SESSION LAWS OF WYOMING

2015
General Session

SESSION LAWS

OF THE

STATE OF WYOMING

PASSED BY THE

SIXTY-THIRD LEGISLATURE

2015 GENERAL SESSION

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USERS NOTES

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Legislative Service Office

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LAWS
PASSED BY THE
SIXTY-THIRD
WYOMING LEGISLATURE
2015 GENERAL SESSION

Chapter 1

NURSING EDUCATION PROGRAMS

Original House Bill No. 71

AN ACT relating to the Wyoming investment in nursing program; amending requirements for the master's and doctorate level education loans as specified; amending loan payback requirements; extending the program sunset date; and providing for an effective date.

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

Section 1. W.S. 9-2-123(c)(ii), (iii) and (o) is amended to read:

9-2-123. Wyoming investment in nursing loan and grant program; eligibility criteria; procedures.

(c) Subject to the availability of funds appropriated for this program, loans under the WYIN program may be granted to applicants enrolled or planning to enroll in nursing education programs as follows:

(ii) A registered nurse with a baccalaureate degree who holds an unencumbered license with the Wyoming board of nursing~~, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a baccalaureate degree, with preference given to a registered nurse currently teaching at the University of Wyoming or a Wyoming college,~~ and ~~the registered nurse~~ is accepted into a nursing education program at the University of Wyoming leading to a master's degree <u>or doctorate level degree</u> in nursing or nursing education may be eligible for a loan to pay the unmet need of attendance, as determined by the Wyoming community college commission or its designee, provided that in order to receive a loan for ~~a master's degree~~ <u>either</u> program, the applicant shall agree to repay the loan by teaching <u>nursing</u> at a Wyoming <u>community</u> college or the University of Wyoming. If the applicant registered nurse is not accepted into a nursing education program at the University of Wyoming and upon approval of the

Wyoming community college commission, the applicant registered nurse may be accepted into an accredited nursing education program at a university located outside of the state. Loans awarded for applicants accepted into programs outside of Wyoming shall not exceed the loan amounts available for programs at the University of Wyoming;

(iii) A registered nurse with a master's degree in nursing who holds an unencumbered license with the Wyoming board of nursing~~, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a master's degree in nursing~~ and is accepted into a nursing education program at an institution providing the required nursing education courses under contract with the western interstate commission for higher education or in a distance nursing education program at a university that is regionally accredited leading to a doctorate level degree in nursing may be eligible for a loan to pay the unmet need of attendance, as determined by the Wyoming community college commission or its designee, provided that in order to receive a loan for a doctorate level degree program, the applicant shall agree to repay the loan by teaching nursing at a Wyoming community college or the University of Wyoming.

(o) This program created by this section shall expire effective June 30, ~~2016~~ 2020.

Section 2. This act is effective July 1, 2015.

Approved February 17, 2015.

Chapter 2

LANDOWNER INDEMNIFICATION

Original House Bill No. 8

AN ACT relating to environmental quality; specifying that a surface owner is an innocent owner if the source of the contamination is a pipeline as specified; and providing for an effective date.

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

Section 1. W.S. 35-11-1801(a)(v), (vi) and by creating a new paragraph (vii) is amended to read:

35-11-1801. Definition of innocent owner.

(a) "Innocent owner" means a person who did not cause or contribute to the source of contamination and who is one (1) of the following:

(v) A unit of state or local government which acquired ownership or control through bankruptcy, tax delinquency, abandonment or other circumstances in which the government acquires title by virtue of its function as sovereign, unless the state or local government contributed to the contamination;~~ or~~

(vi) A bona fide prospective purchaser;~~.~~ or

(vii) A surface owner if the source of the contamination was a pipeline running under or across the land of the surface owner and the surface owner was not involved in the installation, operation or maintenance of the pipeline.

Section 2. This act is effective July 1, 2015.

Approved February 17, 2015.

Chapter 3

EDUCATION-STATE AUTHORIZATION RECIPROCITY AGREEMENT

Original House Bill No. 10

AN ACT relating to post secondary education; authorizing the Wyoming Community College Commission to enter into and administer reciprocity agreements with other states on the licensing of specified post secondary institutions; authorizing admission of post secondary institutions with a physical presence in Wyoming under reciprocity agreement and providing for reciprocal licensure in Wyoming of institutions located in states that are signatories to the agreement; granting rulemaking authority and authorizing fees; and providing for an effective date.

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

Section 1. W.S. 21-18-226 is created to read:

21-18-226. State authorization reciprocity agreements; administration; requirements; fees; rules and regulations.

(a) The commission shall enter into an agreement with the Western Interstate Commission for Higher Education to participate, on behalf of the state of Wyoming, with all other states legally joining in the state authorization reciprocity agreement.

(b) The requirements of the agreement shall be sufficient to protect the integrity of Wyoming post secondary education, but shall also allow authorized institutions complying with the agreement the ability to reach as many potential students as possible.

(c) The commission shall review applications from any public or private post secondary institution seeking admission under the state reciprocity agreement if the institution has a physical presence in Wyoming and is organized under the laws of the state of Wyoming. The commission shall:

(i) Admit to the state authorization agreement any qualified public or private applicant that meets the requirements of the state authorization reciprocity agreement pertaining to institutional quality, consumer protection and fiscal viability as defined by subsection (d) of this section;

(ii) Monitor compliance of admitted institutions for institutional quality, consumer protection and fiscal viability;

(iii) Notify, in a timely manner, the Western Interstate Commission for Higher Education of those post secondary institutions admitted to the reciprocity agreement under paragraph (i) of this subsection and any action taken against an authorized institution pursuant to paragraph (iv) of this subsection; and

(iv) Take appropriate action against any authorized institution upon failure to comply with requirements of the state authorization reciprocity agreement, including an investigation, citation, suspension or expulsion from the reciprocity agreement.

(d) For purposes of paragraph (c)(i) of this section, an institution may satisfy:

(i) The institutional quality standard through evidence of current accreditation;

(ii) The consumer protection standard through evidence that information required under Title IV of the Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.), as amended, is provided to current and prospective students, and evidence of a procedure for addressing student complaints both internally and through an outside state agency as required by that act;

(iii) The fiscal viability standard for public institutions through evidence of adequate public funding, or for a private institution, through evidence that the United States department of education, in its most recent fiscal year report, assigned the institution a financial responsibility composite score of one and five-tenths (1.5) or greater, or a financial responsibility composite score of not less than one (1) if the report covers the most recent two (2) consecutive fiscal years.

(e) The commission may adopt rules and regulations to implement this section.

(f) For purposes of administrating this section, the commission may establish and collect fees from authorized institutions to pay necessary administrative expenses incurred under this section. Any fees collected pursuant to this subsection shall be deposited into the general fund.

(g) As used in this section:

(i) "Accredited" or "accreditation" means the status of public recognition that an accrediting agency recognized by the United States department of education pursuant to Title IV of the Higher Education Act of 1965 (20 U.S.C. § 1070 et seq.), as amended, grants to an institution or educational program that meets the department's established requirements;

(ii) "Educational program" means a program of organized instruction or study beyond secondary education that leads to an academic professional degree, vocational degree or certificate or other recognized educational credential;

(iii) "Physical presence" means the ongoing occupation of a physical location in Wyoming for instructional purposes or the maintenance of an administrative office in Wyoming to facilitate instruction. For purposes of this section, the following activities do not constitute a physical presence in Wyoming:

(A) Delivery of distance education courses online;

(B) Advertising;

(C) Recruiting;

(D) Courses delivered on military installations by an accredited institution limited to active and reserve military personnel, dependents of military personnel and civilian employees of the military installation;

(E) Operation of a server or other electronic service device; or

(F) Experiential learning opportunities such as a clinical practicum residency or internship.

(iv) "Post secondary institution" means a person, business entity, nonprofit corporation or governmental entity that operates educational programs beyond secondary education;

(v) "State authorization reciprocity agreement" means an agreement, as published by the Western Interstate Commission for Higher Education on November 1, 2013, or substantially similar to the version published on that date, which allows post secondary institutions that meet federal criteria to recruit, advertise, market and conduct distance education across state lines with as few restrictions as possible.

Section 2. W.S. 21-2-406(a)(iii), (iv) and by creating a new paragraph (v) and 21-18-202(c) by creating a new paragraph (ix) are amended to read:

21-2-406. Schools exempted; definition.

(a) This article does not apply to:

(iii) Aircraft flight training schools approved and authorized by the federal aviation agency of the United States of America;~~ or~~

(iv) A nondegree granting school teaching techniques of outdoor recreation, leadership, ecology or conservation domiciled in the state of Wyoming;~~.~~ or

(v) A post secondary education institution admitted, authorized and in good standing under the state authorization reciprocity agreement pursuant to W.S. 21-18-226.

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

(c) The commission shall perform the following administrative functions:

(ix) Administer the state authorization reciprocity agreement and admit authorized post secondary institutions to participate under the agreement in

accordance with W.S. 21-18-226.

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 17, 2015.

Chapter 4

SMALL EMPLOYER GROUP HEALTH INSURANCE

Original Senate File No. 32

AN ACT relating to small employer health insurance availability; providing that dependent coverage shall be optional; and providing for an effective date.

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

Section 1. W.S. 26-19-306(c)(vi) is amended to read:

26-19-306. Availability of coverage.

(c) All health benefit plans covering small employers shall comply with the following provisions:

(vi) If a small employer carrier offers coverage to a small employer, it shall offer coverage to all of the small employer's eligible employees and may offer coverage to their dependents. A small employer carrier shall not offer coverage to only certain persons in a group or to only part of a group, except in the case of late enrollees as provided in paragraph (iii) of this subsection. Except as permitted under paragraphs (i) and (iii) of this subsection, a small employer carrier shall not modify a health benefit plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specified diseases, medical conditions or services otherwise covered by the plan;

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 5

LANDFILL REMEDIATION PRIORITY LIST

Original Senate File No. 22

AN ACT relating to prioritization of municipal solid waste facilities remediation projects; authorizing expenditure of previously appropriated funds; establishing a prioritized list of projects; authorizing the department of environmental quality limited discretionary authority to modify the prioritized list; providing a definition; and providing for an effective date.

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

Section 1.

(a) As used in this section, "SWDD" means solid waste disposal district.

(b) Pursuant to 2014 Wyoming Session Laws, Chapter 26, Section 333(c) and W.S. 35-11-524(b), following is a prioritized list of projects qualified for participation in the municipal solid waste facilities remediation program created by W.S. 35-11-533:

Priority Index	Project
1	Campbell County - Balefill #1
2	Sheridan #2
3	Casper Balefill
4	Evanston #1
5	Sheridan #1
6	Guernsey
7	Newcastle #1
8	Buffalo #1
9	Cheyenne
10	Riverton #1
11	Campbell County #2
12	Lusk
13	Clearmont #2
14	Douglas
15	Glenrock #1
16	Rawlins
17	Lincoln Co. – Thayne (Transfer Station, Incinerator & C/D)
18	Buffalo, Old Dump
19	Big Piney #2
20	Pine Bluffs
21	Fremont Co. SWDD - Lander
22	Thermopolis
23	Park County – Cody
24	Horsethief Canyon #2 - Transfer Station
25	Baggs SWDD
26	Rock River #1
27	Torrington #1
28	Sundance
29	Elk Mountain
30	Medicine Bow
31	Sublette Co. - Marbleton #2
32	Park County – Meeteetse
33	Sinclair #2

34	Laramie Landfill
35	Park County - Kysar
36	Reliance SWDD #1
37	Eden Valley SWDD
38	Encampment
39	Saratoga, Old Community Dump
40	Sweetwater Co. SWDD #1 - Point of Rocks
41	High Country Joint Powers Board - Hanna
42	Hanna (Old Site)
43	Hulett #1
44	Bairoil #1
45	Bairoil #2
46	Big Horn County - North #1
47	Rock River #2
48	Big Horn County - South
49	Sweetwater Co. SWDD #1 - Rock Springs
50	Park County - Powell
51	Big Piney #1
52	Hyattville Landfill
53	Saratoga
54	Park County - Clark #1
55	Big Horn County - North #2
56	Lincoln County - Kemmerer #1
57	Hartville
58	Torrington #2
59	Moorcroft #2
60	Newcastle #2
61	Manville #1
62	Ten Sleep SWDD #1
63	Kaycee
64	Washakie Co. SWDD - Worland #1, #2
65	Fremont Co. SWDD - Shoshoni
66	Chugwater
67	Lincoln County - Kemmerer #2
68	LaGrange
69	Park County - Clark #2
70	Central Weston Co. SWDD, Osage
71	Superior
72	Moorcroft #1
73	Bosler
74	Natrona County Parks - Alcova Landfill
75	Wheatland #2
76	Green River #1 (old), #2
77	Glendo #1

78	Glendo #2
79	Sweetwater Co. SWDD - Wamsutter #2
80	Eastern Laramie Co. SWDD
81	Natrona County Parks - Alcova #2
82	LaBarge - Transfer Station

(c) The department of environmental quality may modify the prioritized order of the projects in subsection (b) of this section for any of the following reasons:

(i) To optimize efficiency;

(ii) Based on project readiness;

(iii) Based on compliance with program qualifications or conditions;

(iv) To address emergency or immediate environmental concerns.

(d) Pursuant to W.S. 35-11-524(d)(ii), not later than June 30 of each year, the department of environmental quality shall report any modification of the prioritized list contained in subsection (b) of this section to the joint minerals, business and economic development interim committee.

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 25, 2015.

Chapter 6

INITIATIVE AND REFERENDUM-REVISIONS

Original Senate File No. 49

AN ACT relating to initiatives and referendums; repealing prior initiative and referendum provisions; creating separate initiative and referendum provisions; revising initiative and referendum procedures and language; removing restrictions on circulator qualifications and pay as specified; and providing for an effective date.

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

Section 1. W.S. 22-24-301 through 22-24-323 and 22-24-401 through 22-24-420 are created to read:

ARTICLE 3
INITIATIVE

22-24-301. Right of initiative; limitations.

The people may propose and enact laws by the initiative. However, the ini-

tiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, enact local or special legislation, enact anything prohibited by the constitution for enactment by the legislature, or enact anything that is substantially the same as that defeated by an initiative election within five (5) years preceding the time of filing of the petition.

22-24-302. Application; filing and fee.

An initiative shall be proposed by filing an application with the secretary of state. A fee of five hundred dollars ($500.00) shall accompany the application. This fee shall be deposited in the general fund.

22-24-303. Application; contents.

(a) The application shall be on a form prescribed by the secretary of state and shall include:

(i) The proposed bill to be initiated;

(ii) The designation of a committee of three (3) applicants who shall represent all sponsors and subscribers in matters relating to the initiative; and

(iii) A statement that the committee of applicants are qualified registered voters who signed the application with the proposed bill attached.

22-24-304. Requirements as to proposed bill.

(a) In an initiative, the proposed bill shall be confined to one (1) subject, the entire subject of the bill shall be expressed in the title, the enacting clause shall be: "Be it enacted by the people of the state of Wyoming:" and the bill shall not include subjects restricted by W.S. 22-24-301.

(b) In an initiative, concurrently with the filing of the application, the proposed bill shall be submitted by the committee of applicants to the secretary of state for review and comment. Upon request of the secretary of state, the legislative service office or any agency in the executive department shall render assistance in reviewing and preparing comments on the proposed bill. No later than fourteen (14) calendar days after the date of submission, at a conference scheduled by the secretary of state, the secretary shall render to the committee of applicants comments on any problems encountered concerning the format or contents of the proposed bill. The comments shall not be disclosed prior to the conference with the committee of applicants but, at such time as the application is certified, the comments shall become a public record. After the conference but before certification the committee of applicants may amend the proposed bill in response to some or all of the comments of the secretary of state and resubmit the proposed bill in accordance with this subsection, or they may disregard the comments entirely. The committee of applicants shall notify the secretary of state in writing within five (5) calendar days after the conference whether the proposed bill will be amended. If the proposed bill is to be

amended it shall be resubmitted for review and comment in accordance with this subsection. At any time the committee of applicants chooses not to amend or further amend a proposed bill, the committee of applicants may submit the proposed bill to the secretary of state for certification.

(c) No later than thirty (30) days after a proposed bill is submitted for certification, the committee of applicants shall submit to the secretary of state the names, signatures, addresses and the date of signing of one hundred (100) qualified registered voters who will act as sponsors supporting the application and proposed bill in their final form. The committee of applicants may act as sponsors if duly qualified.

22-24-305. Notice to committee.

Notice to the committee of applicants on any matter pertaining to the application and petition shall be served on any member of the committee in person, by mail, or electronically, addressed to a committee member at the address indicated on the application.

22-24-306. Sponsors and circulators.

(a) The one hundred (100) qualified registered voters who subscribe to the application are designated as sponsors. The committee of applicants may designate additional qualified individuals to act as circulators of the petitions by giving written notice to the secretary of state signed by one (1) member of the committee of applicants verifying under oath the names, qualifications and addresses of those so designated. An individual shall not be qualified to act as a circulator unless he is a citizen of the United States and is at least eighteen (18) years of age. A member of the committee of applicants may act as a circulator if duly qualified.

(b) The committee of sponsors shall file receipt and expenditure reports as required by W.S. 22-25-106.

22-24-307. Review by secretary of state; conditional certification.

Within seven (7) calendar days after receiving a final proposed bill, the secretary of state shall review the proposed bill and its associated application and shall either conditionally certify it, pending submission of the qualified signatures required by W.S. 22-24-304(e), or notify the committee of applicants in writing of the grounds for denial.

22-24-308. Grounds for denying certification of initiative application.

(a) The secretary of state shall deny final certification of an initiative application if he determines that:

(i) The proposed bill to be initiated is not in the required form;

(ii) The application is not in the required form;

(iii) The committee of applicants failed to submit a sufficient number of

qualified registered voters as sponsors within thirty (30) days after submitting its final proposed bill and application for certification; or

(iv) The proposed bill was not submitted for review and comment in accordance with W.S. 22-24-304.

22-24-309. Fiscal impact.

(a) Upon the certification or conditional certification of any initiative application, if in the opinion of the secretary of state the proposed bill will have a fiscal impact on the state, the secretary of state shall prepare an estimate and explanation of the fiscal impact. The explanation shall include a statement that it is an estimate of fiscal impact to the state only and does not include an estimate of any impact upon political subdivisions. Upon request of the secretary of state, any agency in the executive department shall render assistance in preparing the estimate and explanation of fiscal impact.

(b) No later than fourteen (14) days after final certification of an initiative application, the secretary of state shall render to the committee of applicants its fiscal impact estimate and explanation. If the committee believes that the secretary of state's estimate is inaccurate, within fourteen (14) days after receiving the secretary of state's estimate and explanation, the committee of applicants may submit to the secretary of state its own estimate and explanation of fiscal impact. Upon receiving the committee of applicants' estimate and explanation, the secretary of state may revise its estimate if in the opinion of the secretary of state the committee demonstrates that the secretary of state's estimate is inaccurate. If the final estimated fiscal impact by the secretary of state and the final estimated fiscal impact by the committee of applicants differ by more than twenty-five thousand dollars ($25,000.00), the secretary of state's comments under the ballot proposition shall contain an estimated range of fiscal impact reflecting both estimates.

22-24-310. Petitions; generally.

(a) Upon final certification of an initiative application and the finalization of any fiscal estimate pursuant to W.S. 22-24-309, the secretary of state shall prescribe the form of and prepare petitions containing:

(i) A copy of the proposed bill;

(ii) An impartial summary of the subject matter of the bill;

(iii) The warning required by W.S. 22-24-311;

(iv) Sufficient space for printed names, signatures and addresses;

(v) If a circulator will be paid to solicit signatures on a petition, each signature page circulated by that circulator shall contain, in twelve (12) point or larger black boldface type, the following statement: "This circulator is being paid to solicit signatures for this ballot proposition." The statement shall be prominently displayed and made visible to the petition signer by the circula-

tor; and

(vi) Other specifications necessary to assure proper handling and control.

(b) Pursuant to rules adopted by the secretary of state, petitions, for purposes of circulation, shall be prepared by the secretary of state at the sponsor's expense. Petitions shall be printed in a number reasonably calculated to allow full circulation throughout the state. A paid circulator shall solicit signatures on a petition only if each signature page circulated by that circulator contains the statement required under paragraph (a)(v) of this section.

(c) The secretary of state shall number each petition and shall keep a record of the petitions.

(d) Upon request of the committee of applicants, the secretary of state shall report the number of persons who voted in the preceding general election.

(e) The secretary of state, on any printed material circulated by the secretary of state describing the proposition, shall include notice whether any paid circulator was used to gather signatures as required by paragraph (a)(v) of this section.

22-24-311. Petitions; statement of warning.

Each petition shall include a statement of warning that a person who signs a name other than his own on the petition, or who knowingly signs his name more than once for the same proposition at one (1) election, or who signs the petition knowing that he is not a qualified registered voter, upon conviction, is punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than one (1) year or both.

22-24-312. Petitions; circulation; contests.

(a) The petitions shall be circulated throughout the state only by a sponsor or an individual designated in accordance with W.S. 22-24-306 as a circulator and only in person.

(b) Any person may contest the qualifications of an individual designated as a circulator by filing a petition in the district court within ten (10) days of the solicitation activity. The court shall hear and decide any such action within five (5) days from the date the petition is filed.

(c) Any party prevailing in any action filed pursuant to subsection (b) of this section may be awarded costs and reasonable attorney's fees by the court. The court shall notify the secretary of state of its findings as to the qualifications of a circulator within five (5) days of the determination.

22-24-313. Petitions; subscribing to and withdrawing name.

Any qualified registered voter may subscribe to the petition by signing his name and listing his address. A person who has signed the petition may withdraw his name only by giving written notice of his printed name, residence and contact

information to the secretary of state before the time that the petition is filed.

22-24-314. Petitions; verification.

(a) Before a petition is filed, it shall be verified by the sponsor or circulator who personally circulated it. The verification shall be in affidavit form and shall state in substance that:

(i) The person signing the affidavit is a sponsor or an individual designated and qualified in accordance with W.S. 22-24-306 and is the only circulator of that petition;

(ii) The signatures on the petition were made in his presence; and

(iii) To the best of his knowledge, such signatures are those of the persons whose names they purport to be.

(b) In determining the sufficiency of the petition, the secretary of state shall not:

(i) Count signatures on petitions not properly verified;

(ii) Count signatures on a petition circulated by an individual who has been determined not to be a qualified circulator pursuant to W.S. 22-24-312 or by the secretary of state in accordance with rules of his office.

