
23 commence and prosecute an action or actions on said bond or

1 bonds in the name of the state of Wyoming, through the
2 attorney general or other proper prosecuting officer.

3

4 **27-8-104. Revocation of license; complaint; hearing.**

5

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

16

17 **27-8-105. Licensed agencies to maintain registers.**

18

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

1 examination of the department of ~~employment~~workforce
2 services.

3

4 **27-8-108. Duty of department to file complaints of**
5 **violations; duty to enforce.**

6

7 It shall be the duty of the department of ~~employment~~
8 workforce services, when informed of any violation of this
9 act, to file complaint of such violation with the attorney
10 general or with the district attorney for the county in
11 which such violation is alleged to have occurred and it
12 shall be the duty of the official informed to institute
13 proceedings for the enforcement of the penalties.

14

15 **27-8-109. Department of workforce services to**
16 **account.**

17

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

23

24 **27-9-102. Definitions.**

1

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

7

8 **27-11-112. Investigation of health and safety charges**
9 **and complaints.**

10

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

16

17 **27-13-102. Powers and duties; rules and regulations.**

18

19 (a) The division shall, in conjunction with the
20 department of education, the business council, the
21 department of ~~employment~~workforce services, the workforce
22 development council, the University of Wyoming and the
23 community college commission, establish and maintain a plan
24 to implement the occupational transfer and retraining

1 programs and services for displaced workers created under
2 this act. The plan shall designate:

3

4 **27-14-102. Definitions.**

5

6 (a) As used in this act:

7

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

11

12 **27-14-201. Rates and classifications; rate surcharge.**

13

14 (o) The division may in accordance with its rules and
15 regulations, grant a discount to rates established under
16 this section in an amount not to exceed ten percent (10%)
17 of the base rate for the employment classification of any
18 employer if the employer complies with a safety program
19 approved by the division and a discount in an amount not to
20 exceed five percent (5%) of the base rate for the
21 employment classification if the employer complies with a
22 drug and alcohol testing program approved by the division.
23 In determining safety program approval, drug and alcohol

1 program approval and the total discount granted under this
2 subsection, the division shall consider:

3

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

17

18 (r) In an industrial classification with less than
19 twelve (12) employers in which a single employer
20 contributes greater than fifty percent (50%) of the total
21 premium in that classification, the director of the
22 department of ~~employment~~workforce services, with the
23 concurrence of the governor, may adjust the base rate for

1 the employer established pursuant to this section, not to
2 exceed twenty-five percent (25%) subject to the following:

3

4 **27-14-202. Premium payments; payroll reports;**
5 **department authority to establish joint reporting; remedies**
6 **for incorrect earnings categorizations by employers.**

7

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

15

16 **27-14-408. Vocational rehabilitation; application;**
17 **eligibility; plan; limitation; modification, suspension or**
18 **termination.**

19

20 (c) Upon final determination of an injured worker's
21 eligibility for rehabilitation, the division shall
22 immediately send a copy of the application and
23 determination to the local office of the division of

1 vocational rehabilitation of the department of ~~employment~~
2 workforce services.

3

4 **27-14-805. Confidentiality of information; unlawful**
5 **disclosure; exception.**

6

7 (a) Except as otherwise provided by this act,
8 information obtained from any employer or covered employee
9 pursuant to reporting requirements under this act or
10 investigations conducted under W.S. 27-14-803 shall not be
11 disclosed in a manner which reveals the identity of the
12 employer or employee except to the employer, the employee,
13 legal counsel for an employer, legal counsel for an
14 employee or in situations necessary for the division to
15 enforce any of the provisions of this act. The
16 confidentiality limitations of this section do not apply to
17 transfers of information between the divisions of the
18 department of ~~employment~~workforce services so long as the
19 transfer of information is not restricted by federal law,
20 rule or contract. In addition, nothing in this section
21 shall prohibit the division from:

22

23 **30-2-101. Definitions.**

24

1 (a) As used in this act:

2

3 (ii) "Council" means the state mining council
4 which is within the department of ~~employment~~workforce
5 services;

6

7 **30-2-201. Appointment and qualifications of inspector**
8 **and deputy inspectors; terms of office; removal; bond**
9 **coverage; to devote full time to duties.**

10

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

23

1 30-2-301. Board of mines renamed mining council;
2 created; composition; qualifications, appointment and term
3 of members; removal; officers; rules; quorum; vacancies;
4 compensation.

5
6 (a) There is created a state board of mines which is
7 renamed the state mining council within the department of
8 ~~employment~~ workforce services which shall consist of eleven
9 (11) members. Ten (10) members shall be appointed equally
10 from among the management and hourly employees of the
11 mining industry, including surface and underground coal
12 mining, and shall serve for a term of four (4) years and
13 until their successors are appointed and qualified except
14 for the inspector who is a member of the council and
15 entitled to vote in case of a tie. Each member of the
16 council, except the inspector, shall be a qualified elector
17 of the state and shall have at least five (5) years
18 experience in the mining industry immediately preceding his
19 appointment. The members shall be appointed by the governor
20 by and with the advice and consent of the senate and from
21 among the management and employees of the mining industry.
22 The tenure of the members of the council shall be so
23 arranged that the terms of not more than five (5) of the
24 members shall expire in any one (1) year period. The

1 governor may remove any council member as provided in W.S.
2 9-1-202. The council shall have among its appointed
3 members:

4

5 **35-11-401. Compliance generally; exceptions.**

6

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

9

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

22

1 **35-12-110. Service of notice of application;**
2 **information and recommendations; application deficiencies;**
3 **procedure; jurisdiction; hearing.**

4

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

9

10 (xix) Department of ~~employment~~workforce
11 services;

12

13 **35-24-102. Definitions.**

14

15 (a) As used in this chapter:

16

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

22

23 **39-15-105. Exemptions.**

24

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

14

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

22

23 **39-16-105. Exemptions.**

24

1 (b) The Wyoming business council and the department
2 of revenue shall jointly report to the joint revenue
3 interim committee on or before December 1 of each year that
4 the exemption provided by subparagraph (a)(viii)(D), (G) or
5 (H) of this section is in effect. If requested by the
6 department of revenue, any person utilizing the exemption
7 under subparagraph (a)(viii)(D) of this section shall
8 report to the department the amount of use tax exempted,
9 and the number of jobs created or impacted by the
10 utilization of the exemption. The report shall evaluate
11 the cumulative effects of each exemption that is in effect
12 from initiation of the exemption and shall include:

13

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

21

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

23

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

2

3

(END)