22-24-315. Petitions; filing by sponsors.

(a) Petitions may be filed with the secretary of state if signed by a sufficient number of qualified registered voters as required by the Wyoming constitution.

(b) Petitions for an initiative shall be submitted to the secretary of state for verification within the eighteen (18) month period following the date the first set of petition forms are provided to the sponsors. Any petition not submitted within the eighteen (18) month period is void for all purposes.

22-24-316. Petitions; review by secretary of state.

(a) Within not more than sixty (60) days of the date all petitions are filed, the secretary of state shall review the petitions and shall notify the committee of applicants whether the petitions were properly or improperly filed. The petitions shall be determined to be improperly filed if:

(i) There is an insufficient total number of signatures of qualified registered voters; or

(ii) There is an insufficient number of signatures of qualified registered voters in at least two-thirds (2/3) of the counties of the state.

22-24-317. Ballot proposition; preparation and contents.

(a) If a sufficient number of qualified petitions are filed, the secretary of state, with the assistance of the attorney general, shall prepare a ballot proposition. The ballot proposition shall give a true and impartial summary of the proposed law, including the estimated fiscal impact or range of estimated fiscal impact

on the state and explanation of the impact prepared in accordance with W.S. 22-24-309, and shall make provision for approval and for disapproval thereof.

(b) When any proposal relating to the investment of the permanent funds of the state of Wyoming is placed on the ballot, the secretary of state shall include in the ballot statement an estimate from the state treasurer of the estimated loss or gain in revenue from the proposal. If the final estimated loss or gain by the state treasurer and the final estimated loss or gain by the committee of sponsors of the ballot proposition differ by more than twenty-five thousand dollars ($25,000.00), the ballot statement shall contain the range of estimated loss or gain reflecting both estimates.

22-24-318. Ballot proposition; procedure for placing on ballot; publication requirements.

(a) Except as required under subsection (b) of this section, the same procedure for placing constitutional amendment questions on the ballot shall be used to place the initiative ballot proposition on the ballot.

(b) The ballot proposition for an initiative shall be published by the secretary of state in a newspaper of general circulation in the state in the newspaper edition immediately preceding the general election. Publication under this subsection shall contain the text of the initiative ballot and shall identify both a physical location and a web site address or other electronic location where the entire text of the initiative can be viewed.

22-24-319. Ballot proposition; when placed on ballot.

(a) The ballot proposition for an initiative shall be placed on the election ballot of the first statewide general election that is held after:

(i) A sufficient number of qualified petitions were filed;

(ii) A legislative session has convened and adjourned; and

(iii) A period of one hundred twenty (120) days has expired since the adjournment of the legislative session. If the attorney general determines that an act of the legislature enacted after the petition is filed is substantially the same as the proposed law, the petition shall be void and the ballot proposition shall not be placed on the election ballot, and the secretary of state shall so notify the committee of applicants.

22-24-320. Insufficiency of application or petition.

An initiative submitted to the voters shall not be void because of the insufficiency of the application or petitions by which the submission was procured.

22-24-321. Action for review of determination.

Any person aggrieved by any determination made under this article, by the secretary of state or by the attorney general, may bring an action in the district court of Laramie county to have the determination reviewed by filing applica-

tion within thirty (30) days of the date on which notice of the determination was given.

22-24-322. Penalties.

(a) Any person who signs a name other than his own on a petition for initiative, or who knowingly signs his name more than once for the same proposition at one (1) election, upon conviction, shall be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one (1) year, or both.

(b) Any member of the committee of applicants, sponsor or circulator who knowingly and willfully makes a false verification of the qualifications of a circulator pursuant to W.S. 22-24-306(a) or knowingly and willfully makes a false verification under W.S. 22-24-314, shall be guilty of false swearing and subject to the penalties provided by W.S. 22-26-101.

22-24-323. Petitions; payment for signatures; misrepresentation of petition; prohibition; penalty.

(a) A circulator of an initiative petition or a person who causes the circulation of an initiative petition may not pay or offer to pay any compensation to another person for that person's signature on the initiative petition.

(b) A circulator of an initiative petition or a person who causes the circulation of an initiative petition shall not collect another person's signature on the petition by knowingly making a false statement with respect to or otherwise misrepresenting the proposed law contained within the initiative petition. A violation of this subsection is subject to the penalty imposed under W.S. 22-24-322(a).

ARTICLE 4
REFERENDUM

22-24-401. Right of referendum; limitations.

The people may approve or reject acts of the legislature by the referendum. However, the referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health or safety.

22-24-402. Application; filing and fee.

A referendum shall be proposed by filing an application with the secretary of state. A fee of five hundred dollars ($500.00) shall accompany the application. This fee shall be deposited in the general fund.

22-24-403. Application; contents.

(a) The application shall be on a form prescribed by the secretary of state and shall include:

(i) The act to be referred;

(ii) The designation of a committee of three (3) applicants who shall represent all sponsors and subscribers in matters relating to the referendum;

(iii) The signatures and addresses of not less than one hundred (100) sponsors who shall be qualified registered voters; and

(iv) A statement that the committee of applicants are qualified registered voters who signed the application with the proposed act attached.

22-24-404. Notice to committee.

Notice to the committee of applicants on any matter pertaining to the application and petition shall be served on any member of the committee in person, by mail or electronically addressed to a committee member at the address indicated on the application.

22-24-405. Sponsors and circulators.

(a) The one hundred (100) qualified registered voters who subscribe to the application are designated as sponsors. The committee of applicants may designate additional qualified individuals to act as circulators of the petitions by giving written notice, signed by one (1) member of the committee of applicants, to the secretary of state verifying under oath the names, qualifications and addresses of those so designated. An individual shall not be qualified to act as a circulator unless he is a citizen of the United States and is at least eighteen (18) years of age. A member of the committee of applicants may act as a circulator if duly qualified.

(b) The committee of applicants shall file receipt and expenditure reports as required by W.S. 22-25-106.

22-24-406. Grounds for denying certification of initiative or referendum application.

(a) The secretary of state shall deny certification of a referendum application if he determines that:

(i) The committee of applicants failed to submit a sufficient number of qualified registered voters as sponsors;

(ii) The application is not substantially in the required form; or

(iii) More than ninety (90) days have expired since the adjournment of the legislative session at which the act being referred was passed.

22-24-407. Petitions; generally.

(a) If the application is certified, the secretary of state shall prescribe the form of and prepare petitions containing:

(i) A copy of the act to be referred;

(ii) An impartial summary of the subject matter of the act to be referred;

(iii) The warning required by W.S. 22-24-408;

(iv) Sufficient space for printed names, signatures and addresses;

(v) If a circulator will be paid to solicit signatures on a petition, each signature page circulated by that circulator shall contain, in twelve (12) point or larger black boldface type, the following statement: "This circulator is being paid to solicit signatures for this ballot proposition." The statement shall be prominently displayed and made visible to the petition signer by the circulator; and

(vi) Other specifications necessary to assure proper handling and control.

(b) Pursuant to rules adopted by the secretary of state, petitions, for purposes of circulation, shall be prepared by the secretary of state at the sponsor's expense. Petitions shall be printed in a number reasonably calculated to allow full circulation throughout the state. A paid circulator shall solicit signatures on a petition only if each signature page circulated by that circulator contains the statement required under paragraph (a)(v) of this section.

(c) The secretary of state shall number each petition and shall keep a record of the petitions.

(d) Upon request of the committee of applicants, the secretary of state shall report the number of persons who voted in the preceding general election.

(e) The secretary of state, on any printed material circulated by the secretary of state describing the proposition, shall include notice whether any paid circulator was used to gather signatures as required by paragraph (a)(v) of this section.

22-24-408. Petitions; statement of warning.

Each petition shall include a statement of warning that a person who signs a name other than his own on the petition, or who knowingly signs his name more than once for the same proposition at one (1) election, or who signs the petition knowing that he is not a qualified registered voter, upon conviction, is punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than one (1) year, or both.

22-24-409. Petitions; circulation; contests.

(a) The petitions shall be circulated throughout the state only by a sponsor or an individual designated in accordance with W.S. 22-24-405 as a circulator and only in person.

(b) Any person may contest the qualifications of an individual designated as a circulator by filing a petition in the district court within ten (10) days of the solicitation activity. The court shall hear and decide any such action within five (5) days from the date the petition is filed.

(c) Any party prevailing in any action filed pursuant to subsection (b) of this section may be awarded costs and reasonable attorney's fees by the court. The

court shall notify the secretary of state of its findings as to the qualifications of a circulator within five (5) days of the determination.

22-24-410. Petitions; subscribing to and withdrawing name.

Any qualified registered voter may subscribe to the petition by signing his name and listing his address. A person who has signed the petition may withdraw his name only by giving written notice of his printed name, residence and contact information to the secretary of state before the time that the petition is filed.

22-24-411. Petitions; verification.

(a) Before a petition is filed, it shall be verified by the sponsor or circulator who personally circulated it. The verification shall be in affidavit form and shall state in substance that:

(i) The person signing the affidavit is a sponsor or an individual designated and qualified in accordance with W.S. 22-24-405 and is the only circulator of that petition;

(ii) The signatures on the petition were made in his presence; and

(iii) To the best of his knowledge, such signatures are those of the persons whose names they purport to be.

(b) In determining the sufficiency of the petition, the secretary of state shall not:

(i) Count signatures on petitions not properly verified;

(ii) Count signatures on a petition circulated by an individual who has been determined not to be a qualified circulator pursuant to W.S. 22-24-409 or by the secretary of state in accordance with rules of his office.

22-24-412. Petitions; filing by sponsors.

Petitions may be filed with the secretary of state if signed by a sufficient number of qualified registered voters as required by the Wyoming constitution. Petitions may be filed only within ninety (90) days after the adjournment of the legislative session at which the act was passed.

22-24-413. Petitions; review by secretary of state.

(a) Within not more than sixty (60) days of the date all petitions are filed, the secretary of state shall review the petitions and shall notify the committee of applicants whether the petitions were properly or improperly filed. The petitions shall be determined to be improperly filed if:

(i) There is an insufficient total number of signatures of qualified registered voters;

(ii) There is an insufficient number of signatures of qualified registered voters in at least two-thirds (2/3) of the counties of the state; or

(iii) The petitions for referendum were not filed within ninety (90) days

after the adjournment of the legislative session at which the act was passed.

22-24-414. Ballot proposition; preparation and contents.

If a sufficient number of qualified petitions are filed, the secretary of state, with the assistance of the attorney general, shall prepare a ballot proposition. The ballot proposition shall give a true and impartial summary of the referred act and shall make provision for approval and for disapproval thereof.

22-24-415. Ballot proposition; procedure for placing on ballot; publication requirements.

(a) Except as required under subsection (b) of this section, the same procedure for placing constitutional amendment questions on the ballot shall be used to place the referendum ballot proposition on the ballot.

(b) The ballot proposition for a referendum shall be published by the secretary of state in a newspaper of general circulation in the state in the newspaper edition immediately preceding the general election. Publication under this subsection shall contain the text of the referendum ballot and shall identify both a physical location and a web site address or other electronic location where the entire text of the referendum can be viewed.

22-24-416. Ballot proposition; when placed on ballot.

The ballot proposition for a referendum shall be placed on the election ballot of the first statewide general election held more than one hundred eighty (180) days after adjournment of the legislative session at which the act was passed.

22-24-417. Insufficiency of application or petition.

A referendum submitted to the voters shall not be void because of the insufficiency of the application or petitions by which the submission was procured.

22-24-418. Action for review of determination.

Any person aggrieved by any determination made under this article, by the secretary of state or by the attorney general, may bring an action in the district court of Laramie county to have the determination reviewed by filing application within thirty (30) days of the date on which notice of the determination was given.

22-24-419. Penalties.

(a) Any person who signs a name other than his own on a petition for referendum, or who knowingly signs his name more than once for the same proposition at one (1) election, upon conviction, shall be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one (1) year, or both.

(b) Any member of the committee of applicants, sponsor or circulator who knowingly and willfully makes a false verification of the qualifications of a circulator pursuant to W.S. 22-24-405(a) or knowingly

and willfully makes a false verification under W.S. 22-24-411, shall be guilty of false swearing and subject to the penalties provided by W.S. 22-26-101.

22-24-420. Petitions; payment for signatures; misrepresentation of petition; prohibition; penalty.

(a) A circulator of a referendum petition or a person who causes the circulation of a referendum petition may not receive payment for the collection of signatures if that payment is based upon the number of signatures collected. Nothing in this section prohibits a circulator of a referendum petition or a person who causes the circulation of a referendum petition from being paid a salary that is not based upon the number of signatures collected.

(b) A circulator of a referendum petition or a person who causes the circulation of a referendum petition may not pay or offer to pay any compensation to another person for that person's signature on the referendum petition.

(c) A circulator of a referendum petition or a person who causes the circulation of a referendum petition shall not collect another person's signature on the petition by knowingly making a false statement with respect to or otherwise misrepresenting the referred act contained within the referendum petition. A violation of this subsection is subject to the penalty imposed under W.S. 22-24-419(a).

Section 2. W.S. 22-24-101 through 22-24-125 are repealed.

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

Approved February 25, 2015.

Chapter 7

CHALLENGE LOAN INTEREST RATE

Original Senate File No. 26

AN ACT relating to economic development; amending the interest rate charged under the Wyoming Partnership Challenge Loan Program; amending maximum authorized loan amounts as specified; and providing for an effective date.

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

Section 1. W.S. 9-12-301(a)(vi) and (vii), 9-12-302(b) and 9-12-304(b)(i) are amended to read:

9-12-301. Definitions.

(a) As used in this article:

(vi) "Bridge financing" means the provision of financing for that portion of the total project cost which is calculated by subtracting from total project cost the sum of ownership debt and equity. The council shall not consider a proposal in which the bridge financing component exceeds thirty-five percent (35%) of total project cost or ~~five hundred thousand dollars ($500,000.00)~~ one million dollars ($1,000,000.00), whichever is less, and the business does not contribute more than fifteen percent (15%) of the total project cost;

(vii) "Guarantee loan participation" means a provision of financing by the council in which the council participates with a lender that has secured a federal guaranteed loan to guarantee repayment of a loan made to a business. The maximum participation by the council shall be fifty percent (50%) of the loan or ~~one million dollars ($1,000,000.00)~~ two million dollars ($2,000,000.00), whichever is less;

9-12-302. Wyoming partnership challenge loan program; creation; rule-making; administration account.

(b) The council~~,~~ shall establish all fees and interest rates to be charged for each loan as it is underwritten for this program. The interest rate for loans made under this program shall be not less than ~~four percent (4%)~~ three percent (3%) per annum. Fees on loans under the program shall be paid monthly and deposited into a program administration account which is continuously appropriated to the council to be expended solely for the purpose of administering this article and loans authorized under it.

9-12-304. Criteria for loans.

(b) Loans, loan commitments or loan guarantees or any combination thereof shall be made under this article only:

(i) If the total amount to a single community development organization, or to a business for an economic disaster loan as provided under subsection (c) of this section, ~~or to a business for bridge financing as provided under subsection (d) of this section,~~ does not exceed five hundred thousand dollars ($500,000.00), if the total amount to a business for bridge financing as provided under subsection (d) of this section does not exceed one million dollars ($1,000,000.00), if the total amount to state development organizations does not exceed three million five hundred thousand dollars ($3,500,000.00), if the amount to a business for a federally guaranteed loan as provided under subsection (e) of this section does not exceed ~~one million dollars ($1,000,000.00)~~ two million dollars ($2,000,000.00), if the amount to a business for a loan guarantee does not exceed one hundred thousand dollars ($100,000.00) per loan guaranteed or eighty percent (80%) of any net loan loss by the bank, whichever is less, if the amount to a business for a Wyoming main street loan participation as provided under subsection (g) of this section does not exceed one hundred thousand dollars ($100,000.00) or if the amount to a business for a natural gas

fueling infrastructure loan as provided under subsection (h) of this section does not exceed seventy-five percent (75%) of the total project cost or one million dollars ($1,000,000.00), whichever is less;

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 8

SPECIAL ELECTIONS-TIME LIMITS

Original Senate File No. 53

AN ACT relating to elections; amending time limits for special election proceedings related to vacancies in the United States house of representatives; establishing a time limit for ballot preparation; and providing for an effective date.

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

Section 1. W.S. 22-2-110(a), 22-18-105 through 22-18-107 and 22-18-109 are amended to read:

22-2-110. Computing periods of time.

(a) Except for special elections to fill vacancies for a congressman under W.S. 22-18-105 through 22-18-109, periods of time are computed by excluding the specific day and counting the prescribed number of days, including Saturdays, Sundays and full legal holidays. If the first day of a time period falls on a Saturday, Sunday or full legal holiday, the preceding day which is not a Saturday, Sunday or full legal holiday shall be used. If the last day of a time period falls on a Saturday, Sunday or full legal holiday, the next day which is not a Saturday, Sunday or full legal holiday shall be used. All days, except the specific day, but including the last day, shall be used to compute the time limits established under W.S. 22-18-105 through 22-18-109 unless the last day of a time period falls on a Saturday, Sunday or full legal holiday in which case the next day which is not a Saturday, Sunday or full legal holiday shall be used.

22-18-105. Filling vacancy of congressman; whether filled at general or special election.

If the vacancy in the office of representative in congress occurs within six (6) months prior to the next general election, the vacancy shall be filled at the general election. Otherwise the special election shall occur ~~not more than fifty-five (55) days~~ on the Tuesday following the eighty-ninth day after the vacancy occurs, unless that Tuesday falls on a full legal holiday in which case the election shall occur on the next Tuesday which is not a full legal holiday. The governor shall declare the vacancy and issue the writ of election within five (5) days after the vacancy occurs.

22-18-106. Filling vacancy of congressman; nominations by state central committees; independent candidates.

An elector qualified to hold the office of representative in congress shall be nominated by the state central committee of the respective parties to fill a vacancy for the unexpired term of that office. Nominations from such parties shall be filed with the secretary of state and fees paid within ~~fifteen (15)~~ seven (7) days after the vacancy is officially declared. Independent candidates shall file an application and pay the filing fee with the secretary of state within ~~fifteen (15)~~ seven (7) days after the vacancy is officially declared.

22-18-107. Filling vacancy of congressman; certification of candidates.

Within ~~twenty (20)~~ five (5) days after the ~~vacancy is declared~~ end of the candidate filing period, the secretary of state shall certify to the clerks of counties voting to fill the vacancy the name of each candidate qualified to appear on the ballot, and his party affiliation or ~~the name of a group or organization sponsoring an independent candidate~~ independent status.

22-18-109. Conduct of special election; preparation of ballot.

A special election to fill a vacancy shall be conducted by the county clerk as nearly as possible in the manner of a general election. The county clerk shall have twelve (12) days to prepare the special election ballot after the secretary of state's certification under W.S. 22-18-107. The candidate who receives a plurality of the votes at a special election shall be issued a certificate of election as provided by law.

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 25, 2015.

Chapter 9

HEALTH INSURANCE-MEDICAL NECESSITY REVIEWS

Original House Bill No. 57

AN ACT relating to health insurance plans; amending requirements for review of an insurer's determination that a claimed service, procedure or supply is not medically necessary; and providing for an effective date.

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

Section 1. W.S. 26-40-201(b)(intro), (iii), (f), (g)(ii)(A), (B), (j) and (k)(iv) is amended to read:

26-40-201. Payment of claims under medical necessity standard; review.

(b) If any ~~disability~~ insurance policy~~, as defined by W.S. 26-5-103,~~ provides

for settlement of a claim for payment of medical services, procedures or supplies provided by a health care provider using a medical necessity or other similar basis the insurer shall:

(iii) Provide internal review and external review procedures for all denied claims as required in this section and disclose all procedures, time lines and requirements for such review procedures in every ~~disability~~ insurance policy and as otherwise required in this section.

(f) Within ~~sixty (60) days~~ one hundred twenty (120) days of receiving the written explanation required by subsection (e) of this section, a claimant may request an external review of the decision which is the subject of the explanation by filing a written request for such review. The request shall be submitted to the insurer on a form approved by the commissioner, unless such form was not provided to the claimant as required by subsection (e) of this section, in which event any written request for an external review shall be sufficient.

(g) Upon receiving a request for external review, the insurer shall:

(ii) Assign the request to an independent review organization that has been approved by the commissioner for a preliminary review. The insurer shall provide to the independent review organization all documents and information upon which the insurer relied in denying all claims under review. Failure to provide the documents and other information shall not delay the conduct of the external review. The independent review organization shall determine whether:

(A) The claimant is or was a covered person in the ~~disability~~ insurance policy at the time the provision of or payment for medical services, procedures or supplies was requested or provided;

(B) The provision of or payment for medical services, procedures or supplies requested by the claimant reasonably appears to be a covered service under the ~~disability~~ insurance policy, but for the determination by the insurer that the services, procedures or supplies are not a medical necessity;

(j) ~~All documentation or other information provided to the independent review organization by the insurer or claimant shall also be immediately provided to the adverse party by the independent review organization~~ The independent review organization shall, within one (1) business day of its receipt, forward all documentation and information it receives from an insurer or claimant to the opposing insurer or claimant. The insurer may use any documentation or other information provided by the claimant to reconsider its settlement of the claims. If the insurer chooses to reverse its prior decision, it shall immediately provide written notice to the claimant, the independent review organization and the commissioner, at which time the review shall be terminated.

(k) In addition to the documents and information provided pursuant to this section, the independent review organization, to the extent the information is

available and the independent review organization considers them appropriate, shall consider the following in reaching its decision:

(iv) The terms of coverage under the claimant's ~~disability~~ insurance policy;

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 10

WYOMING RETIREMENT SYSTEM AMENDMENTS

Original House Bill No. 67

AN ACT relating to the Wyoming retirement system; amending provisions of the Wyoming retirement act to provide consistency in the act; amending a definition to allow local elected officials to decline participation in the retirement system as specified; amending a definition to specify that firefighters in the Wyoming army national guard are eligible to participate in a pension plan as specified; amending calculations for past due employer contribution payments and redeposit of contributions under the system; modifying redeposit payments as specified; updating archaic language; repealing a provision requiring a written election for employees of the legislature to participate in the retirement system; repealing archaic language designating a program coordinator for the deferred compensation program; and providing for an effective date.

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

Section 1. W.S. 9-3-402(a)(iii), (vi)(Q), (vii) by creating a new subparagraph (N), (xii) and (xxv), 9-3-413, 9-3-415(d), 9-3-424(a), 9-3-602(a)(x), 9-3-617(b), 9-3-702(a)(viii), 9-3-709 and 9-3-713(a)(ii) and (iii) are amended to read:

9-3-402. Definitions.

(a) As used in this article:

(iii) "Actuarial equivalent amount" means a benefit of equal value computed upon the basis of ~~a unisex mortality table based on the average of the 1971 group annuity mortality tables for males and females set back one (1) year and six and one-quarter percent (6.25%) interest per year~~ the actuarial assumptions determined by the board;

(vi) "Employer" or "participating employer" means:

(Q) The ~~state legislature~~ legislative service office;

(vii) "Member" means and includes any full-time or regular part-time employee of an employer, including substitute teachers if treated by the employer as regular, part-time employees and including law enforcement officers and firefighter members, but "member" does not mean:

(N) An elected member of a county, municipal or school district commission, council or board, if:

(I) The commission, council or board on which the elected member

serves participates in the system;

(II) The elected member is otherwise employed by an entity participating in the system; and

(III) The elected member elects in writing at the beginning of the member's service on the commission, council or board not to become a member of the system, for purposes of his service as an elected official, under rules adopted by the board. An election pursuant to this subdivision is irrevocable during the remainder of the member's service on the commission, council or board.

(xii) "~~Regular~~ Interest" means interest compounded annually at the rate or rates determined by the board, not exceeding the average amount of interest actually earned per annum by the account;

(xxv) "Firefighter member" means any employee of ~~the~~ a Wyoming ~~air~~ national guard fire department crash and rescue unit employed on a full-time basis for firefighting and rescue operations within the department;

9-3-413. Employer's contributions; payable monthly; transfer to account; interest imposed upon delinquent contributions; recovery.

Except as provided by W.S. 9-2-1022(a)(xi)(F)(III) or (IV), 9-3-431 and 9-3-432, each employer including employers of firefighter members, shall on a monthly basis, pay into the account a contribution equal to seven and twelve hundredths percent (7.12%) until June 30, 2014, of the salary paid to each of its members covered under this article. For the period from July 1, 2014 through June 30, 2015, each employer, excluding employers of firefighter members, shall on a monthly basis, pay into the account a contribution equal to seven and sixty-two hundredths percent (7.62%) of the salary paid and thereafter eight and thirty-seven hundredths percent (8.37%) of the salary paid. After June 30, 2014 employers of firefighter members shall pay into the account a contribution equal to seven and twelve hundredths percent (7.12%) of the salary paid. Employer contributions for any month, together with the members' contributions for that month, if any, shall be transferred to the board not later than the twelfth day of the following month. These contributions shall be credited to the account in a manner as directed by the board. Any employer failing to transfer contributions under this section in sufficient time for the board to receive the contributions by the twenty-fifth day of the month due shall be assessed interest at the ~~rate of eight percent (8%) per annum~~ assumed rate of return as determined by the board, compounded annually. Interest imposed under this section shall be payable not later than the twelfth day of the next succeeding month. If the contributions and any interest imposed under this section are not transferred to the board when due, they may be recovered, together with court costs, in an action brought for that purpose in the first judicial district court in Laramie County, Wyoming.

9-3-415. When retirement permitted; service credit.

(d) Any vested member may elect to make a one-time purchase of up to five (5) years of service credit as authorized and limited by section 415(c) and 415(n) of the Internal Revenue Code and established in rules promulgated by the board. Any member electing to purchase service credit shall pay into the account a single lump-sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit, ~~computed on the basis of actuarial assumptions approved by the board and~~ the individual's attained age and the benefit structure of the appropriate plan. A member may purchase service credit with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the system in the form of a direct rollover, the rollover contribution shall be paid to the system on or before sixty (60) days after the date it was received by the member. Service credit purchased under this subsection shall qualify as service credit defined in W.S. 9-3-402(a)(xxi), 9-3-602(a)(iii), 9-3-702(a)(iii) and 15-5-402(a)(iv) but shall not be used to determine whether a member is a general member initially employed after August 31, 2012.

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

(a) Except as provided in subsection (b) of this section, any member covered by this article, including an at-will contract employee under W.S. 9-2-1022(a)(xi)(F)(III) or (IV), who terminates his employment or any employee of the agricultural extension service of the University of Wyoming who has not elected to continue to be covered by this article is entitled to a refund of his account. In addition, any member who is entitled to a refund who is an at-will contract employee under W.S. 9-2-1022(a)(xi)(F)(III), shall be entitled to a refund of all contributions made to his account plus any employer matching contributions made by that member. In addition, any member who is entitled to a refund who is an at-will contract employee under W.S. 9-2-1022(a)(xi)(F)(IV), shall be entitled to a refund of all contributions made to his account including any employer matching contributions made by that member. The refunds shall be made only upon written request to the board. A member may elect, at the time and in the manner prescribed by the system, to have the refund of his account paid directly to an eligible retirement plan as specified by the member. Any member who withdraws from the system under this section shall forfeit all rights to further benefits, employer matching contributions and service credit under the system. Any person who later returns to service covered by this article may redeposit a single lump-sum amount equal to the amount of the contributions withdrawn, ~~in lump sum,~~ together with ~~regular interest,~~ an amount equal to the actuarial equivalent of the benefits to be derived from the redeposit, past employer contributions, the individual's attained age and the benefit structure of the appropriate plan, and upon earning not less than two (2) years service credit, may reestablish his service credits as

of the time of withdrawal of his contributions. For service prior to July 1, 2002, any law enforcement member covered under W.S. 9-3-432 may redeposit the amount of contributions withdrawn for service covered under W.S. 9-3-432, in a lump sum, together with ~~regular~~ interest and the actuarial equivalent of the difference between the benefit provided under W.S. 9-3-415 through 9-3-419 and the benefit provided under W.S. 9-3-432, and upon earning not less than two (2) years service credit, may reestablish his service credit as of the time of withdrawal of his contributions. Any redeposit payment pursuant to this subsection shall be made not later than ~~seven (7)~~ ten (10) years following the date of reemployment or prior to retirement, whichever first occurs. A member may make a redeposit under this subsection with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the system in the form of a direct rollover, the rollover contribution shall be paid to the system on or before sixty (60) days after the date it was received by the member. Unless otherwise permitted by section 401(a)(8) of the Internal Revenue Code, forfeitures shall not be applied to increase the benefits that any employee would otherwise receive under the system.

9-3-602. Definitions.

(a) As used in this article:

(x) "~~Regular~~ Interest" means interest compounded annually at such rate or rates as shall be determined by the board, not exceeding the average amount of interest actually earned per annum by the fund;

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

(b) Any employee who later returns to service covered under this article may redeposit the amount of the contributions withdrawn, in lump sum, together with ~~regular~~ interest, and upon earning not less than two (2) years service credit, may reestablish his service credits as of the time of withdrawal of his contributions. Any redeposit payment pursuant to this subsection shall be made not later than ~~seven (7)~~ ten (10) years following the date of reemployment or prior to retirement, whichever first occurs.

9-3-702. Definitions.

(a) As used in this act:

(viii) "~~Regular~~ Interest" means interest compounded annually at such rate or rates as shall be determined by the board, not exceeding the average amount of interest actually earned per annum by the account;

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

Any employee covered by this act who terminates his employment is entitled to a refund of the amount of the employee's contributions plus ~~regular~~ interest

thereon. The refunds shall be made only upon written request to the board. Any employee who withdraws from the system under this section shall forfeit all rights to further benefits, employer matching contributions and service credit under the system. Any person who later returns to service covered by this act may redeposit the amount of the contributions withdrawn, in lump sum, together with ~~regular~~ interest, and upon earning not less than two (2) years credited service, may reestablish his service credits as of the time of withdrawal of his contributions. Any redeposit payment pursuant to this section shall be made not later than ~~seven (7)~~ ten (10) years following the date of reemployment or prior to retirement, whichever first occurs.

9-3-713. Election to transfer into the system established under this act.

(a) Any Wyoming supreme court justice, district judge or circuit court judge appointed before July 1, 1998, may elect to be covered under the retirement system established under this act subject to the following terms and conditions:

(ii) For county judges, the board shall transfer the funds in the judge's member account in the retirement system as defined in W.S. 9-3-402(a)(i) and the matching employer contributions along with ~~regular~~ interest on both to the account created in W.S. 9-3-702(a)(i) to fund retirement under this act;

(iii) A circuit court judge making an election under this section shall also pay to the board an amount determined by the board which shall be deposited into the retirement system account used to fund the retirement benefits under this act. The amount shall be equal to three and sixty-five hundredths percent (3.65%) of his salary for each year of service to be credited under this act plus ~~regular~~ interest, or an amount sufficient to cover the unfunded liability for retirement benefits under this section after the transfer under paragraph (ii) of this section, whichever is less. Notwithstanding paragraph (i) of this subsection, a circuit court judge appointed before July 1, 1998, may elect to be covered under this act by providing notice to the board not later than December 31, 2003, or prior to retirement, whichever is earlier, and making any payment required under this paragraph.

Section 2. W.S. 9-3-402(a)(vii)(D), 9-3-501(a)(vi), 9-3-505(a)(iii) and 9-3-506 are repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 11

REGISTERED INVESTMENT ADVISERS

Original House Bill No. 19

AN ACT relating to public funds; providing that a state fund investment manager shall be a registered investment adviser under federal law if the investment manager is required to be registered by federal law; repealing conflicting requirements; and providing for an effective date.

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

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

9-4-715. Permissible investments.

(b) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940~~, or any bank as defined in~~ as amended if required to be registered by the terms of that act as amended, upon written authority, may invest monies of the permanent funds, in securities but not more than fifty-five percent (55%) shall be invested in common stocks.

Section 2. W.S. 9-4-718(b) is repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 12

CLARIFICATION OF DUTIES OF TREASURER'S OFFICE

Original House Bill No. 20

AN ACT relating to the administration of government; clarifying statutory duties; requiring entities to provide direction to the state treasurer on the allocation and distribution of funds as specified; requiring submission of acknowledgement and receipt as specified; and providing for an effective date.

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

Section 1. W.S. 9-2-113(a), 9-2-1026.5(b), 9-3-201(c), 9-5-104(b) (intro), 9-15-103(c), 11-18-109, 11-25-105(h), 14-1-205(b), 15-5-422(a), 16-9-209(e), 17-4-131(a), 24-2-110(c)(intro), 26-4-102(b)(intro), 26-10-107, 26-33-108, 27-3-202, 27-3-205(a), 27-3-211(a), 27-14-704(b), 31-9-208, 31-9-409, 33-3-107, 33-7-103(b), 33-9-108, 33-10-114(a), 33-12-139(c), 39-14-109(f)(ii), 39-14-209(f)(ii), 39-14-309(f)(ii), 39-14-409(f)(ii), 39-14-509(f)(ii), 39-14-609(f)(ii), 39-14-709(f)(ii), 39-15-111(b)(intro), (i), (ii), (iii)(intro) and (c), 39-15-203(a)(iii)(F), 39-15-211(a)(intro), (ii)(C) and (b)(intro), 39-16-111(b)(intro), (i), (ii), (iii)(intro) and (d), 39-16-203(a)(ii)(F), 39-16-211(a)(intro), (b)(intro) and (i), 39-17-111(a), (b), (c)(intro), (d)(intro), (ii) and (f), 39-17-211(a) through (c) (d)(intro) and (e), 39-18-111(a)(intro) and 39-22-111(a)(intro) and (ii) are amended to read:

9-2-113. Division of vocational rehabilitation; federal and state funds; custody and disbursement by state treasurer; gifts.

(a) The state treasurer is the custodian of all funds received from the federal government for vocational rehabilitation or to implement any agreements authorized by this act. The ~~state treasurer~~ division of vocational rehabilitation shall disburse federal and state funds available for those purposes ~~upon certification by the division~~ and submit receipt and acknowledgement to the state treasurer.

9-2-1026.5. Federal library funds.

(b) The state treasurer is custodian of all federal funds allocated to the state for statewide library services. ~~and~~ The director shall disburse the funds ~~on the requisition of the director and~~ subject to ~~other~~ all provisions of law and submit receipt and acknowledgement to the state treasurer.

9-3-201. Group prepaid plans authorized; agreements with insurance companies authorized; limitation on authorized plans and companies; payroll deductions; self-insurance programs; optional school district participation in plan.

(c) Upon a request in writing from any employee of the state of Wyoming, any covered political subdivision thereof or a participating school district, the state ~~treasurer~~ auditor or the proper officer in any political subdivision or school district may deduct from the wages of the employee the amount of the premium which the employee has agreed to pay for the prepaid plans or insurance, and to pay or remit the payment directly to the prepaid plan or insurance company issuing the group plan or insurance.

9-5-104. State building commission; state office buildings; authority to maintain; rental; use of proceeds.

(b) Every department occupying space in a building authorized under subsection (a) of this section, if required to do so by the general services division, in accordance with rules of the state building commission, shall pay to the ~~state treasurer~~ general services division an annual rental plus a pro rata share of maintenance, janitorial services, utilities and other overhead costs necessary to maintain the building in as good a condition as reasonable and proper use will permit. Payments under this subsection shall be made to the ~~state treasurer~~ general services division for deposit into a separate account, with receipt and acknowledgement submitted to the state treasurer, to be allocated as follows:

9-15-103. Wyoming wildlife and natural resource trust account created; income account created; expenditures; purposes.

(c) Individuals and other entities may also grant, give, transfer, bequest or donate funds to the trust account or the income account. Such funds shall be credited by the board, with receipt and acknowledgement submitted to the

state treasurer, to either the trust account or the income account, as appropriate, in a manner consistent with the conditions attached to their receipt.

11-18-109. Disposition of collected fees and monies in general fund; payment of expenses of board.

(a) All fees and monies collected by the Wyoming livestock board or any of its officers, agents or employees, not specifically required by law to be credited to a different fund, shall be placed by the ~~state treasurer~~ board in the general fund with receipt and acknowledgement submitted to the state treasurer.

(b) The expenses incurred in the conduct of the business of the Wyoming livestock board, the state veterinarian and the director, including the per diem of members of the board, the salaries or wages of the director, deputy state veterinarians and other necessary employees, traveling expenses, furnishing of offices, stationery, supplies and all other expenditures necessary and incident thereto, shall be paid out of the general fund appropriations provided by law. All expenses shall be itemized on the proper vouchers, approved by the director, covered by proper receipts, and paid by the state ~~treasurer~~ auditor from money appropriated by law.

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

(h) The commission shall observe and supervise the conduct of pari-mutuel wagering under permits issued by the commission and shall appoint one (1) of its members or employ one (1) or more persons to represent the commission in the administration and enforcement of this act and in the supervision of the conduct of pari-mutuel wagering and the events in connection therewith under each permit issued. Representatives of the commission shall have access to the events and to the pari-mutuel booths and records and shall be paid an amount determined by the commission plus expenses and mileage as fixed by law for state officers, payment therefor to be made by the state ~~treasurer~~ auditor.

14-1-205. Application to department of transportation for emancipated status on driver's license; fee.

(b) An applicant under this section shall pay two dollars ($2.00) to the division. The ~~state treasurer~~ department of transportation shall deposit the fees in the manner prescribed by law for driver's license and identification card fees and submit receipt and acknowledgement to the state treasurer.

15-5-422. Payments; when and how made; protections; nonassignability; qualified domestic relations order.

(a) Payments made under this article shall be made to the beneficiaries on or before the fifth day of each month and shall be made by voucher drawn against the firemen's pension account and paid by the state ~~treasurer~~ auditor out of the account. No payments made under this article are subject to judgment, attach-

ment, execution, garnishment or other legal process and are not assignable nor shall the board recognize any assignment nor pay over any sum assigned.

16-9-209. Special fee.

(e) Except as provided in subsection (g) of this section, all special fees billed and collected by a local exchange company or radio communications service provider shall be transmitted to the ~~state treasurer~~ public service commission not later than the last day of the month following the end of the month in which the special fee is collected. All special fees received by the ~~state treasurer~~ public service commission shall be deposited in the account established by W.S. 16-9-208 with receipt and acknowledgement submitted to the state treasurer.

17-4-131. Disposition of fees.

(a) The ~~state treasurer~~ secretary of state, shall credit sixty percent (60%) of all fees collected ~~by the secretary of state~~ under W.S. 17-4-101 through 17-4-130 to the general fund and the balance to a separate account. Annually, on July 1, monies within the account in excess of three hundred fifty thousand dollars ($350,000.00) shall be credited to the general fund. Pooled interest on the account shall be credited to the general fund. The secretary of state shall submit receipt and acknowledgement of all deposits and credits under this section to the state treasurer.

24-2-110. Cooperation with counties in construction and maintenance of county roads; allocation of costs; state-county road construction account established.

(c) The gasoline license tax revenues distributed by the ~~state treasurer~~ department of transportation under W.S. 39-17-111(d)(ii) shall be sent to the county treasurers of the various counties and placed in a separate fund in each county earning its own interest and be expended by the board of county commissioners solely for the road construction and maintenance fund program and as otherwise provided in this subsection. This money shall be allocated as follows:

26-4-102. Record of receipts; payment to treasurer; credit to fund.

(b) The commissioner shall promptly ~~pay~~ deposit all monies he receives from any charges to the ~~state treasurer for credit to the~~ general fund, with receipt and acknowledgement submitted to the state treasurer, except that:

26-10-107. Account; disbursement.

(a) Out of each fee the commissioner receives for application for an original agent's license as provided in W.S. 26-4-101(a)(v)(A)(I) and (B)(I), and deposits with the state treasurer, the ~~state treasurer~~ commissioner, shall place sixty percent (60%) thereof in an account of the state board of insurance agent's examiners and the remaining forty percent (40%) in the general fund. If the amount in the account exceeds the sum of five thousand dollars ($5,000.00), the excess

shall be deposited in the general fund. The commissioner shall submit receipt and acknowledgement of all deposits under this section to the state treasurer.

(b) The ~~state treasurer~~ commissioner shall make payments out of the account on warrants drawn by the state auditor, upon vouchers issued and signed by the president and secretary-treasurer of the board, for any expenditure required to carry out lawful board duties.

26-33-108. Payments from account.

The state ~~treasurer~~ auditor, at the direction of the commissioner, shall issue a warrant in satisfaction of each claim submitted to him against the account after receipt of a certified copy of a final judgment from a court having jurisdiction, or a settlement agreement signed by a claimant, a qualified representative of the insurance carrier and the commissioner, with original signatures. The warrant shall be for the amount exceeding fifty thousand dollars ($50,000.00) or limits of other underlying coverage, if greater, set forth in the judgment or settlement, subject to the limitation that the amounts paid from the account shall not exceed one million dollars ($1,000,000.00) in any calendar year for one (1) or more awards or settlements against an individual physician.

27-3-202. Administration of fund.

(a) The ~~state treasurer~~ department is the custodian of the fund and shall administer the fund and issue warrants upon the fund in accordance with the directions of the department or regulations of the commission. ~~He~~ The state treasurer shall maintain a clearing account, an unemployment trust fund account and a benefit account separately within the fund as specified by the department.

(b) All funds payable to the fund shall be deposited by the department or its authorized representative ~~with the state treasurer~~ in the clearing account, with receipt and acknowledgement submitted to the state treasurer. In addition, all funds collected from the employment support fund under W.S. 27-3-505(a) shall be deposited by the department in the clearing account, for clearance only, and shall not become a part of the fund. After clearance, funds collected for the employment support fund under W.S. 27-3-505(a) shall be deposited in the employment support fund created by W.S. 27-3-211. Thereafter, refunds payable pursuant to W.S. 27-3-515 may be paid from the clearing account upon warrants issued by the ~~treasurer~~ state auditor under regulation of the commission. Remaining funds in the clearing account shall be immediately deposited with the United States secretary of the treasury in Wyoming's account within the unemployment trust fund established pursuant to 42 U.S.C. § 1104(e).

(c) The benefit account consists of all funds withdrawn from Wyoming's account in the unemployment trust fund. Funds shall be withdrawn from Wyoming's account only for the payment of benefits in accordance with regulations of the commission, except as provided by W.S. 27-3-204. The department shall

withdraw funds from the unemployment trust fund in amounts necessary to pay benefits for a reasonable future period. Withdrawals from the unemployment trust fund shall not exceed the balance of Wyoming's account within the trust fund. Upon receipt, the ~~treasurer~~ department shall deposit the funds in the benefit account, with receipt and acknowledgement submitted to the state treasurer, and shall issue warrants for the payment of benefits from the benefit account. Any funds remaining unclaimed or unpaid in the benefit account after the expiration of the period for which they were withdrawn shall be deducted from estimates and used for the payment of benefits during succeeding periods or deposited with the United States secretary of the treasury in Wyoming's account in the unemployment trust fund.

(d) Except as otherwise provided by this act, the ~~state treasurer~~ department may deposit funds of the clearing and benefit accounts, under regulation of the commission and separate from other state funds, in an approved public depository in the manner provided by W.S. 9-4-801 through 9-4-815. Any collateral pledged for this purpose shall be separate from collateral pledged to secure other state funds. All funds recovered from losses sustained by the fund shall be deposited ~~by the treasurer~~ into the fund. The department may request an examination of any return or report of a national banking association required by this act pursuant to 26 U.S.C. § 3305(c).

(e) Warrants for payment of benefits and refunds from the benefit and clearing accounts shall be signed by the ~~treasurer~~ state auditor and the department or its authorized agent.

27-3-205. Employment security administration account.

(a) The employment security administration account is established and shall be administered by the ~~state treasurer~~ department. The department, with receipt and acknowledgement submitted to the state treasurer, may deposit funds within the account separate from other state funds in an approved public depository in accordance with W.S. 9-4-801 through 9-4-815. Funds deposited into the account are available to the department for expenditure in accordance with this act and shall not be transferred to any other account. Account expenditures, except funds received pursuant to W.S. 27-3-204, shall be only for the payment of necessary administrative expenses of this act as determined by the United States secretary of labor and for the establishment and maintenance of public employment offices pursuant to W.S. 9-2-2601(e). All funds deposited into the account pursuant to W.S. 27-3-204 shall remain a part of the unemployment compensation fund and shall be used in accordance with W.S. 27-3-204.

27-3-211. Employment support fund established.

(a) There is established the employment support fund. Revenues allocated

pursuant to W.S. 27-3-505(a) shall be credited to the employment support fund by the department, with receipt and acknowledgement submitted to the state treasurer. The state treasurer shall invest available revenues in the fund in accordance with law, and earnings from those investments shall be credited to the fund. The monies in the employment support fund shall not revert to the general fund at the end of any fiscal year, except that any unappropriated amounts remaining in the fund at the end of any fiscal year shall be transferred by the state treasurer to the state unemployment insurance trust fund created pursuant to W.S. 27-3-209.

27-14-704. Worker's compensation revenue bonds; department determination; issuance by state loan and investment board; bonding procedure, terms and conditions.

(b) Revenue bonds issued pursuant to this section are limited obligations payable solely from and secured by funds deposited within the worker's compensation account as created under W.S. 27-14-701(a) and the worker's compensation claims payment account. The bondholders may not look to any general or other fund for payment of the bonds except for revenues pledged therefor. The revenue bonds shall not constitute an indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation. The bonds shall not be considered or held to be general obligations of the state but shall constitute limited obligations of the state and the board shall not pledge the state's full faith and credit for payment of the bonds. Each series of bonds may be issued by the board at public or private sale, in denominations and registered form, with such provision for conversion or exchange, for establishing interest rates or methods of determining rates on a variable or fixed rate basis, for establishing maturities and redemption provisions, as determined by the board. The bonds shall be payable ~~at the office of the state treasurer or~~ at the office of a fiscal agent designated by the board. The state loan and investment board shall not issue any revenue bonds under this section unless the sale results in an economic benefit to the worker's compensation program as determined by the board. In all other respects, the board may prescribe the form and terms of the revenue bonds and shall do whatever is lawful and necessary for their issuance and payment. Action taken by the board under this section shall be approved by a majority of its members.

31-9-208. Disposition of security; judgments payable therefrom; return of balance.

Security deposited in compliance with the requirements of W.S. 31-9-202, 31-9-203 and 31-9-205 through 31-9-209 shall be placed by the division in ~~the custody of the state treasurer~~ an account maintained for the purposes of this section and shall be applicable only to the payment of a judgment rendered against the person on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not

later than one (1) year after date of the accident, or within one (1) year after the date of deposit of any security under W.S. 31-9-205(a)(iii), and any balance thereof shall be returned to the depositor or his personal representative when satisfactory evidence has been filed with the division that there has been a release from liability, a final adjudication of nonliability, a warrant for confession of judgment or an acknowledged agreement, in accordance with W.S. 31-9-203(a)(iv), or whenever, after the expiration of one (1) year from the date of the accident, or within one (1) year after the date of deposit of any security, W.S. 31-9-205(a)(iii), the division is given reasonable evidence that there is no action pending and no judgment rendered in any action left unpaid.

31-9-409. Cash and securities deposited with the director.

(a) Proof of financial responsibility may be evidenced by the certificate of the ~~state treasurer~~ director of the department of transportation that the person named therein has deposited ~~with him~~ twenty-five thousand dollars ($25,000.00) in cash, or securities as provided by W.S. 9-4-821 or as may legally be purchased for trust funds of a market value of twenty-five thousand dollars ($25,000.00). The ~~state treasurer~~ director shall not accept any deposit and issue a certificate therefor and the division shall not accept the certificates unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. The director shall submit receipt and acknowledgement of all deposits and payments under this section to the state treasurer.

(b) The deposit shall be held by the ~~state treasurer~~ director to satisfy, in accordance with this act, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after the deposit was made. Money or securities so deposited is not subject to attachment or execution unless the attachment or execution arises out of a suit for damages as provided by this subsection.

33-3-107. Fees; collection; certified public accountant's account; disbursements; transfer of existing funds.

All fees collected under the provisions of this act shall be ~~paid~~ remitted by the secretary of the board at the end of each month ~~into the Wyoming state treasury~~ to the state treasurer. The ~~Wyoming~~ state treasurer shall ~~account for~~ deposit all collections and other funds of the board in a separate account. All funds of any organization of certified public accountants held by the Wyoming state treasurer on the effective date of this act shall be transferred to and become a part of the certified public accountant's account.

33-7-103. State board of barber examiners; election of officers; duties of

secretary-treasurer; disposition of money received.

(b) Each fee required shall be paid in advance and shall be received and collected as provided by law. The board shall remit all fees and money received to the state treasurer. The state treasurer shall place the money in a separate account. The money so received and placed in the account may be used by the members of the board in defraying their actual expenses and per diem allowance as hereinafter provided in carrying out the provisions of this act.

33-9-108. Disposition of fees.

All fees and money shall be received and collected as provided by law. The board shall remit all fees and money received to the state treasurer. The state treasurer place the money in a separate account which shall be subject at all times to warrant of the state auditor drawn upon vouchers issued and signed by the president and the secretary-treasurer of the board.

33-10-114. Disposition of money collected; expenses of board; compensation of members.

(a) All money shall be received and collected as provided by law. All money received or collected under this chapter shall be ~~paid~~ remitted to the state treasurer by the board for deposit in a separate account. The money in the account is subject at all times to the warrant of the state auditor drawn upon written requisition attested by the executive director of the board for the payment of any board expenses.

33-12-139. Fees; disposition of fees.

(c) Each fee required shall be paid in advance and shall be received and collected as provided by law. The board shall remit all fees and money received to the state treasurer. The state treasurer shall place the money in a separate account.

39-14-109. Taxpayer remedies.

(f) Escrow. The following shall apply:

(ii) If severance taxes are paid under protest to the extent of and due to an appeal pending before the state board of equalization or any court of competent jurisdiction, the ~~state treasurer~~ department shall deposit that protested amount under appeal in a separate interest bearing escrow account and withhold distribution until a final decision on the appeal has been rendered by the state board of equalization or the court. To the extent the taxpayer prevails in the appeal, the ~~state treasurer~~ department shall refund that amount under appeal, plus interest earned thereon, to the taxpayer within thirty (30) days from the day the final decision is rendered. If the taxpayer pays to the state an amount in excess of the protested amount under appeal, the excess shall be distributed as provided by law;

39-14-209. Taxpayer remedies.

(f) Escrow. The following shall apply:

(ii) If severance taxes are paid under protest to the extent of and due to an appeal pending before the state board of equalization or any court of competent jurisdiction, the ~~state treasurer~~ department shall deposit that protested amount under appeal in a separate interest bearing escrow account and withhold distribution until a final decision on the appeal has been rendered by the state board of equalization or the court. To the extent the taxpayer prevails in the appeal, the ~~state treasurer~~ department shall refund that amount under appeal, plus interest earned thereon, to the taxpayer within thirty (30) days from the day the final decision is rendered. If the taxpayer pays to the state an amount in excess of the protested amount under appeal, the excess shall be distributed as provided by law;

39-14-309. Taxpayer remedies.

(f) Escrow. The following shall apply:

(ii) If severance taxes are paid under protest to the extent of and due to an appeal pending before the state board of equalization or any court of competent jurisdiction, the ~~state treasurer~~ department shall deposit that protested amount under appeal in a separate interest bearing escrow account and withhold distribution until a final decision on the appeal has been rendered by the state board of equalization or the court. To the extent the taxpayer prevails in the appeal, the ~~state treasurer~~ department shall refund that amount under appeal, plus interest earned thereon, to the taxpayer within thirty (30) days from the day the final decision is rendered. If the taxpayer pays to the state an amount in excess of the protested amount under appeal, the excess shall be distributed as provided by law;

39-14-409. Taxpayer remedies.

(f) Escrow. The following shall apply:

(ii) If severance taxes are paid under protest to the extent of and due to an appeal pending before the state board of equalization or any court of competent jurisdiction, the ~~state treasurer~~ department shall deposit that protested amount under appeal in a separate interest bearing escrow account and withhold distribution until a final decision on the appeal has been rendered by the state board of equalization or the court. To the extent the taxpayer prevails in the appeal, the ~~state treasurer~~ department shall refund that amount under appeal, plus interest earned thereon, to the taxpayer within thirty (30) days from the day the final decision is rendered. If the taxpayer pays to the state an amount in excess of the protested amount under appeal, the excess shall be distributed as provided by law;

39-14-509. Taxpayer remedies.

(f) Escrow. The following shall apply:

(ii) If severance taxes are paid under protest to the extent of and due to an appeal pending before the state board of equalization or any court of competent jurisdiction, the ~~state treasurer~~ department shall deposit that protested amount under appeal in a separate interest bearing escrow account and withhold distribution until a final decision on the appeal has been rendered by the state board of equalization or the court. To the extent the taxpayer prevails in the appeal, the ~~state treasurer~~ department shall refund that amount under appeal, plus interest earned thereon, to the taxpayer within thirty (30) days from the day the final decision is rendered. If the taxpayer pays to the state an amount in excess of the protested amount under appeal, the excess shall be distributed as provided by law;

39-14-609. Taxpayer remedies.

(f) Escrow. The following shall apply:

(ii) If severance taxes are paid under protest to the extent of and due to an appeal pending before the state board of equalization or any court of competent jurisdiction, the ~~state treasurer~~ department shall deposit that protested amount under appeal in a separate interest bearing escrow account and withhold distribution until a final decision on the appeal has been rendered by the state board of equalization or the court. To the extent the taxpayer prevails in the appeal, the ~~state treasurer~~ department shall refund that amount under appeal, plus interest earned thereon, to the taxpayer within thirty (30) days from the day the final decision is rendered. If the taxpayer pays to the state an amount in excess of the protested amount under appeal, the excess shall be distributed as provided by law;

39-14-709. Taxpayer remedies.

(f) Escrow. The following shall apply:

(ii) If severance taxes are paid under protest to the extent of and due to an appeal pending before the state board of equalization or any court of competent jurisdiction, the ~~state treasurer~~ department shall deposit that protested amount under appeal in a separate interest bearing escrow account and withhold distribution until a final decision on the appeal has been rendered by the state board of equalization or the court. To the extent the taxpayer prevails in the appeal, the ~~state treasurer~~ department shall refund that amount under appeal, plus interest earned thereon, to the taxpayer within thirty (30) days from the day the final decision is rendered. If the taxpayer pays to the state an amount in excess of the protested amount under appeal, the excess shall be distributed as provided by law;

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. For all revenue collected by the department under W.S. 39-15-104 ~~shall be transferred~~

~~to the state treasurer who~~ the department shall:

(i) Credit sixty-nine percent (69%) to the state general fund for deposit by the state treasurer 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);

(ii) Deduct one percent (1%) from the remaining share to cover all administrative expenses and costs attributable to the remaining share and credit for deposit by the state treasurer into the general fund for that amount;

(iii) From the remaining share, until June 30, 2004, deduct an amount equivalent to one-half percent (0.5%) and thereafter deduct an amount equivalent to one percent (1%) of the tax collected under W.S. 39-15-104. From this amount, the ~~state treasurer~~ department shall distribute until June 30, 2004, twenty thousand dollars ($20,000.00) and thereafter forty thousand dollars ($40,000.00) annually to each county in equal monthly installments and then distribute the remainder to each county in the proportion that the total population of the county bears to the total population of the state. The balance shall then be paid monthly to the treasurers of the counties, cities and towns for payment into their respective general funds. The percentage of the balance that will be distributed to each county and its cities and towns will be determined by computing the percentage that net sales taxes collected attributable to vendors in each county including its cities and towns bear to total net sales taxes collected of vendors in all counties including their cities and towns. Subject to subsection (h) of this section, this percentage of the balance shall be distributed within each county as follows:

(c) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the ~~state treasurer~~ department shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to the excess of each monthly payment made under paragraph (b)(iii) of this section during the period of construction over the base period amount and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the ~~state treasurer~~ department shall discontinue payments under this section and establish a new base period when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein

based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. 35-12-110. The industrial siting council shall review the distribution ratio for construction projects on a regular basis and make appropriate adjustments. A governing body which is primarily affected by the facility, or any person issued a permit pursuant to W.S. 35-12-106, may petition the industrial siting council for review and adjustment of the distribution ratio upon a showing of good cause. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the county or counties are not imposing at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of any adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the ~~state treasurer~~ department who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio.

39-15-203. Imposition.

(a) Taxable event. The following shall apply:

(iii) The following provisions apply to imposition of the specific purpose excise tax under W.S. 39-15-204(a)(iii):

(F) The first county imposing the tax provided by this act shall be responsible for payment of costs incurred by the department to initially set up computer records and support systems for administration of this tax. These costs shall be withheld by the ~~state treasurer~~ department from the proceeds to be distributed pursuant to the preceding paragraph until such costs are fully recovered;

39-15-211. Distribution.

(a) For all revenue collected by the department from the taxes imposed under W.S. 39-15-204(a)(i), (ii), (v) and (vi) ~~shall be transferred to the state treasurer who~~ the department shall:

(ii) For revenues collected under W.S. 39-15-204(a)(ii):

(C) If the proposition to continue the tax is defeated and a county, city or town does not reimpose the tax under W.S. 39-15-204(a)(ii), the ~~state treasurer~~ department shall retain revenues collected during the last three (3) months the tax is in effect to provide for refund of any overpayment of tax. One

(1) year after the tax expires, the ~~state treasurer~~ department shall distribute the balance of the revenues retained under this subparagraph to the treasurer of that county, city or town;

(b) For all revenue collected by the department from the taxes imposed by W.S. 39-15-204(a)(iii) ~~shall be transferred to the state treasurer who~~ the department shall:

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, as specified by the department:

(i) Credit sixty-nine percent (69%) for deposit by the state treasurer 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);

(ii) Deduct from the remaining share, one percent (1%) to cover all administrative expenses and costs attributable to the remaining share and credit for deposit by the state treasurer into the general fund for that amount;

(iii) From the remaining share, until June 30, 2004, deduct an amount equivalent to one-half percent (0.5%) and thereafter deduct an amount equivalent to one percent (1%) of the tax collected under W.S. 39-16-104. From this amount, the ~~state treasurer~~ department shall distribute until June 30, 2004, five thousand dollars ($5,000.00) and thereafter ten thousand dollars ($10,000.00) annually to each county in equal monthly installments and then distribute the remainder to each county in the proportion that the total population of the county bears to the total population of the state. The remainder shall then be paid monthly to the treasurers of the counties, cities and towns for payment into their respective general funds. The percentage of the remainder that will be distributed to each county and its cities and towns will be determined by computing the percentage that net use taxes collected attributable to vendors in each county including its cities and towns bear to total net use taxes collected of vendors in all counties including their cities and towns. The distribution shall be as follows:

(d) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the ~~state treasurer~~ department shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each

payment to the county treasurer shall be equal to the excess of each monthly payment made under paragraph (b)(iii) of this section during the period of construction over the base period amount and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the ~~state treasurer~~ department shall discontinue payments under this section and establish a new base period when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. 35-12-110. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the county or counties are not imposing at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of an adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the ~~state treasurer~~ department who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio.

39-16-203. Imposition.

(a) Taxable event. The following shall apply:

(ii) The following provisions apply to imposition of the specific purpose excise tax under W.S. 39-16-204(a)(ii):

(F) The first county imposing the tax provided by this act shall be responsible for payment of costs incurred by the department to initially set up computer records and support systems for administration of this tax. These costs shall be withheld by the ~~state treasurer~~ department from the proceeds to be distributed pursuant to the preceding paragraph until such costs are fully recovered;

39-16-211. Distribution.

(a) For all revenue collected by the department from the taxes imposed under W.S. 39-16-204(a)(i), (iv) and (v), ~~shall be transferred to the state treasurer~~

~~who~~ the department shall:

(b) For all revenue collected by the department from the taxes imposed by W.S. 39-16-204(a)(ii), ~~shall be transferred to the state treasurer who~~ the department shall:

(i) Deduct one percent (1%) to defray the costs of collecting the tax and administrative expenses incident thereto which shall be deposited by the state treasurer into the general fund;

39-17-111. Distribution.

(a) All gasoline license taxes and fees received ~~by the department~~ under this article shall be ~~transferred to the state treasurer who shall credit them~~ credited to the proper accounts as specified by the department and in subsection (d) of this section.

(b) The ~~state treasurer~~ department shall deposit all license fees under W.S. 39-17-106 into the state highway fund with receipt and acknowledgement submitted to the state treasurer.

(c) The department shall ~~certify to the state treasurer amounts to be credited~~ credit to appropriate accounts based upon deductions from the taxes collected under this article in the following order:

(d) After ~~certifying~~ crediting the amounts provided by subsection (c) of this section, the department shall ~~certify~~ deposit the balance of taxes collected under this article ~~to the state treasurer who shall distribute the remainder~~ into the accounts within the state highway fund created under this subsection, with receipt and acknowledgement submitted to the state treasurer, as follows:

(ii) Fourteen percent (14%) shall be credited ~~by the state treasurer~~ to the counties' road construction account in the highway fund for distribution by the department to the county treasurers of the various counties for their road construction funds, except that an amount equal to the contribution required of the counties for the cost of the university's technology transfer program under W.S. 21-17-115(a)(ii) or thirty-one thousand two hundred fifty dollars ($31,250.00), whichever is less shall be first distributed to the highway fund. Each county treasurer shall credit the revenues to the road construction fund in that county. The department shall allocate to each county a share based fifty percent (50%) upon the ratio which the rural population of each county including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state and fifty percent (50%) based on the ratio which the area of the county bears to the total area of the state. Any interest earned on invested funds allocated to counties shall be retained by each county and shall be used for project costs as provided by W.S. 24-2-110(a);

(f) All taxes collected under W.S. 39-17-104(a)(iii) shall be ~~transferred to~~

~~the state treasurer who shall deposit them only~~ deposited into the state highway fund with receipt and acknowledgement submitted to the state treasurer. The provisions of this section and W.S. 39-17-105(c) shall not apply to the tax imposed by W.S. 39-17-104(a)(iii). Any refund for any overpayment of this one cent ($.01) tax shall be taken from the taxes collected pursuant to W.S. 39-17-104(a)(iii).

39-17-211. Distribution.

(a) All diesel fuels license taxes and fees received by the department under this article shall be ~~transferred to the state treasurer who shall credit them~~ credited to the proper accounts.

(b) The ~~state treasurer~~ department shall deposit all license fees under W.S. 39-17-206 into the state highway fund with receipt and acknowledgement submitted to the state treasurer.

(c) All taxes collected under W.S. 39-17-204(a)(ii) shall be ~~transferred to the state treasurer who shall deposit them only~~ deposited into the state highway fund with receipt and acknowledgement submitted to the state treasurer. The provisions of subsection (d) of this section shall not apply to the tax imposed by W.S. 39-17-204(a)(ii). Any refund for any overpayment or for any other refund authorized by law of this one cent ($.01) tax shall be taken from the taxes collected pursuant to W.S. 39-17-204(a)(ii).

(d) The ~~state treasurer~~ department shall:

(e) There is created an account within the highway fund to be designated the multistate highway and fuel tax agreements account which shall be set apart and maintained by the ~~state treasurer~~ department, to pay administrative costs of the multistate highway transportation agreement and the international fuel tax agreement. The department shall submit receipts and acknowledgements to the state treasurer of all transactions concerning the multistate highway and fuel tax agreements account.

39-18-111. Distribution.

(a) Thirty-three and one-third percent (33 1/3%) of the taxes collected pursuant to W.S. 39-18-104(a)(i) and (b)(i) shall be distributed to incorporated cities and towns and to boards of county commissioners in the proportion the cigarette taxes derived from sales within each incorporated city or town or county bears to total cigarette taxes collected. The remainder shall be ~~transferred to the state treasurer who shall distribute it~~ distributed by the department, as follows:

39-22-111. Distribution.

(a) The proceeds from the tax imposed by this chapter shall be ~~transferred to the state treasurer to be~~ distributed by the department as follows:

(ii) Forty percent (40%) shall be deposited in the state general fund, with receipt and acknowledgement submitted to the state treasurer.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 13

DEPARTMENT OF INSURANCE-FINE SCHEDULES

Original House Bill No. 3

AN ACT relating to insurance; applying penalty provisions to persons who instruct others to violate the law as specified; increasing civil penalties and aggregate limits which can be assessed by the insurance commissioner; allowing the insurance commissioner to collect the costs of investigatory and administrative proceedings; and providing for an effective date.

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

Section 1. W.S. 26-1-107(b) and 26-9-211 by creating new subsection (d) are amended to read:

26-1-107. General criminal and civil penalties.

(b) Any person who violates, or who instructs his agent or adjuster to violate, any provision of this code, any lawful rule or final order of the commissioner or any final judgment or decree made by any court, upon the commissioner's application, shall pay a civil penalty in an amount the commissioner determines of not more than ~~two thousand five hundred dollars ($2,500.00)~~ five thousand dollars ($5,000.00) for each offense, or ~~twenty-five thousand dollars ($25,000.00)~~ fifty thousand dollars ($50,000.00) in the aggregate for all ~~such~~ offenses within any ~~three (3) month~~ one (1) year period. In the case of individual agents or adjusters, the civil penalty shall be not more than ~~five hundred dollars ($500.00)~~ one thousand dollars ($1,000.00) for each offense or ~~five thousand dollars ($5,000.00)~~ ten thousand dollars ($10,000.00) in the aggregate for all ~~such~~ offenses within any ~~three (3) month~~ one (1) year period. The penalty shall be collected from the violator and paid by the commissioner, or the appropriate court, to the state treasurer and credited as provided in W.S. 8-1-109.

26-9-211. License denial, nonrenewal or revocation.

(d) The commissioner may, after providing appropriate notice and opportunity for hearing as required in subsection (a) of this section, levy against any person against whom action has been taken by the commissioner the reasonable costs of investigation and administrative proceedings, not to exceed five hundred dollars ($500.00).

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 14

State parks-use of fees

Original House Bill No. 13

AN ACT relating to state parks and cultural resources; authorizing use of certain fee income for general operations and maintenance of department facilities as specified; creating an account; providing for interest to accrue to the account; and providing for an effective date.

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

Section 1. W.S. 36-4-121(a)(xv) and (h) is amended to read:

36-4-121. Permits to use state parks, recreation areas and historic sites.

(a) The department of state parks and cultural resources shall offer for sale permits that allow use of the state parks, recreation areas, archeological sites and historic sites. Daily use permits shall be required at Glendo, Guernsey, Curt Gowdy, Edness Kimball Wilkins, Buffalo Bill, Boysen, Seminoe and Keyhole state parks and Fort Bridger, South Pass City, Trail End, Fort Fetterman and Fort Phil Kearney state historic sites, and Hawk Springs state recreation area. The department may establish voluntary pay stations at Bear River and Hot Springs state parks to allow users of those parks to make voluntary contributions for the use of the state parks. Persons who enter or use Bear River or Hot Springs state park without paying daily use fees shall not be subject to the penalties provided for in subsection (j) of this section. Overnight camping permits shall be required at Boysen, Buffalo Bill, Curt Gowdy, Glendo, Guernsey, Keyhole, Seminoe and Sinks Canyon state parks, Connor Battlefield state historic site, Medicine Lodge state archeological site and Hawk Springs state recreation area by the department during the entire calendar year. Except for the lifetime permit issued without cost pursuant to subsection (n) of this section, the cost of the permits authorized under this section shall be:

(xv) Funds collected from the amenities fee authorized by paragraph (xiv) of this subsection shall be deposited in an account and are continuously appropriated to the department to pay the utility fees and maintenance costs for the additional amenities offered. The remaining funds collected from the amenities fee authorized by paragraph (xiv) of this subsection at the end of the fiscal year may be deposited in ~~a capital construction~~ the state parks account and expended in accordance with W.S. 36-4-121(h). Revenues and expenditures under paragraph (xiv) of this subsection and this paragraph for each of the immediately preceding two (2) fiscal years shall be reported within the department's biennial budget request submitted under W.S. 9-2-1013;

(h) The funds received by the department from the sale of the permits shall be deposited ~~in a capital construction account~~ into an account within the special revenue fund, hereby created as the state parks account, and may be expended by the department for capital construction projects, major maintenance, and site interpretation such as exhibits, signage and displays as approved by the

legislature. Interest on funds in the account shall accrue to the account. Not more than twenty-five percent (25%) of the funds in the account in any fiscal year may also be expended, with legislative approval, for maintenance of outdoor recreation areas and facilities provided that no amount shall be expended for additional full-time employees or increases in salaries or overtime pay for full-time employees.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 15

INSURANCE ADJUSTERS-PORTABLE ELECTRONIC DEVICES

Original House Bill No. 40

AN ACT relating to insurance; providing a licensure exception for persons collecting or distributing insurance claim information as specified; providing definitions; and providing for an effective date.

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

Section 1. W.S. 26-9-219 by creating new subsections (f) and (g) is amended to read:

26-9-219. Adjuster's license; exception; notification.

(f) This section shall not apply to an individual who:

(i) Collects claim information from, or furnishes claim information to, insureds or claimants for portable electronic device insurance claims;

(ii) Conducts portable electronic device insurance claim data entry, including entering data into an automated claims adjudication system; and

(iii) Is supervised by a licensed adjuster, or licensed agent who is exempt from licensure as an adjuster pursuant to W.S. 26-1-102(a)(i). The agent or adjuster shall not supervise more than twenty-five (25) persons who are exempted under this subsection.

(g) For purposes of subsection (f) of this section:

(i) "Automated claims adjudication system" means a preprogrammed computer system which is designed for the collection, data entry, calculation and initial resolution of portable electronic device insurance claims;

(ii) "Portable electronic device insurance claim" means a claim filed by an insured or claimant to receive benefits under a portable electronic device insurance contract for an electronic device and its accessories that are portable in nature and which must be easily carried or conveyed by hand.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 16

WORKERS' COMPENSATION PREMIUMS-EXPERIENCE MODIFICATION

Original House Bill No. 33

AN ACT relating to workers' compensation; amending the limits on employers' experience modification rate as specified; requiring a report; and providing for an effective date.

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

Section 1. W.S. 27-14-201(d) is amended to read:

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

(d) In addition, the plan of rating shall use an experience rating system based on three (3) years claim experience, or as much thereof as is available, for employers enrolled under it. This system shall reward employers with a better than average claim experience, penalize employers with a worse than average claim experience and may provide for premium volume discount so long as the account remains actuarially sound. Discounts from or penalties added to base employment classification rates because of claim experience shall not exceed sixty-five percent (65%) <u>for rates through calendar year 2016 and shall not exceed eighty-five percent (85%) for rates beginning with calendar year 2017</u>. The experience rating of the employer against whom a claim is made shall be charged only that proportion of total benefits payable equal to the percentage that employment with that employer contributes to the cause of the injury.

Section 2. In modifying the experience rating system, the department shall implement the use of frequency of claims as well as cost of claims. The department may plan for and develop regulations for, including receiving and evaluating public comments, a rate band system with a minimum of four (4) rate bands for limits on the employer's experience modification rate. The department shall report its recommendation on the experience rating bands to be used to the joint labor, health and social services interim committee at a time agreed to between the department and the committee.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 17

CONFIDENTIALITY OF PARTICIPANTS INVOLVED IN EXECUTION

Original House Bill No. 49

AN ACT relating to criminal procedure; providing confidentiality for the identity of persons or entities involved in administering an execution; and providing for an effective date.

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

Section 1. W.S. 7-13-916 is created to read:

7-13-916. Identity of person aiding execution; confidentiality.

The identities of all persons who participate in the execution of a death sentence as a member of the execution team or by supplying or manufacturing the equipment and substances used for the execution are confidential. Disclosure of the identities made confidential by this section may not be authorized or ordered. Records containing information made confidential by this section shall be redacted to exclude all confidential information and nothing in this section shall be used to limit or deny access to otherwise public information.

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 25, 2015.

Chapter 18

BOARD OF COOPERATIVE EDUCATIONAL SERVICES MEETINGS

Original House Bill No. 86

AN ACT relating to the board of cooperative educational services; revising meeting requirements; and providing for an effective date.

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

Section 1. W.S. 21-20-105 is amended to read:

21-20-105. Board of cooperative educational services; chairman, vice-chairman, clerk and treasurer; meetings.

At its first meeting, the members of the board of cooperative educational services elected as set forth in W.S. 21-20-104(b) shall proceed to elect from their membership a chairman, a vice-chairman, a clerk, and a treasurer, whose terms of office shall be for one (1) year unless their terms of office as school board members expire earlier. The duties of the chairman, vice-chairman, clerk and treasurer of the board of cooperative educational services shall be the same as the duties provided by law for similar offices of boards of trustees of school districts within this state insofar as they are applicable. Except as specifically provided herein, meetings of the board of cooperative educational services shall be called, held and conducted as provided by law for the meeting of the boards of trustees of school districts within this state. Notwithstanding W.S. 21-3-110(a)(iv), the board of cooperative educational services shall meet quarterly and at other times as may be desirable upon call of the chairman. The board shall not be required to meet at least one (1) time per month.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 19

WORKERS COMPENSATION PERMANENT DISABILITY

Original House Bill No. 122

AN ACT relating to workers' compensation; clarifying that a permanent total disability award be reduced for prior partial awards as specified; and providing for an effective date.

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

Section 1. W.S. 27-14-406(a) is amended to read:

27-14-406. Permanent total disability; benefits.

(a) Subject to W.S. 27-14-602, upon certification by a physician licensed to practice surgery or medicine that an injury results in permanent total disability as defined under W.S. 27-14-102(a)(xvi), an injured employee shall receive for eighty (80) months a monthly payment as provided by W.S. 27-14-403(c) ~~less any previous awards under W.S. 27-14-405 which were involved in the determination of permanent total disability,~~ and dependent children shall receive an award as provided by W.S. 27-14-403(b). The eighty (80) month period shall be reduced by the number of months for which previous awards under W.S. 27-14-405 were made for the injury that resulted in the determination of permanent total disability, with the injured worker receiving the monthly amount calculated pursuant to W.S. 27-14-403(c) for the balance of the eighty (80) month period. The monthly payment amount computed under W.S. 27-14-403(c) and any amount awarded under W.S. 27-14-408 shall constitute the exclusive benefit for both the physical impairment and the economic loss resulting from an injury, including loss of earnings, extra expenses associated with the injury and vocational rehabilitation. An employee shall not receive benefits under this section if receiving benefits under W.S. 27-14-404 or 27-14-405.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 20

PROPERTY TAX REFUND PROGRAM-EXTENSION

Original House Bill No. 5

AN ACT relating to taxation and revenue; reinstituting the property tax refund program; amending related provisions; and providing for an effective date.

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

Section 1. W.S. 39-11-109(c)(ii) and (viii)(intro) and 39-13-109(c) by creating a new paragraph (v) are amended to read:

39-11-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(ii) Wyoming residents meeting asset eligibility requirements under paragraph (vii) of this subsection who are sixty-five (65) years of age and older or who are eighteen (18) years of age and older and are totally disabled during the one (1) year period immediately preceding the date of application for a refund under this subsection and are not residents of any state funded institution, are qualified for an exemption and refund of state taxes as provided in this subsection. The application shall indicate whether the applicant has applied for or received any refund under this section, a property tax exemption under W.S. 39-13-105, a property tax refund under W.S. ~~39-13-109(c)(iv)~~ 39-13-109(c)(v) or a property tax credit under W.S. 39-13-109(d) for the same calendar year. Subject to legislative appropriation for the program, a qualified single person whose actual income is less than seventeen thousand five hundred dollars ($17,500.00) shall receive eight hundred dollars ($800.00) reduced by the percentage that his actual income exceeds ten thousand dollars ($10,000.00) per year and qualified married persons, at least one (1) of whom is at least sixty-five (65) years of age or totally disabled, whose actual income is less than twenty-eight thousand five hundred dollars ($28,500.00) shall receive nine hundred dollars ($900.00) reduced by the percentage that their actual income exceeds sixteen thousand dollars ($16,000.00) per year. Until remarriage a person sixty (60) years or older once qualified through marriage remains eligible individually for single person benefits, subject to income limitations, after the death of his spouse;

(viii) Any refund provided by this subsection shall be reduced by the dollar amount received by the applicant for the preceding calendar year from any exemption under W.S. 39-13-105, any homeowner's tax credit under W.S. 39-13-109(d)(i) or any tax refund under W.S. ~~39-13-109(c)(iv)~~ 39-13-109(c)(v). Refunds provided by this subsection shall be calculated and may be reduced based upon legislative appropriation for the program in accordance with the following:

39-13-109. Taxpayer remedies.

(c) Refunds. The following shall apply:

(v) The following shall apply to the property tax refund program:

(A) On or before the first Monday in June, upon the filing of an affidavit demonstrating an adequate showing that he is qualified under subparagraph (B) or (C) of this paragraph, any person may apply to the county treasurer or department of revenue for a property tax refund from property taxes paid with

any applicable interest and penalties on or before the first Monday in June for the preceding calendar year upon his principal residence including the land upon which the residence is located. An applicant shall have been a resident of this state for not less than five (5) years prior to applying for a refund under this paragraph. Subject to legislative appropriation, the affidavit shall include information as required by rule and regulation on a form approved by the department of revenue. The tax refund granted shall be as provided by subparagraph (C) of this paragraph;

(B) Gross income as used in this subparagraph shall be defined by the department through rules and regulations. Such gross income shall be verified by federal income tax returns which shall accompany the application for refund, if federal income tax returns were required and filed, or whatever other means necessary as determined by the department through rules and regulations. The tax refund for qualifying persons shall be in the form of a refund of any ad valorem tax due and timely paid upon the person's principal residence for the preceding calendar year in the amount specified in this paragraph. The department shall issue all refunds due under this paragraph on or before September 30 of the year in which application is made for the refund. Any person shall qualify for a refund in the amount specified under this paragraph if the person's gross income including the total household income of which the person is a member does not exceed the greater of three-fourths (3/4) of the median gross household income for the applicant's county of residence or the state, as determined annually by the economic analysis division of the department of administration and information. Additionally, no person shall qualify for a refund under this paragraph unless the person has total household assets as defined by the department of revenue through rules and regulations of not to exceed one hundred thousand dollars ($100,000.00) per adult member of the household as adjusted annually by the statewide average Wyoming cost-of-living index published by the economic analysis division of the department of administration and information, excluding the following:

(I) The value of the home for which the taxpayer is seeking a tax refund;

(II) One (1) personal motor vehicle per adult in the household;

(III) Household furnishings and personal property;

(IV) Assets held in an individual retirement account (IRA) or other bona fide pension plan;

(V) The cash value of any life insurance policies held;

(VI) Assets held in a medical savings account.

(C) A refund granted under this paragraph shall not exceed one-half (1/2) of the applicant's prior year's property tax, but in no instance shall the amount of refund exceed one-half (1/2) of the median residential property tax

liability for the applicant's county of residence as determined annually by the department of revenue;

(D) Nothing in this paragraph shall be construed to prohibit or affect requirements for property to be listed, valued and assessed by the county assessor pursuant to law. Each year the county shall publicize in a manner reasonably designed to notify all residents of the county the provisions of this paragraph and the method by which eligible persons may obtain a refund;

(E) The department shall promulgate rules and regulations necessary to implement this paragraph.

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

Approved February 25, 2015.

Chapter 21

AIRLINE COMPANIES-ASSESSMENT

Original House Bill No. 6

AN ACT relating to taxation and revenue; specifying that the definition of "property used for industrial purposes" includes the property of airline companies; providing for the assessment of airline companies; and providing for an effective date.

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

Section 1. W.S. 39-11-101(a)(xiv)(intro) and 39-13-102(m) by creating a new paragraph (x) are amended to read:

39-11-101. Definitions.

(a) As used in this act unless otherwise specifically provided:

(xiv) "Property used for industrial purposes" means those properties valued under W.S. 39-13-102(m)(ii) through ~~(viii)~~ (x), excluding W.S. 39-13-102(m)(vi) and (ix), and those properties used or held for use for:

39-13-102. Administration; confidentiality.

(m) The department shall annually value and assess the following property at its fair market value for taxation:

(x) Property of airline companies used for the public transportation of passengers or property for hire.

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 25, 2015.

Chapter 22

TRUST COMPANY AMENDMENTS

Original House Bill No. 60

AN ACT relating to trust companies; providing procedures for the judicial dissolution or rehabilitation of a trust company; providing for the appointment of the banking commissioner as a receiver of an insolvent or unsafe trust company as specified; requiring trust companies to post sureties with the commissioner as specified; providing for the voluntary dissolution or reorganization of a trust company; providing procedures for the organization of trust companies as limited liability companies; providing for fees; creating a trust company resolution account; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 13-5-114 through 13-5-118 are created to read:

13-5-114. Order declaring trust company properly wound up and dissolved.

(a) Upon the completion of the liquidation of a trust company pursuant to W.S. 13-5-113, the commissioner shall petition the court for an order declaring the trust company properly wound up and dissolved.

(b) After notice and hearing, as ordered by the court, if any, the court shall enter an order declaring the trust company wound up and dissolved. The order shall, to the extent applicable, declare the following:

(i) The trust company has been properly wound up;

(ii) All known assets of the trust company have been distributed pursuant to W.S. 13-5-113;

(iii) The trust company is dissolved;

(iv) If there are known debts or liabilities, describe the provision made for their payment, setting forth all information necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

(c) The order shall confirm a plan by the commissioner for the disposition or maintenance of any remaining real or personal property or other trust company assets. The plan shall include written notice to all known owners or beneficiaries of the assets, to be sent by first class mail to each individual's address as shown on the records of the trust company.

(d) The court may enter additional orders and grant further relief as it determines appropriate upon the evidence submitted.

(e) Upon the issuance of the order declaring the trust company dissolved, the existence of the trust company as either a corporation or a limited liability company shall cease, except for purposes of any necessary additional winding up. The commissioner shall promptly file a copy of the order, certified by the clerk of the court, with the secretary of state.

13-5-115. Surety bond; pledged investments; investment income; bond or pledge increases; hearings.

(a) Any trust company chartered under this chapter, shall, before transacting any business, pledge or furnish a surety bond to the commissioner to cover costs likely to be incurred by the commissioner in a receivership or liquidation of the trust company should it become unsafe or unsound pursuant to W.S. 13-5-113. The amount of the pledge or the surety bond shall be determined by the commissioner in an amount sufficient to defray the costs of a receivership or liquidation, but shall have a market value of not less than one hundred thousand dollars ($100,000.00). In lieu of a bond, the trust company may irrevocably pledge its capital account to the commissioner. Any investments pledged to the commissioner shall be held in a state or nationally chartered bank or savings and loan association having a principal or branch office in this state and all costs associated with pledging and holding such investments are the responsibility of the trust company.

(b) Investments pledged to the commissioner shall be of the same nature and quality as those required for state financial institutions in W.S. 9-4-805.

(c) Surety bonds shall run to the state of Wyoming, and shall be approved under the terms and conditions required by W.S. 9-4-804(b) and (c).

(d) The commissioner may promulgate rules pursuant to W.S. 13-1-603 to establish additional investment guidelines or investment options for purposes of the pledge or surety bond required by this section.

(e) In the event of a receivership of a trust company as provided in W.S. 13-5-113, the commissioner may, without regard to priorities, preferences or adverse claims, reduce the pledged investments to cash as soon as practicable with court approval, and utilize the cash to defray the costs associated with the receivership.

(f) Income from investments pledged under this section shall be paid to the trust company unless the court places the trust company in receivership.

(g) Upon evidence that the current bond or investment pledge is insufficient, the commissioner may require any trust company to increase its investment pledge or surety by providing no less than thirty (30) days written notice to the trust company. The trust company to which notice is given may request a hearing in writing no more than thirty (30) days after receiving notice of the proposed increase. Any hearing before the commissioner shall be held pursuant to the Wyoming Administrative Procedure Act.

13-5-116. Voluntary dissolution of trust company; liquidation; reorganization; application for dissolution; filing fee; filing with secretary of state; revocation of charter.

(a) A trust company may voluntarily dissolve in the manner provided here-

in. Voluntary dissolution shall be accomplished by either liquidating the trust company or reorganizing the trust company into a domestic or foreign corporation, limited liability company, limited partnership or limited liability partnership that does not engage in any activity that is authorized only for a trust company. Upon complete liquidation or completion of the reorganization, the commissioner shall revoke the trust company's charter and thereafter the company may not use the word "trust" in its business name or in connection with its business.

(b) A trust company seeking to dissolve its charter either by liquidation or reorganization shall file an application for dissolution with the commissioner accompanied by a filing fee of one thousand five hundred dollars ($1,500.00) payable to the commissioner. The application shall include a comprehensive plan for dissolution setting forth the proposed disposition of all assets and liabilities, in reasonable detail to effect a liquidation or reorganization. The plan of dissolution shall provide for the discharge or assumption of all of the trust company's known and unknown claims and liabilities and for the transfer of all of its responsibilities as a trustee to a successor trustee or trustees. Additionally, the application for dissolution shall include other evidence, certifications, affidavits, documents or information as the commissioner may require demonstrating how assets and liabilities will be disposed, the timetable for effecting disposition of the assets and liabilities and the applicant's proposal for addressing any claims that are asserted after the dissolution has been completed. The commissioner shall examine the application for completeness and compliance with the requirements of this section, the business entity laws applicable to the required type of dissolution and applicable rules and regulation. The commissioner may conduct a special examination of the applicant for purposes of evaluating the application.

(c) If the commissioner finds that the application is incomplete, the commissioner shall return it for completion not later than sixty (60) days after it is filed. If the application is found to be complete by the commissioner, not later than thirty (30) days after it is filed, the commissioner shall approve or disapprove the application. If the commissioner approves the application, the applicant may proceed with the dissolution pursuant to the plan outlined in the application, subject to any conditions the commissioner may prescribe. If the applicant subsequently determines that the plan of dissolution needs to be amended to complete the dissolution, it shall file an amended plan with the commissioner and obtain approval to proceed under the amended plan. If the commissioner does not approve the application or amended plan, the applicant may appeal the decision to the board pursuant to the Wyoming Administrative Procedure Act.

(d) Upon completion of all actions required under the plan of dissolution and satisfaction of all conditions prescribed by the commissioner, the applicant shall submit a written report of its actions to the commissioner. The report

shall contain a certification made under oath that the report is true and correct. Following receipt of the report, the commissioner, no later than sixty (60) days after the filing of the report, shall examine the trust company to determine whether the commissioner is satisfied that all required actions have been taken in accordance with the plan of dissolution and any conditions prescribed by the commissioner. If all requirements and conditions have been met, the commissioner shall notify the applicant in writing that the dissolution has been completed and issue a certificate of dissolution. Upon receiving a certificate of dissolution, the applicant shall surrender its charter to the commissioner. The applicant shall then file articles of dissolution and other documents required by W.S. 17-16-1401 through 17-16-1440 for a corporation or required by W.S. 17-29-701 through 17-29-708 for a limited liability company, in the office of the secretary of state. In the case of reorganization, the applicant shall also file the documents required by the secretary of state to finalize the reorganization.

(e) If the commissioner is not satisfied that all required actions under the plan for dissolution or as required by the commissioner have been taken, the commissioner shall notify the applicant not later than thirty (30) days in writing what additional actions shall be taken to be eligible for a certificate of dissolution. The commissioner shall establish a reasonable deadline for the submission of evidence that the additional actions have been taken. The commissioner may extend the deadline for good cause shown. If the applicant fails to file a supplemental report showing that the additional actions have been taken before the deadline, or submits a report that is found not to be satisfactory by the commissioner, the commissioner shall notify the applicant in writing that its voluntary dissolution is not approved, and the applicant may appeal the decision to the board pursuant to the Wyoming Administrative Procedure Act.

(f) The commissioner may adopt rules pursuant to W.S. 13-1-603 to carry out the requirements of this section.

13-5-117. Failure to submit required report; fees; regulations.

(a) If a trust company fails to submit any report required pursuant to this act or any regulation adopted pursuant thereto within the prescribed period, the commissioner may impose and collect a fee of not more than twenty-five dollars ($25.00) for each day the report is overdue.

(b) The commissioner shall adopt regulations establishing the amount of the fee imposed pursuant to this section.

13-5-118. Willful neglect to perform duties imposed by law or failure to conform to material lawful requirement made by commissioner; removal.

(a) Each officer, director, manager, member, employee or agent of a trust company, following written notice from the commissioner sent by certified mail, is subject to removal upon order of the commissioner if he knowingly or willfully fails:

(i) To perform any duty required by this act or other applicable law; or

(ii) To conform to any rule, regulation or requirement of the commissioner.

Section 2. W.S. 13-5-101(a) and (b)(v), 13-5-102(b), 13-5-103(a), 13-5-104(a), 13-5-105, 13-5-110(a)(intro), (i), by creating a new paragraph (vii) and by creating a new subsection (b) and 13-5-113 are amended to read:

13-5-101. Authority to organize; powers; limitations; prohibitions; exemptions.

(a) Trust companies may be organized under this act as a corporation or a limited liability company to exercise the powers permitted by subsection (b) of this section and powers and rights granted to other corporations and limited liability companies under general law except as provided by this act.

(b) Each trust company may:

(v) Take oaths and execute affidavits by the oath or affidavit of its: ~~president, vice-president, secretary, assistant secretary, manager, trust officer or assistant trust officer;~~

(A) Corporate officers if the trust company is organized as a corporation; or

(B) Managing members if the trust company is organized as a limited liability company.

13-5-102. Formation.

(b) The person forming a trust company shall execute articles of incorporation as provided by W.S. 13-2-202 or articles of organization for a limited liability company. These articles shall include the requirements contained in W.S. 17-16-202 for corporations and W.S. 17-29-201 for limited liability companies. The commissioner may establish, by rule and regulation, other documents and materials to be filed by a trust company.

13-5-103. Application for charter; fee.

(a) The incorporator or organizer shall apply to the ~~state banking~~ commissioner for a charter. The application shall be on forms prescribed by the ~~state banking~~ board and shall contain such information as required by rule and regulation of the ~~state banking~~ board. The commissioner shall act upon the application in accordance with the procedures specified for acting upon an application to form a financial institution provided in W.S. 13-2-207.

13-5-104. Procedure for granting charter; failure to open for business.

(a) Upon receiving the articles of incorporation or the articles of organization, the application for charter and other information required, the ~~state banking~~ commissioner shall investigate and examine the proposed trust company in accordance with procedures for the commissioner to investigate and

examine a financial institution provided in W.S. 13-2-211(a).

13-5-105. Capital stock required; statement.

No trust company shall be incorporated or organized for any of the purposes enumerated in this act or possess the rights and franchises provided under this act unless it shall have paid in capital stock of not less than five hundred thousand dollars ($500,000.00) for a corporation or paid in contribution from its members of not less than five hundred thousand dollars ($500,000.00) for a limited liability company. Before proceeding to transact business under this act a sworn statement signed and sworn to by the president and secretary of the corporation or managing member or members of the limited liability company shall be filed with the ~~state banking~~ commissioner to the effect that the capital has been paid up in cash and all the provisions of this act complied with.

13-5-110. Powers of the commissioner.

(a) In addition to other powers conferred by this act, the ~~state banking~~ commissioner shall:

(i) Supervise and examine all trust companies organized under the provisions of this act and all such trust companies shall be subject to the laws of this state governing banks and other financial institutions in all cases where the laws do not conflict with the provisions of this act. The commissioner or a duly appointed examiner shall visit and examine each trust company as often as the commissioner deems necessary and at least once every two (2) years, with or without previous notice to the officers or any other party interested in the trust company. All trust companies shall file with the commissioner ~~the Federal Financial Institutions Examination Council Annual Report of trust assets for the company and~~ an annual report of trust assets in a form prescribed by the commissioner, an annual report of the financial condition of the company and other reports as required by the commissioner;

(vii) On or before January 31 of each year, each trust company shall compute and pay supervisory fees to the commissioner as set forth in the rules and regulations of the commissioner. Except as provided in subsection (b) of this section, the supervisory fees shall provide for the general administration of the laws and regulations governing the trust company industry. The fees shall be established by regulation of the commissioner and shall be adjusted by regulations issued by the commissioner to assure consistency with the cost of supervision. Other fees assessed for administrative services related to activities attributable to a specific trust company shall be used to pay the costs of special services rendered by or at the direction of the commissioner and shall be recovered from the trust company which required the special services.

(b) A trust company resolution fund account is established. A portion of each supervisory fee paid pursuant to paragraph (a)(vii) of this section shall be paid to the resolution fund account and shall be used by the commissioner in

the event of an involuntary dissolution of a trust company. The amount paid to the resolution fund account shall be established by regulation of the commissioner. All amounts paid shall be remitted to the state treasurer and deposited and credited to the trust company resolution fund account. Expenditures from the account shall be made using warrants drawn by the state auditor, upon vouchers issued and signed by the director of the department of audit or commissioner. Funds from the account shall be expended only to carry out the duties of the commissioner in the involuntary dissolution of a trust company.

13-5-113. Insolvency; unsafe condition; receivership.

(a) If the commissioner finds a deficiency in capital or other unsafe or unsound condition of a trust company that has not been remedied within the time prescribed under an order of the commissioner issued pursuant to W.S. 13-10-201 through 13-10-209, or if the trust company is insolvent, the commissioner ~~may~~ shall apply to the district court, in the county in which the principal office of the company is located, to be appointed receiver for the liquidation or rehabilitation of the company. The expense of the receivership shall be paid out of the assets of the trust company.

(b) A trust company is insolvent when any of the following conditions exist:

(i) When the actual cash market value of a trust company's assets is less than its liabilities;

(ii) When a trust company fails to pay, in the manner commonly accepted by business practices, its obligations when due.

(c) A trust company is operating in an unsafe and unsound condition when any of the following conditions exist:

(i) A trust company fails to safely manage its operations and provide fair and equitable services to its trust customers;

(ii) It fails to effectively manage and monitor its operational and financial risks.

(d) Title to all of the trust company's assets shall vest in the commissioner upon appointment by the court pursuant to subsection (a) of this section of the commissioner as receiver, without the execution of any instrument of conveyance, assignment, transfer or endorsement.

(e) Subject to the approval of the appointing court, as receiver, the commissioner shall have all of the following powers:

(i) To take possession of all books, records of account and assets of the trust company;

(ii) To collect debts, claims and judgments belonging to the trust company and to take any other action necessary to preserve and liquidate the assets of the trust company;

(iii) To appoint a special assistant to take charge of the affairs of the trust company. The special assistant shall qualify, give bond, and receive compensation in the same manner as the commissioner acting as a receiver, but compensation for the special assistant shall be paid by the trust company being liquidated or rehabilitated;

(iv) To execute in the name of the trust company any instrument necessary or proper to effectuate the receiver's powers or perform its duties as receiver;

(v) To initiate, pursue, compromise and defend litigation involving any right, claim, interest or liability of the trust company;

(vi) To exercise all fiduciary functions of the trust company as of the date of appointment as receiver;

(vii) To borrow money as necessary in the liquidation of the trust company and to secure those borrowings by the pledge or mortgage of assets of the trust company;

(viii) To sell any and all assets, to compromise any debt, claim, obligation or judgment due to the trust company, to discontinue any pending action or other proceeding and to sell or otherwise transfer all or any portion of the asset or liabilities of the trust company;

(ix) To establish ancillary receivership in any jurisdiction the receiver determines necessary;

(x) To distribute assets in accordance with court approval after notice to all claimants, beneficiaries, shareholders or members. Subject to the approval of the court, the receiver may make periodic and interim liquidating dividends or payments; and

(xi) To take any other action incident to the powers set forth above.

Section 3. W.S. 13-5-106 is repealed.

Section 4. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 23

OMNIBUS WATER BILL-CONSTRUCTION

Original House Bill No. 70

AN ACT relating to water development projects; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing appropriations; modifying project descriptions 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. 99-3-2001 through 99-3-2005 are created to read:

ARTICLE 20
2015 CONSTRUCTION PROJECTS

99-3-2001. Definitions.

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

99-3-2002. General authorization.

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

99-3-2003. Level III construction projects – new development.

(a) Authorization is granted for the Level III new development construction projects identified in this section subject to the general conditions specified in W.S. 99-3-103.

(b) Project – Arapahoe Pipeline and Tank:

(i) Project sponsor: Northern Arapaho Indian Tribe;

(ii) Project purpose: Rural domestic water supply;

(iii) Project description: Design and construction of transmission pipelines, storage tank and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two million eight hundred seventy-six thousand dollars ($2,876,000.00);

(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 twenty-six thousand nine hundred twenty dollars ($1,926,920.00) 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 twenty-six thousand nine hundred twenty dollars ($1,926,920.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

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

(c) Project – Cambria Tank:

(i) Project sponsor: Cambria Improvement and Service District;

(ii) Project purpose: Rural domestic water supply;

(iii) Project description: Design and construction of a transmission pipe-

line, pumping facilities, storage tank and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred thirty-five thousand dollars ($935,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed six hundred twenty-six thousand four hundred fifty dollars ($626,450.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission six hundred twenty-six thousand four hundred fifty dollars ($626,450.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The expenditure of funds from this appropriation shall not occur until an acceptable water service agreement between the Cambria Improvement and Service District, the Sweetwater Improvement and Service District and the Town of Newcastle is presented to the director of the water development office.

(d) Project – Casper Zone II 2015:

(i) Project sponsor: City of Casper;

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

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

(iv) Total project budget: Two million five hundred eighty thousand dollars ($2,580,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million seven hundred twenty-eight thousand six hundred dollars ($1,728,600.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million seven hundred twenty-eight thousand

six hundred dollars ($1,728,600.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

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

(e) Project – Indian Paintbrush Water Supply:

(i) Project sponsor: Indian Paintbrush Water District;

(ii) Project purpose: Rural domestic water supply;

(iii) Project description: Design and construction of a transmission pipeline, water storage tank, pumping equipment, disinfection facilities, emergency power and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred twenty thousand dollars ($920,000.00);

(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 sixteen thousand four hundred dollars ($616,400.00) 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 six hundred sixteen thousand four hundred dollars ($616,400.00) 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, 2020;

(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 may purchase the well with a lump sum payment or with amortized payments for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor at an interest rate of four percent (4%).

(f) Project – Jamestown/Rio Vista Water Supply:

(i) Project sponsor: Jamestown/Rio Vista Water and Sewer District;

(ii) Project purpose: Rural domestic water supply;

(iii) Project description: Design and construction of a transmission pipe-

line, storage tank and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Six million four hundred thousand dollars ($6,400,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four million two hundred eighty-eight thousand dollars ($4,288,000.00) 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 four million two hundred eighty-eight thousand dollars ($4,288,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The expenditure of funds from this appropriation shall not occur until the sponsor approves a special assessment district to secure project loan repayments and secures the loan to fund the sponsor's thirty-three percent (33%) share of the project.

(g) Project – Kaycee Replacement Tank:

(i) Project sponsor: Town of Kaycee;

(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: Six hundred fifty thousand dollars ($650,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred thirty-five thousand five hundred dollars ($435,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission four hundred thirty-five thousand five hundred dollars ($435,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

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

(h) Project – Kemmerer-Diamondville Water System:

(i) Project sponsor: Kemmerer-Diamondville Joint Powers Water Board;

(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: Two million three hundred seventy thousand dollars ($2,370,000.00);

(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 one million five hundred eighty-seven thousand nine hundred dollars ($1,587,900.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million five hundred eighty-seven thousand nine hundred dollars ($1,587,900.00) 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, 2020;

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

(j) Project – Lovell Tank/Zone 2 Improvements:

(i) Project sponsor: Town of Lovell;

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

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

(iv) Total project budget: Three million five hundred eighty-five thousand dollars ($3,585,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million four hundred one thousand nine hundred fifty dollars ($2,401,950.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission two million four hundred one thousand nine hun-

dred fifty dollars ($2,401,950.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

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

(k) Project – Lower Nowood Rural Water Supply:

(i) Project sponsor: Lower Nowood Improvement and Service District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: Two million one hundred twenty-five thousand dollars ($2,125,000.00);

(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 four hundred twenty-three thousand seven hundred fifty dollars ($1,423,750.00) 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 four hundred twenty-three thousand seven hundred fifty dollars ($1,423,750.00) 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, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The expenditure of funds from this appropriation shall not occur until an acceptable water service agreement between the Lower Nowood Improvement and Service District, the South Circle Estates Improvement and Service District and the Town of Ten Sleep is presented to the director of the water development office.

(m) Project – Newcastle 2015:

(i) Project sponsor: City of Newcastle;

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

(iii) Project description: Design and construction of a transmission pipeline, rehabilitation of an existing well, pumping equipment, control system up-

grade and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred twenty thousand dollars ($920,000.00);

(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 sixteen thousand four hundred dollars ($616,400.00) 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 six hundred sixteen thousand four hundred dollars ($616,400.00) 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, 2020;

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

(n) Project – Pine Haven Well and Tank:

(i) Project sponsor: Town of Pine Haven;

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

(iii) Project description: Design and construction of a transmission pipeline, storage tank, new well, disinfection improvements, control system upgrade, tank demolition and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three million one hundred thousand dollars ($3,100,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million seventy-seven thousand dollars ($2,077,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission two million seventy-seven thousand dollars ($2,077,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

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

(o) Project – Sheridan Leopard Street Pipeline:

(i) Project sponsor: City of Sheridan;

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

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

(iv) Total project budget: Three million three hundred thousand dollars ($3,300,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million two hundred eleven thousand dollars ($2,211,000.00) 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 two million two hundred eleven thousand dollars ($2,211,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

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

(p) Project – Squaw Creek Water Supply:

(i) Project sponsor: Squaw Creek Water District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: Four hundred sixty thousand dollars ($460,000.00);

(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 eight thousand two hundred dollars ($308,200.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred eight thousand two hundred dollars ($308,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall

revert to water development account I on July 1, 2020;

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

(q) Project – Sweetwater Water Supply:

(i) Project sponsor: Sweetwater Improvement and Service District;

(ii) Project purpose: Rural domestic water supply;

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

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred sixty-two thousand eight hundred dollars ($562,800.00) 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 five hundred sixty-two thousand eight hundred dollars ($562,800.00) 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, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The expenditure of funds from this appropriation shall not occur until an acceptable water service agreement between the Sweetwater Improvement and Service District, the Cambria Improvement and Service District, and the Town of Newcastle is presented to the director of the water development office.

(r) Project – Weather Modification Big Horn, Laramie, Medicine Bow and Sierra Madre Mountains - 2016:

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: To enhance the winter snowpack in the Big Horn, Laramie, Medicine Bow and Sierra Madre Mountain Ranges;

(iii) Project description: Initiate an operational winter snowpack augmentation program for the four (4) project areas. Necessary components of the four (4) programs include public outreach, climatology, hydrology, conceptual

design, permit procurement, project land procurement, evaluation of seeding agent delivery systems, procurement of generators, weather forecasting and operational costs;

(iv) Total project budget: One million four hundred forty-seven thousand five hundred dollars ($1,447,500.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office one million four hundred forty-seven thousand five hundred dollars ($1,447,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

(vi) Special conditions:

(A) The Wyoming water development office shall manage and provide oversight of the program;

(B) This project shall develop an individual winter snowpack augmentation program for each of the four (4) target mountain ranges;

(C) Prior to commencing project operations, the Wyoming water development office shall seek funding commitments from other in-basin water users that may benefit from winter snowpack augmentation;

(D) Prior to commencing project operations, the commission shall review the project and make any recommendations to the select water committee regarding future legislative changes to the project and any proposed funding.

(s) Project – Weather Modification Wind River Mountains - 2016:

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: To enhance the winter snowpack in the Wind River Mountain Range;

(iii) Project description: Conduct an operational winter snowpack augmentation program during the 2015-2016 fall, winter and spring seasons;

(iv) Total project budget: Six hundred fifty thousand dollars ($650,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office one hundred seventy thousand dollars ($170,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2017;

(vi) Special conditions:

(A) The Wyoming water development office shall manage and provide oversight of the program. Ten thousand dollars ($10,000.00) of the total appropriation is allocated for this purpose;

(B) The project operations budget shall not exceed six hundred forty thousand dollars ($640,000.00) of which the state of Wyoming shall participate at a rate of twenty-five percent (25%) of actual project operations costs;

(C) Prior to commencing project operations, the Wyoming water development office shall acquire funding commitments from other Colorado River basin water users for seventy-five percent (75%) of actual project operations costs.

(t) Project – Wheatland No. 7 Well:

(i) Project sponsor: Town of Wheatland;

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

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

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred two thousand five hundred dollars ($502,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission five hundred two thousand five hundred dollars ($502,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2020;

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

[REHABILITATION CONSTRUCTION PROJECTS]

99-3-2004. Level III construction projects – rehabilitation.

(a) Authorization is granted for the Level III rehabilitation construction projects identified in this section, subject to the general conditions specified in W.S. 99-3-104.

(b) Project – Big Horn Canal Underway:

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

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of a drainage structure under a main canal and appurtenances necessary to make the project function

in the manner intended;

(iv) Total project budget: One hundred seventy-five thousand dollars ($175,000.00);

(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 seventeen thousand two hundred fifty dollars ($117,250.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed fifty-seven thousand seven hundred fifty dollars ($57,750.00) or thirty-three percent (33%) of actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one hundred seventy-five thousand dollars ($175,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020.

(c) Project – Casper Alcova Rehabilitation 2015:

(i) Project sponsor: Casper Alcova Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Two hundred eighty thousand dollars ($280,000.00);

(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 hundred eighty-seven thousand six hundred dollars ($187,600.00) 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 one hundred eighty-seven thousand six hundred dollars ($187,600.00) 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, 2020;

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

(d) Project – Dull Knife Reservoir Spillway Rehabilitation:

(i) Project sponsor: Dull Knife Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Four million nine hundred thousand dollars ($4,900,000.00);

(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, project land procurement, construction engineering and construction of the project an amount not to exceed one million seven hundred fifteen thousand dollars ($1,715,000.00) or thirty-five percent (35%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million seven hundred fifteen thousand dollars ($1,715,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring sixty-five percent (65%) of the total project budget from other sources;

(B) The appropriation of funds for this project is contingent upon the 2015 legislature's approval and governor's approval of a supplemental budget request to provide additional funding for water development account II.

(e) Project – Goshen Irrigation District-Guernsey Spillway Rehabilitation:

(i) Project sponsor: Goshen Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Six hundred seventy-one thousand dollars ($671,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit

procurement, project land procurement, construction engineering and construction of the project four hundred forty-nine thousand five hundred seventy dollars ($449,570.00) or sixty-seven percent (67%) of the actual and eligible development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred forty-nine thousand five hundred seventy dollars ($449,570.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The appropriation of funds for this project is contingent upon the 2015 legislature's approval and governor's approval of a supplemental budget request to provide additional funding for water development account II.

(f) Project – Hill Irrigation District-Guernsey Spillway Rehabilitation:

(i) Project sponsor: Hill Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Fifty-five thousand dollars ($55,000.00);

(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 thirty-six thousand eight hundred fifty dollars ($36,850.00) 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 thirty-six thousand eight hundred fifty dollars ($36,850.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020.

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The appropriation of funds for this project is contingent upon the 2015 legislature's approval and governor's approval of a supplemental budget request to provide additional funding for water development account II.

(g) Project – Midvale Bull Lake Rehabilitation 2015:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Three million nine hundred sixty thousand dollars ($3,960,000.00);

(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 an amount not to exceed two million six hundred fifty-three thousand two hundred dollars ($2,653,200.00) 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 two million six hundred fifty-three thousand two hundred dollars ($2,653,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The appropriation of funds for this project is contingent upon the 2015 legislature's approval and governor's approval of a supplemental budget request to provide additional funding for water development account II;

(C) Prior to commencing project operations, the commission shall review the project and make any recommendations to the select water committee regarding future legislative changes to the project and any proposed funding.

(h) Project – Savery-Little Snake-Battle Creek Diversions:

(i) Project sponsor: Savery-Little Snake Water Conservancy District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One million three hundred thousand dollars ($1,300,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit

procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight hundred seventy-one thousand dollars ($871,000.00) 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 eight hundred seventy-one thousand dollars ($871,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

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

(j) Project – Sheridan 4 MG WTP Tank:

(i) Project sponsor: City of Sheridan;

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

(iii) Project description: Design and construction of the rehabilitation of an existing storage tank and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three million two hundred thousand dollars ($3,200,000.00);

(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 million one hundred forty-four thousand dollars ($2,144,000.00) 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 two million one hundred forty-four thousand dollars ($2,144,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The appropriation of funds for this project is contingent upon the 2015 legislature's approval and governor's approval of a supplemental budget request to provide additional funding for water development account II.

(k) Project – Shoshone Irrigation District Rehabilitation 2015:

(i) Project sponsor: Shoshone Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Five hundred sixty thousand dollars ($560,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and approved by the commission an amount not to exceed two hundred ninety thousand dollars ($290,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two hundred ninety thousand dollars ($290,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

(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 and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(m) Project – Wheatland Irrigation District Rehabilitation 2015:

(i) Project sponsor: Wheatland Irrigation District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Design and construction of dam and structure rehabilitation improvements, lateral siphons and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million three hundred five thousand dollars ($1,305,000.00);

(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 eight hundred seventy-four thousand three hundred fifty dollars ($874,350.00) 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 eight hundred seventy-four thousand three hundred fifty dollars ($874,350.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

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

(n) Project – Wind River Irrigation Rehabilitation 2015:

(i) Project sponsor: Eastern Shoshone and Northern Arapaho Indian Tribes;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Two million two hundred twelve thousand one hundred twenty-one dollars ($2,212,121.00);

(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 million four hundred eighty-two thousand one hundred twenty-one dollars ($1,482,121.00) 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 million four hundred eighty-two thousand one hundred twenty-one dollars ($1,482,121.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The appropriation of funds for this project is contingent upon the 2015 legislature's approval and governor's approval of a supplemental budget request to provide additional funding for water development account II.

99-3-2005. Level III construction projects – Storage.

(a) Authorization is granted for the Level III storage construction projects identified in this section, subject to the general conditions specified in W.S. 99-3-106.

(b) Project – Sheridan Supplemental Storage Level III:

(i) Project sponsor: City of Sheridan and Sheridan Area Water Supply Joint Powers Board;

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

(iii) Project description: Acquisition of shares of ownership in Park Reservoir located in Sheridan County;

(iv) Total project budget: Eight million four hundred thousand dollars ($8,400,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for the acquisition of existing reservoir water storage an amount not to exceed five million six hundred twenty-eight thousand dollars ($5,628,000.00) or sixty-seven percent (67%) of the actual acquisition costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account III to the commission five million six hundred twenty-eight thousand dollars ($5,628,000.00) 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 III on July 1, 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources;

(B) The funds from this appropriation shall not be used for any acquisition involving eminent domain;

(C) The funds from this appropriation shall not be used for acquisition costs in excess of four thousand two hundred dollars ($4,200.00) per acre-foot of water.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-703(j)(vi) and by creating a new paragraph (x), 99-3-704(g)(vi) and by creating a new paragraph (x), 99-3-1004(c)(x), 99-3-1403(m)(iv) through (vii) and (q)(vii), 99-3-1404(d)(vi), 99-3-1503(g)(vi) and (n)(iv) through (vi), 99-3-1804(b)(iv) through (vii) and by creating a new paragraph (viii), (d)(iv) through (vii), (f)(iv) through (vi) and (g)(iii), 99-3-1903(k)(iv) through (vi) and 99-3-1904(m)(iv) through (vi) are amended to read:

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

(j) Project - Small Water Development Projects:

(vi) Appropriation: There is appropriated from water development account I to the commission two million two hundred fifty thousand dollars ($2,250,000.00) or as much thereof as is necessary to carry out the purpose of this subsection;~~. The funds appropriated shall not lapse at the end of any fis-~~

~~cal period but shall carry over until expended or reverted by the legislature to water development account I;~~

(x) As of July 1, 2017, all remaining funds in this appropriation shall revert to water development account I.

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

(g) Project - Small Water Development Projects:

(vi) Appropriation: There is appropriated from water development account II to the commission one million five hundred fifty thousand dollars ($1,550,000.00) or as much thereof as is necessary to carry out the purpose of this subsection;~~. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account II;~~

(x) As of July 1, 2017, all remaining funds in this appropriation shall revert to water development account II.

99-3-1004. Level III construction projects – rehabilitation.

(c) Project - Gillette Madison Pipeline Joint Bonding:

(x) Supplemental appropriation: There is appropriated from water development account II to the commission an additional three million eight hundred fifty-two thousand five hundred dollars ($3,852,500.00), which when combined with the original appropriation, as described in paragraphs (iv) through (vi) of this subsection, total five million seventy-seven thousand five hundred dollars ($5,077,500.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2015~~ 2016; and

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

(m) Project – Riverton Water Supply:

(iv) Total project budget: ~~Nine million two hundred thousand dollars ($9,200,000.00)~~ Twelve million eight hundred thousand dollars ($12,800,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction for the project an amount not to exceed ~~six million one hundred sixty-four thousand dollars ($6,164,000.00)~~ eight million five hundred seventy-six thousand dollars ($8,576,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and con-

struction for the project an amount not to exceed ~~nine hundred twenty thousand dollars ($920,000.00)~~ one million two hundred eighty thousand dollars ($1,280,000.00) or ten percent (10%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~seven million eighty-four thousand dollars ($7,084,000.00)~~ nine million eight hundred fifty-six thousand dollars ($9,856,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2015~~ 2017;

(q) Project – Upton Well:

(vii) Appropriation: There is appropriated from water development account I to the commission three hundred ninety-five thousand dollars ($395,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2015~~ 2016.

99-3-1404. Level III construction projects – rehabilitation.

(d) Project – Deaver Rehabilitation 2009:

(vi) Appropriation: There is appropriated from water development account II to the commission 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, ~~2015~~ 2017;

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

(g) Project – Ethete Water Supply:

(vi) Appropriation: There is appropriated from water development account I to the commission two million dollars ($2,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2015~~ 2018;

(n) Project – South Thermopolis Water Supply:

(iv) Total project budget: ~~Three million one hundred sixty thousand dollars ($3,160,000.00)~~ Four million three hundred seventy-three thousand two hundred sixty-seven dollars ($4,373,267.00);

(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 con-

struction of the project an amount not to exceed ~~two million one hundred seventeen thousand two hundred dollars ($2,117,200.00)~~ two million three hundred eighteen thousand two hundred dollars ($2,318,200.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~two million one hundred seventeen thousand two hundred dollars ($2,117,200.00)~~ two million three hundred eighteen thousand two hundred dollars ($2,318,200.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2015~~ 2017;

99-3-1804. Level III construction projects – rehabilitation.

(b) Project – Austin-Wall Canal Rehabilitation-Phase I:

(iv) Total project budget: ~~Two million dollars ($2,000,000.00)~~ Two million nine hundred fifty thousand dollars ($2,950,000.00);

(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 million dollars ($1,000,000.00)~~ one million five hundred thousand dollars ($1,500,000.00) or ~~fifty percent (50%)~~ fifty and nine tenths percent (50.9%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~one million dollars ($1,000,000.00)~~ one million six hundred thousand dollars ($1,600,000.00) 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, 2018;

(vii) Special conditions: The sponsor is responsible for acquiring ~~fifty percent (50%)~~ forty-five and seven tenths percent (45.7%) of the project phase I budget from other sources;~~.~~

(viii) 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 thousand dollars ($100,000.00) or three and four tenths percent (3.4%) 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%).

(d) Project – Eden Valley Farson Lateral Rehabilitation-Phase I:

(iv) Total project budget: ~~Five million one hundred eighty-nine thousand three hundred dollars ($5,189,300.00). Total project budget for phase I. Four hundred sixty-seven thousand dollars ($467,000.00)~~ Four million seven hun-

dred thirty-two thousand dollars ($4,732,000.00);

(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 of the project ~~two hundred thirty-three thousand five hundred dollars ($233,500.00)~~ two million three hundred sixty-six thousand dollars ($2,366,000.00) 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 ~~two hundred thirty-three thousand five hundred dollars ($233,500.00)~~ two million three hundred sixty-six thousand dollars ($2,366,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2018~~ 2020;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring fifty percent (50%) of the project phase I budget from other sources;~~.~~

(B) The 2015 appropriation of two million one hundred thirty-two thousand five hundred dollars ($2,132,500.00) for this project is contingent upon approval from the legislature and the governor of a supplemental budget request in the 2015 legislative session to provide additional funding for water development account II.

(f) Project – Midvale Rehabilitation 2013:

(iv) Total project budget: ~~Five hundred fifty-eight thousand four hundred dollars ($558,400.00)~~ Seven hundred thirty-two thousand dollars ($732,000.00);

(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 ~~three hundred seventeen thousand four hundred dollars ($317,400.00)~~ three hundred eighty-one thousand dollars ($381,000.00) 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 ~~three hundred seventeen thousand four hundred dollars ($317,400.00)~~ three hundred eighty-one thousand dollars ($381,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2018;

(g) Project – Riverton Valley Rehabilitation 2013:

(iii) Project description: Design and construction of water lateral improvements, rehabilitate main diversion structure and appurtenances neces-

sary to make the project function in the manner intended;

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

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

(iv) Total project budget: ~~One million two hundred thousand dollars ($1,200,000.00)~~ Two million two hundred thousand dollars ($2,200,000.00);

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account 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 thousand dollars ($600,000.00)~~ one million one hundred thousand dollars ($1,100,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~six hundred thousand dollars ($600,000.00)~~ one million one hundred thousand dollars ($1,100,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account I;

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

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

(iv) Total project budget: ~~Six hundred thousand dollars ($600,000.00)~~ One million four hundred thousand dollars ($1,400,000.00);

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~three hundred thousand dollars ($300,000.00)~~ seven hundred thousand dollars ($700,000.00) 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 ~~three hundred thousand dollars ($300,000.00)~~ seven hundred thousand dollars ($700,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account II;

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 25, 2015.

Chapter 24

ELECTRONIC CITATIONS

Original House Bill No. 14

AN ACT relating to municipal courts; providing for retention of court automation fees by cities and towns as specified; and providing for an effective date.

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

Section 1. W.S. 5-6-204 and 5-6-303 are amended to read:

5-6-204. Fines and penalties to be paid to city treasurer; report of cases; failure to comply with section.

All fines and penalties collected and arising from a breach of a city ordinance shall be deposited with the city treasurer, and the municipal judge shall report at the end of each calendar month a list of all cases for violations of city ordinances instituted in his court, and the disposition thereof, with a statement of the fines, penalties and costs received. At the end of each month the judge shall deposit with the city treasurer all fines, penalties and costs received. If the municipal judge fails to report and deposit all fines, penalties and costs for a period of twenty-five (25) days, his office shall be declared vacant. If a city enacts an ordinance prescribing a court automation fee as provided in W.S. 5-6-108(a)(i), up to one-half (1/2) of the fee may be retained by the city solely for the purpose of defraying costs and expenses related to establishing and maintaining an electronic citation system. The system shall collect and submit data in a form and manner prescribed by the supreme court to comply with the requirements of the judicial systems automation account under W.S. 5-2-120. The remaining portion of the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120. If a city enacts an ordinance prescribing the indigent civil legal services fee as provided in W.S. 5-6-108(a)(ii), the fee shall be remitted to the indigent civil legal services account established by W.S. 5-2-121.

5-6-303. Disposition of fines and penalties.

All fines and penalties collected, arising from a breach of the ordinances of the town, shall be paid into the town treasury. If a town enacts an ordinance prescribing a court automation fee as provided in W.S. 5-6-108(a)(i), up to one-half (1/2) of the fee may be retained by the town solely for the purpose of defraying costs and expenses related to establishing and maintaining an electronic citation system. The system shall collect and submit data in a form and manner prescribed by the supreme court to comply with the requirements of the judicial systems automation account under W.S. 5-2-120. The remaining portion of the fee shall be remitted to the judicial systems automation account established by W.S. 5-2-120. If a town enacts an ordinance prescribing an indigent civil legal services fee as provided in W.S. 5-6-108(a)(ii), the fee shall be remitted to the indigent civil legal services account established by W.S. 5-2-121.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 25

BIG AND TROPHY GAME LICENSES-RESERVATION

Original House Bill No. 104

AN ACT relating to big and trophy game licenses; authorizing the reservation of unused big or trophy game animal licenses as specified; requiring a fee; and providing for an effective date.

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

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

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

(f) Notwithstanding W.S. 23-1-704 and 23-2-101(j), any person who is issued and purchases a limited quota, full price big or trophy game animal license for any species and sex of animal ~~specified under subsections (b) and (c) of this section~~ and is unable to use for good cause as provided by regulations that license for the year in which issued, may reserve a license for the particular species and sex of big or trophy game animal designated on the unused license for use during the immediately succeeding calendar year by applying to the commission before the opening date of the season for the designated species and sex of animal during the year for which the initial license is issued. The initial big or trophy game animal license shall accompany the application. Upon receipt, the commission shall cancel the initial license and prior to the season opening date for the designated species and sex of animal during the immediately succeeding calendar year, issue ~~at no cost~~ to the applicant at an administrative cost not less than ten dollars ($10.00) and not to exceed four percent (4%) of the cost of the initial license, a license for the designated big or trophy game animal valid for that year.

Section 2. This act is effective January 1, 2016.

Approved February 25, 2015.

Chapter 26

BARBERING LICENSE REQUIREMENTS

Original House Bill No. 41

AN ACT relating to professional licensing; granting the board of barber examiners authority to establish requirements as specified; providing a definition; and providing for an effective date.

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

Section 1. W.S. 33-7-101(a) by creating a new paragraph (vi) and by renumbering (vi) as (vii) and 33-7-209(a)(iii) are amended to read:

33-7-101. Definitions.

(a) As used in this act:

(vi) "Instructor" means a person licensed to teach barbering or any practices thereof in a school of barbering as defined by this act and rules of the board;

~~(vi)~~(vii) "This act" means W.S. 33-7-101 through 33-7-211.

33-7-209. Qualifications for registration as barber; examination.

(a) A certificate of registration to practice barbering shall be issued upon passage of a board administered or board approved examination, and upon meeting all requirements set forth by board rule and regulation, to any person who files a completed application, accompanied by the required fees and documentation and who:

(iii) Is a cosmetologist or hair stylist licensed under W.S. 33-12-119 through 33-12-140, has completed ~~seven hundred fifty (750) hours of~~ training at an approved barber school or college as set forth in board rules and regulations and passed an examination conducted by the board to determine his fitness for practice.

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 25, 2015.

Chapter 27

LIFETIME ARCHERY LICENSES

Original House Bill No. 135

AN ACT relating to game and fish; providing for resident lifetime archery licenses; providing for fees; and providing for an effective date.

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

Section 1. W.S. 23-1-501(c) and 23-2-101(j) by creating a new paragraph (xlvi) are amended to read:

23-1-501. Game and fish fund.

(c) An account within the Wyoming game and fish fund is created. Revenues collected from the sale of licenses under W.S. 23-2-101(j)(vii), ~~and~~ (viii) and (xlvi) and 23-2-201(d)(viii) shall be deposited within the account. The commission may annually transfer into the fund from the account an amount not

to exceed six percent (6%) of the total account balance.

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

(j) Subject to W.S. 23-2-101(f), 23-1-705(e) and the applicable fee under W.S. 23-1-701, the following hunting licenses and tags may be purchased for the fee indicated and subject to the limitations provided:

(xlvi) Resident lifetime archery license 200.00

Section 2. This act is effective January 1, 2016.

Approved February 25, 2015.

Chapter 28

ALTERNATIVE FUEL TAXATION

Original House Bill No. 9

AN ACT relating to fuel tax; providing for taxation of alternative fuel as specified; providing exemptions; providing for collection and distribution of the tax; requiring a decal for electric vehicles; requiring reporting as specified; providing rulemaking authority; providing definitions; and providing for an effective date.

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

Section 1. W.S. 39-17-301 through 39-17-311 is created to read:

ARTICLE 3
ALTERNATIVE FUEL TAXES

39-17-301. Definitions.

(a) As used in this article:

(i) "Accountable product" means any product that is subject to the reporting requirements of this state, regardless of its intended use or taxability;

(ii) "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;

(iii) "Alternative fuels" includes pure methanol, ethanol and other alcohols, blends of eighty-five percent (85%) or more of alcohol with gasoline, natural gas, liquid fuels produced from natural gas, liquefied petroleum gas or propane, coal-derived liquid fuels, hydrogen, electricity, pure biodiesel (B100), fuels other than alcohol which are derived from biological materials, renewable diesel and P-Series fuels. The state of Wyoming may designate other fuels as alternative fuels if not previously defined as fuels under this chapter;

(iv) "Billed gallons" means the gallons, gasoline gallon equivalent (GGE)

or diesel gallon equivalent (DGE) billed to the customer;

(v) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids generally derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D6751 for use in diesel engines;

(vi) "Biodiesel blend" means a blend of biodiesel fuel meeting ASTM D6751 with petroleum based diesel fuel, designated Bxx, where xx represents the volume percentage of biodiesel fuel in the blend. The department shall promulgate rules to designate xx for the purposes of this article;

(vii) "Bulk alternative fuel" means thirty-five (35) gallons or more or the gasoline gallon equivalent, diesel gallon equivalent or gasoline gallon equivalent for electricity delivered at one (1) time, excluding alternative fuels delivered into the attached tanks or auxiliary tanks of a licensed motor vehicle;

(viii) "Bulk plant" means a fuel storage and distribution facility, other than a terminal, from which accountable product may be removed at a rack;

(ix) "Common carrier" means a person, including a railroad operator, who transports accountable product and who does not own the product;

(x) "Commercial vehicle" means as defined in W.S. 31-1-101(a)(i);

(xi) "Compressed natural gas" or "CNG" means natural gas which is compressed and stored in high-pressure containers. It is used as a fuel for natural gas-powered vehicles;

(xii) "Custom operation" means any agricultural purpose done for hire;

(xiii) "Dealer" means any person who sells or offers to sell alternative fuel at a specific location in this state, including any person selling or offering to sell alternative fuel at Wyoming airports;

(xiv) "Department" means the department of transportation;

(xv) "Diesel gallon equivalent" or "DGE" means the diesel gallon equivalent applied to liquefied natural gas in the amount of six and six hundredths (6.06) pounds of liquefied natural gas;

(xvi) "Dispenser" means the point of taxation for compressed natural gas and liquefied natural gas. The "dispenser" is the point where the gas is delivered into the fuel supply tank of a motor vehicle;

(xvii) "Distributor" means any person, other than a dealer, who receives alternative fuel or blends fuel used to propel a motor vehicle for distribution or resale in this state;

(xviii) "E-85" means an accountable product resulting from an eighty-five percent (85%) ethanol and fifteen percent (15%) blend of gasoline or which otherwise conforms to the standards as provided in W.S. 40-7-102(a)(xxvi);

(xix) "Electric energy" means the amount of work accomplished by electrical power, usually measured in kilowatt hours (kWh);

(xx) "End user" means any person who uses alternative fuel within this state for the generation of power to propel a motor vehicle upon a highway;

(xxi) "Ethanol" means a colorless, odorless liquid produced synthetically by cracking ethane using ethane from natural gas or naphtha from crude oil, by fermentation from crop biomass such as sugar and corn or from waste products such as household waste and paper mill sludge through chemical decomposition and fermentation. "Ethanol" is also known as ethyl-alcohol or alcohol;

(xxii) "Export" means to obtain alternative fuel used to propel a motor vehicle in this state for sale or other distribution in another state. Alternative fuel delivered out of the state of Wyoming by or for the purchaser constitutes an export by the purchaser;

(xxiii) "Exporter" means a person, other than a supplier, who purchases alternative fuel used to propel a motor vehicle in this state for the purpose of transporting or delivering, other than in the fuel supply tank of a motor vehicle, the alternative fuel to another jurisdiction;

(xxiv) "Gallon" means a gallon as measured on a gross basis as defined in this section;

(xxv) "Gasoline gallon equivalent" or "GGE" means the gasoline gallon equivalent applied to nonliquefied compressed natural gas in the amount of five and sixty-six hundredths (5.66) pounds of compressed natural gas. The gasoline gallon equivalent applied to electricity is 33.56 kilowatt hours (kWh);

(xxvi) "Gross gallon" means a measured gallon without temperature or barometric adjustments;

(xxvii) "Highway" means any road, thoroughfare or public way of any kind in Wyoming except United States forest service development roads and any public highway which is required to be maintained entirely at private expense;

(xxviii) "Hybrid electric vehicle" means a vehicle that uses two (2) or more distinct power sources to move the vehicle. "Hybrid electric vehicle" includes a vehicle which includes an internal combustion engine and one (1) or more electric motors but vehicles which use other mechanisms to capture and use energy may also be included;

(xxix) "Hydrogen" means the chemical element which can be used as a fuel;

(xxx) "Import" means to bring alternative fuel for use as a motor vehicle fuel into this state by any means of conveyance other than in the fuel supply tank of a motor vehicle. Alternative fuel delivered into this state from out of state by or for the seller constitutes an import by the seller, and alternative fuel delivered by or for the purchaser constitutes an import for the purchaser;

(xxxi) "Importer" means a person, other than a supplier, who purchases

alternative fuel outside of this state for the purpose of transporting or delivering, other than in the fuel supply tank of a motor vehicle, the alternative fuel into this state for sale, use or distribution within this state as a motor vehicle fuel;

(xxxii) "Lessor" means any person who, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of a vehicle to another person;

(xxxiii) "Liquefied natural gas" or "LNG" means natural gas, primarily methane, which has been liquefied by reducing its temperature to negative two hundred sixty (-260) degrees Fahrenheit at atmospheric pressure;

(xxxiv) "Liquid petroleum gas" or "LPG" means a gaseous product that has been compressed until it is transformed to a liquid and consists primarily of propane, propylene, butane and butylene in various mixtures. The components of LPG are gases at normal temperature and pressures;

(xxxv) "Methanol" means the clear, colorless liquid which is flammable and used as a fuel or fuel additive;

(xxxvi) "Motor vehicle" means as defined in W.S. 31-1-101(a)(xv);

(xxxvii) "P-series fuel" means liquid blend fuels used either alone or mixed with gasoline in any proportion;

(xxxviii) "Plug-in electric vehicle" means any motor vehicle which can be recharged from any external source of electricity, including a wall socket, and the electricity stored in the rechargeable battery drives or contributes to drive the wheels of the vehicle. "Plug-in electric vehicle" does not include a hybrid vehicle;

(xxxix) "Point of taxation" means the point within the fuel supply chain where the tax is collected;

(xl) "Position holder" means, with respect to alternative fuel in a terminal, the person who holds the inventory position in the alternative fuel as reflected on the records of the terminal operator. A person holds the inventory position when that person has a contractual agreement with the terminal operator for use of the storage facilities or other terminal related services at a terminal with respect to alternative fuel. "Position holder" includes a terminal operator who owns alternative fuel in a terminal;

(xli) "Rack" means a mechanism for delivering alternative fuel from a refinery or terminal into a transport truck, railroad car or other means of transfer which is outside of the terminal transfer system. For compressed natural gas, liquefied natural gas and liquefied petroleum gas the rack is defined as the dispenser;

(xlii) "Refiner" means any person who produces, refines, manufactures, blends or compounds alternative fuel in this state if the alternative fuel is used

to propel a motor vehicle;

(xliii) "Renewable diesel", often referred to as "green diesel" or "second generation diesel", refers to petrodiesel-like fuels derived from biological sources that are chemically not esters and thus distinct from biodiesel. Renewable diesel is chemically the same as petrodiesel, but it is made of biomass;

(xliv) "Supplier" means a person who is:

(A) Subject to the general taxing jurisdiction of this state;

(B) Registered pursuant to section 4101 of the federal Internal Revenue Code for transactions in alternative fuels in the bulk transfer/terminal distribution system; and

(C) One (1) of the following:

(I) The position holder in a terminal or refinery in this state;

(II) An importer of alternative fuel into this state from another jurisdiction;

(III) A person who acquires alternative fuel from a terminal or refinery from a position holder pursuant to a two-party exchange; or

(IV) The position holder in a terminal or refinery outside this state with respect to alternative fuel which that person imports into this state on the account of that person.

(D) "Supplier" also includes a person who produces alternative fuel used to propel a motor vehicle in this state, alternative fuel used to propel a motor vehicle for import into this state into a terminal or acquires fuel through import by truck or railcar into a terminal or refinery.

(xlv) "Terminal" means an alternative fuel storage and distribution facility that is supplied by pipeline or vessel, and from which alternative fuel may be removed at a rack;

(xlvi) "Terminal operator" means any person who owns, operates or otherwise controls a terminal;

(xlvii) "Use" or "used" means the consumption of alternative fuel in a motor vehicle upon a highway and includes the reception of alternative fuel into any tank on a motor vehicle which is used by the engine that generates motive power for the vehicle;

(xlviii) "User" means any person who uses alternative fuel within this state in an internal combustion engine for the generation of power to propel a motor vehicle upon a highway;

(xlix) "This article" means W.S. 39-17-301 through 39-17-311.

(b) As used in this chapter, "motor fuels" means gasoline as defined in W.S. 39-17-101(a)(xii), diesel fuel as defined in W.S. 39-17-201(a)(xxi), and alterna-

tive fuels as defined in W.S. 39-17-301(a)(iii).

39-17-302. Administration; confidentiality.

(a) The administration of this article is vested in the department which shall prescribe the reporting format and forms for the making of returns, and assessment and collection of license taxes and fees hereby imposed. The department shall promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the provisions of this article. All tax returns and records are open to examination by the director of the state department of audit or his deputies.

(b) No state employee who by virtue of his employment has knowledge of the business affairs of any person filing or required to file any tax returns under this article shall make known its contents in any manner or permit any person to have access to any returns or information contained therein except as provided by law or in the following cases:

(i) The delivery to the taxpayer or his legal representatives upon written request of a copy of any return or report in connection with his tax;

(ii) The publication of statistics so classified to prevent the identification of particular returns or reports;

(iii) The inspection by the attorney general of the report or return of any person who brings an action against the state, or against whom an action is contemplated or has been instituted;

(iv) The introduction into evidence of any report or return or information there from in any administrative or court proceeding to which the person making the report or return is a party;

(v) The furnishing of any information to the United States government and its territories, the District of Columbia, any state allowing similar privileges to the department or to the multistate tax commission for relay to tax officials of cooperating states. Information furnished shall be only for tax purposes;

(vi) The inspection of tax returns and records by the department of audit.

(c) Any person who violates subsection (b) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars ($1,000.00), imprisoned for not more than one (1) year, or both.

(d) The department may enter into cooperative agreements with other jurisdictions, for the exchange of information and auditing of users of alternative fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement or declaration of amendment is not effective until stated in writing and filed with the department.

(e) An agreement may provide for determining the base jurisdiction for users, users records requirements, audit procedures, exchange of information, per-

sons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods including defining uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of alternative fuel taxes and penalties to another member jurisdiction, paying interest on certain refund requests and other provisions as will facilitate the administration of the agreement.

(f) The department may, as required by the terms of an agreement, forward to officers or agents of another jurisdiction any information in the department's possession relative to the manufacture, receipts, sale, use, transportation or shipment of alternative fuels by any person. The department may disclose to officers or agents of another member jurisdiction the location of officers, motor vehicles and other real and personal property of users of alternative fuels.

(g) An agreement may provide for each member jurisdiction to audit the records of persons based in the jurisdiction to determine if the alternative fuel taxes due each jurisdiction are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the jurisdiction to each jurisdiction in which the person has taxable use of alternative fuels. For persons not based in this state and who have taxable use of alternative fuels in this state, the department may serve the audit findings received from another jurisdiction, in the form of an assessment, on the person as though an audit was conducted by the department.

(h) Any agreement entered into pursuant to this section does not preclude the department from auditing the records of any licensee under this chapter.

(j) If the department enters into any agreement under the authority of this section and the provisions set forth in the agreement are in conflict with any rules or regulations promulgated by the department, the agreement provisions prevail.

39-17-303. Imposition.

(a) Taxable event. The following shall apply:

(i) There is levied and shall be collected a license tax on all alternative fuel used, sold or distributed for sale or use in this state except for those fuels exempted under W.S. 39-17-305;

(ii) The tax imposed by W.S. 39-17-304(a)(iii) shall cease to be collected on the first day of the third month following the date the department of environmental quality notifies the director of the department of transportation that the balance of the corrective action account created by W.S. 35-11-1424 exceeds seventeen million dollars ($17,000,000.00) and the environmental pollution financial responsibility account created by W.S. 35-11-1427 exceeds one million dollars ($1,000,000.00). The tax shall again be collected beginning on the first day of the third month following the date the department of environmental quality notifies the director of the department of transportation that the

balance of the corrective action account has fallen below eleven million dollars ($11,000,000.00).

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

(i) The state of Wyoming preempts the field of imposing taxes upon sales of alternative fuels used to propel a motor vehicle and no city, town or county may levy or collect taxes upon the sales of alternative fuels to propel a motor vehicle;

(ii) The taxes imposed on alternative fuel shall be conclusively presumed to be a direct tax on the ultimate or retail consumer. When taxes are paid by any person other than the ultimate or retail consumer, the payment shall be considered as pre-collected and as an advance payment of the purpose of convenience and facility to the consumer and shall thereafter be added to the price of the alternative fuel and recovered from the ultimate or retail consumer, regardless of where or how the taxable fuel is ultimately consumed;

(iii) Any user not otherwise required to be licensed and report the tax levied pursuant to this section under the provisions of W.S. 39-17-306 or 39-17-307 shall be required to be licensed and report all taxes due under this section pursuant to the provisions of W.S. 39-17-306 and 39-17-307;

(iv) When a supplier, distributor, refiner, importer or exporter imports alternative fuel into or exports alternative fuel from the state of Wyoming in the fuel supply tanks of motor vehicles, the amount of alternative fuel consumed in the vehicles on Wyoming highways shall be deemed to be the product of the total amount of the alternative fuel consumed in his entire operations within and without this state times the total number of miles traveled on the highways within this state divided by the total number of miles traveled within and without this state. In the absence of mileage records, the department may by rule promulgated pursuant to W.S. 39-17-302(a) adopt the mileage basis for determining the taxable use of alternative fuel used in those motor vehicles which travel regularly over prescribed courses on and off the highways within the state of Wyoming. In the absence of records showing the number of miles actually operated per gallon of alternative fuel consumed, it shall be presumed that not less than one (1) gallon, gasoline gallon equivalent (GGE) or diesel gallon equivalent (DGE) of alternative fuel was consumed for every four (4) miles traveled;

(v) A Wyoming licensed supplier, distributor, refiner or importer who is unable to recover the license taxes due from a bulk sale to a licensee who is other than an end user and is not owned, rented or leased by the supplier, distributor, refiner or importer requesting the credit is not liable for the taxes and may credit the amount of unpaid taxes against a later remittance of taxes required under W.S. 39-17-304(a)(i). The department shall promulgate rules to implement this paragraph.

(c) Taxpayer. The following shall apply:

(i) A terminal operator or bulk plant operator may rely on the representation made by the purchaser of alternative fuel or the purchaser's agent concerning the destination state of alternative fuel. A purchaser is liable for any tax due as a result of the purchaser's diversion of fuel from the represented destination state.

39-17-304. Taxation rate.

(a) Except as otherwise provided by this section and W.S. 39-17-305, the total tax on alternative fuel used to propel a motor vehicle shall be twenty-four cents ($.24) per gallon. The gasoline gallon equivalent (GGE) shall be used for compressed natural gas, liquid petroleum gas or electricity. The diesel gallon equivalent (DGE) shall be used for liquefied natural gas or renewable diesel. The rate shall be imposed as follows:

(i) There is levied and shall be collected a license tax of twenty-three cents ($.23) per gallon, gasoline gallon equivalent or diesel gallon equivalent as appropriate on all alternative fuel used, sold or distributed for sale or use in this state to propel a motor vehicle except for those fuels exempted under W.S. 39-17-305;

(ii) Notwithstanding paragraph (i) of this subsection, alternative fuel sold for use in aircraft shall be taxed at four cents ($.04) per gallon, gasoline gallon equivalent or diesel gallon equivalent as appropriate except for those fuels exempted under W.S. 39-17-305;

(iii) In addition to the tax collected pursuant to paragraphs (i) and (ii) of this subsection, there is levied and shall be collected a license tax of one cent ($.01) per gallon, gasoline gallon equivalent or diesel gallon equivalent as appropriate on all alternative fuel used, sold or distributed for sale or use in this state to propel a motor vehicle except for those fuels exempted under W.S. 39-17-305(a).

39-17-305. Exemptions.

(a) Alternative fuel sold for the purposes of propelling a motor vehicle at a Wyoming terminal rack for export by a person licensed as an exporter in this state is exempt from the license tax imposed under W.S. 39-17-304(a)(i) through (iii). This exemption shall not apply to fuel in the supply tank of a motor vehicle. The exempt sales shall be reported on or before the last day of the month in a format required by the department. The sales reports are invalid if not submitted to the department within one (1) year following date of sale.

(b) Exchanges or sales of alternative fuel which is sold for the purposes of propelling a motor vehicle between suppliers are exempt from the license tax imposed under W.S. 39-17-304(a)(i) through (iii). Alternative fuel directly exported, other than in the fuel supply tank of a motor vehicle, by a supplier is exempt from the license taxes under this article.

39-17-306. Licenses; permits.

(a) Each alternative fuel supplier, refiner, distributor, terminal operator, importer or exporter of alternative fuel used to propel a motor vehicle shall obtain an annual license from the department to conduct business in this state. Prior to commencing business the supplier, distributor, terminal operator, importer, exporter or refiner shall file an application with the department on forms prescribed and furnished by the department containing the information specified therein. The fee for each type of license is twenty-five dollars ($25.00). The department may revoke any license granted under this section upon proof of violation of any provision of this article.

(b) Each alternative fuel dealer shall obtain an annual license from the department to conduct business in this state. Prior to commencing business the dealer shall file an application with the department on forms prescribed and furnished by the department containing the information specified therein. The application for the license shall state the location of each place where alternative fuel is to be sold or offered for sale. The license shall be used only for one (1) specific location by the dealer in whose name it is issued. The license is valid for one (1) year unless surrendered by the dealer for nonuse or revoked by the department. The dealer shall immediately return the license upon the sale or discontinuance of any licensed location. The license fee is twenty-five dollars ($25.00) for each location. The department may revoke any license granted under this subsection upon proof of violation of any provision of this article.

(c) The department may enter into reciprocal agreements with other jurisdictions for the licensing of persons under this section who have been licensed under a similar law in another jurisdiction.

(d) The department may require bonds, or accept in lieu of a bond a certificate of deposit meeting the requirements of paragraph (vi) of this subsection, under this article as follows:

(i) When a distributor, supplier or dealer who has been in business for one (1) year or longer and has established a good filing record which is complete, accurate and timely with the department violates a provision of this article, the distributor, supplier or dealer shall file a bond with the department equal to the sum of the last available six (6) months tax liability;

(ii) The bond shall be executed with a corporate surety duly licensed to do business in this state. In lieu of a corporate surety bond, the department may accept a cash bond made payable to the department. Any interest earned on a cash bond shall accrue to the licensee. The bond shall be:

(A) Approved as to form by the Wyoming attorney general;

(B) Made payable to the department;

(C) Guarantee payment of delinquent taxes, penalties and interest due under this article and the return of the license issued under this article;

(D) Conditioned on the applicant not practicing any fraud, making any fraudulent representation or violating any law relating to the conduct of the business for which the applicant is licensed under this article.

(iii) The department may require a bond from any licensee whose license has been revoked or who violates any provision of this article. Any licensee who fails to file any report required under this article, remits insufficient funds or is delinquent in filing any two (2) times in a preceding twelve (12) month period shall be required to post a bond as provided in this subsection. Such bond may be waived by the department after a demonstration of a good filing record which is complete, accurate and timely by the licensee for a twelve (12) month period;

(iv) Failure to post the required bond or certificate of deposit under this subsection shall result in the denial of a license;

(v) In lieu of a surety or cash bond the department may accept a certificate of deposit under the following requirements:

(A) The certificate of deposit:

(I) Shall be issued by a financial institution authorized to do business in Wyoming and qualified by law to act as a depository of public funds in this state;

(II) Shall be payable not more than one (1) year after being deposited with the department.

(B) The department shall be given a first priority security interest in the certificate of deposit. The certificate of deposit shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for delinquent taxes, penalties and interest due under this article and the return of the license issued under this article. The entire amount of the certificate of deposit shall be forfeited to the state if the licensee practices any fraud, makes any fraudulent representation or violates any law relating to the conduct of the business for which he is licensed under this article;

(C) The certificate of deposit and related documents providing for the security interest and forfeiture shall be approved as to form by the Wyoming attorney general;

(D) The licensee shall pay all cost incurred by the department to perfect its security interest;

(E) Any interest earned on a certificate of deposit shall accrue to the licensee.

(e) No person shall operate a commercial vehicle as defined in W.S. 31-18-101(a)(iii) between Wyoming and other jurisdictions unless the person has a valid international fuel tax agreement license and decals pursuant to W.S. 31-18-502 or a temporary permit under W.S. 31-18-201.

(f) Each applicant for an international fuel tax agreement license and decals shall file an application in a form and manner prescribed by the department and pay the applicable fees for the license and a decal as prescribed by the department pursuant to W.S. 31-18-502.

39-17-307. Compliance; collection procedures.

(a) Returns and reports. The following shall apply:

(i) On or before the last day of each month:

(A) When alternative fuel is purchased to propel a motor vehicle or distributed in Wyoming from a Wyoming licensed supplier, the supplier shall report, using the appropriate equivalency formula, to the department all gallons sold in the state during the preceding calendar month and remit all taxes due for alternative fuel sold to an end user;

(B) When alternative fuel is purchased out of Wyoming for use, sale or distribution to propel a motor vehicle in Wyoming, the Wyoming licensed supplier shall report, using the appropriate equivalency formula, to the department all gallons used, sold or distributed during the preceding calendar month and remit all taxes due under this article for fuel sold to an end user;

(C) Each Wyoming licensed supplier with a Wyoming retail location shall report, using the appropriate equivalency formula, to the department all gallons of alternative fuel used to propel a motor vehicle during the preceding calendar month and remit taxes due under this article for fuel sold to an end user or a retail location;

(D) When alternative fuel is purchased in Wyoming from a Wyoming licensed refiner, the refiner shall report, using the appropriate equivalency formula, to the department all gallons used, sold or distributed during the preceding calendar month and remit all taxes due for fuel sold to an end user;

(E) Each Wyoming licensed distributor, importer, exporter with Wyoming retail locations shall report, using the appropriate equivalency formula, to the department all gallons of alternative fuel imported and used to propel a motor vehicle during the preceding calendar month and remit taxes due under this article for fuel sold to an end user or a retail location;

(F) Each Wyoming licensed importer shall report, using the appropriate equivalency formula, to the department all gallons imported and used to propel a motor vehicle during the preceding calendar month and remit taxes due under this article for fuel sold to an end user unless the tax has been paid to an out-of-state licensed supplier;

(G) Any person acquiring biodiesel (B100), ethanol or other alcohols, methanol, butane or other blending components to blend with gasoline, diesel or alternative fuels shall report to the department all gallons of biodiesel (B100) ethanol or other alcohols, and methanol, butane or other blending compo-

nents, purchased and blended during the preceding calendar month and remit all additional taxes due.

(ii) Each person transporting, conveying or bringing alternative fuel used to propel a motor vehicle into this state for sale, use or distribution in this state shall furnish the department a verified statement showing the number of gallons, using the appropriate equivalency formula, of alternative fuel delivered during the month preceding the report, the name of the person to whom the delivery was made and the place of delivery;

(iii) Each person who exports alternative fuel from this state shall report the number of gallons exported, using the appropriate equivalency formula, the destination state and the name of the person to whom exported;

(iv) On or before the last day of each month:

(A) Each dealer, who is not licensed as a distributor, shall submit a statement to the department in a format required by the department showing the number of gallons, gasoline gallon equivalent or diesel gallon equivalent of alternative fuel acquired, the person who supplied the alternative fuel and the total gallons or gallon equivalents sold during the preceding calendar month and remit any taxes due if the point of taxation is at the dispenser;

(B) Each distributor or importer shall, if applicable, submit a statement to the department in a format required by the department for the preceding calendar month for the purpose of obtaining a refund from the department for taxes paid pursuant to this section.

(v) A person shall not transport alternative fuel used to propel a motor vehicle by railroad tank car or transport truck unless the person has a shipping document for its transportation that complies with this section. A shipping document issued by a terminal operator or the operator of a bulk plant shall contain the following information:

(A) The identification, including address, of the terminal or bulk plant from which the alternative fuel was received;

(B) The date the alternative fuel was removed;

(C) The amount of alternative fuel removed, indicating gross gallons and net gallons or the equivalent amount based on the gasoline gallon equivalent or diesel gallon equivalent;

(D) The destination state of the alternative fuel, as represented to the terminal operator by the transporter, the shipper or the shipper's agent;

(E) The name of the shipper of the alternative fuel within the bulk plant or terminal;

(F) The consignee's name and address;

(G) The transporter's name;

(H) Any other information required by the department for the enforcement of this article.

(vi) A person to whom a shipping document was issued for the shipment of alternative fuel used to propel a motor vehicle shall:

(A) Carry the shipping document in the conveyance for which it was issued when transporting the alternative fuel;

(B) Show the shipping document to a law enforcement officer or authorized personnel of the department upon request;

(C) Deliver the alternative fuel described in the shipping document to the destination state printed on it unless the person does all of the following:

(I) Notifies the department when transporting the alternative fuel into a state other than the printed destination state that the person has received instructions for if the shipping document was issued to deliver the alternative fuel to a different destination state;

(II) Writes on the shipping document the change in destination state;

(III) Gives a copy of the shipping document to the distributor or other person to whom the alternative fuel is delivered.

(vii) A person to whom alternative fuel used to propel a motor vehicle is delivered by railroad tank car or transport truck shall not accept delivery of the alternative fuel if the destination state shown on the shipping document for the alternative fuel is a state other than Wyoming. The person to whom the alternative fuel is delivered shall examine the shipping document and keep a copy of the shipping document;

(viii) Each supplier, refiner, terminal operator, importer, exporter, distributor and dealer shall keep and preserve records relating to the purchase and sale of alternative fuel for three (3) years. The department may, by rule and regulation, authorize alternate methods of preserving the records required under this section;

(ix) Each person transporting, conveying or importing alternative fuel into the state or producing, refining, manufacturing, blending or compounding and using, selling or distributing alternative fuel for sale or use in this state shall keep and preserve the records relating to the purchase or sale of alternative fuel for three (3) years;

(x) On or before the last day of the month following each calendar quarter, each carrier licensed under the provisions of the international fuel tax agreement shall file, in a format required by the department, a report indicating the total number of miles traveled in all jurisdictions by the carrier's vehicles subject to the tax under this article, the total number of miles traveled by those vehicles in this state, the amount of alternative fuel used by those vehicles in all jurisdictions, the amount of tax under this article paid during the calendar

quarter and any other information required by the department to compute the carrier's tax liability. The carrier shall pay all taxes due under this article at the time the report is filed. If the tax on alternative fuel imported in the fuel supply tanks of motor vehicles for taxable use on Wyoming highways can be more accurately determined on a mileage basis, the department may approve and adopt that basis. In the absence of mileage records showing the number of miles actually operated per gasoline gallon equivalent or diesel gallon equivalent of alternative fuel consumed, it shall be presumed that not less than one (1) gasoline gallon equivalent or diesel gallon equivalent was consumed for every four (4) miles traveled.

(b) Payment. The following shall apply:

(i) On or before the last day of each month every supplier, refiner, terminal operator, importer and dealer shall pay to the department all license taxes imposed by this article which are due based upon the statement submitted under W.S. 39-17-307(a)(i). Payment may be made by electronic funds transfer;

(ii) The supplier, refiner or importer shall not require payment from the distributor of the license taxes imposed under this article until three (3) business days prior to the date which the taxes are required to be remitted to the state by the supplier, refiner or importer. A licensed distributor may elect to make delayed payments to a licensed supplier, refiner or importer, provided:

(A) If the supplier, refiner or importer has an electronic funds transfer program in operation, the payment is made by electronic funds transfer; and

(B) The distributor continues to make timely payments to the supplier, refiner or importer.

(iii) A distributor or importer who owns a bulk plant in this state may take a shrinkage credit of one percent (1%) on gross gallons, if applicable, of bulk alternative fuel purchased directly from a terminal and delivered in this state for use, sale or distribution. This credit may be claimed on the monthly tax return. A distributor or importer who does not own a bulk plant, but owns retail locations and distributes alternative fuel to those locations only shall be entitled to the shrinkage credit on gross gallons, if applicable, of bulk alternative fuel delivered. The shrinkage credit may not apply to some alternative fuels. The department shall promulgate rules which specify the applicability of the credit and provide an application process for the credit.

(c) Timelines. The following shall apply:

(i) Any report, claim, tax return, statement or other document or payments required or authorized by this article to be made or filed to or with the department and which is:

(A) Transmitted through the United States mail is deemed filed and received by the department on the date shown by the post office cancellation

mark stamped on the envelope or other appropriate wrapper containing it;

(B) Mailed but not received by the department or where received but the cancellation mark is illegible, erroneous or omitted, is deemed filed and received on the date mailed if the sender establishes it was deposited in the mail on or before the due date for filing and submits a duplicate within thirty (30) days following written notification by the department of the nonreceipt;

(C) Received through electronic funds transfer is deemed to have been received when the electronic funds transfer transmission is received by the department;

(D) Received through electronic data interchange is deemed to have been received when the electronic data interchange transmission is received by the department.

(ii) Any tax return or license application that is not signed and any tax return which does not contain all pertinent information is considered not filed until the licensee signs or supplies the required information to the department. If the information required in the documents is presented to the department in a format other than that prescribed or otherwise approved by the department, the tax return, application or claim for refund or credit shall be deemed not filed. The licensee shall have ten (10) days to provide the information requested in a manner prescribed or otherwise approved by the department. If the licensee provides the information requested by the department within ten (10) days, the tax return or license application shall be deemed to have been timely filed;

(iii) Evidence that correspondence was mailed from the department to the last known address of a person shall be deemed prima facie evidence that the person received the correspondence after five (5) business days have elapsed from the date the correspondence was mailed. As used in this section, "last known address" means the most current address on file with the department.

(d) The department shall promulgate rules and regulations necessary to define the reporting format requirement for all licensees.

39-17-308. Enforcement.

(a) Audits. The following shall apply:

(i) All tax returns and records are open to examination by the director of the state department of audit or his deputies.

(b) Interest. The license taxes and penalty shall be collected by the department together with interest of one percent (1%) per month on the license taxes from the due date until payment.

(c) Penalties. The following shall apply:

(i) Any person who conducts the business of a supplier, refiner, distributor, terminal operator, importer, exporter or dealer without holding a valid li-

cense as specified in W.S. 39-17-306 is guilty of a misdemeanor punishable as provided in paragraph (vii) of this subsection. Each day in violation of the provisions of this section constitutes a separate offense;

(ii) If any person fails or refuses to file the monthly statement and remit the tax as provided by W.S. 39-17-307(a)(i), the department shall make a statement for that person from the best information available and from such statement shall determine the amount of license taxes required to be paid and add thereto a penalty of ten percent (10%) of the taxes due. The department shall notify the delinquent taxpayer of the total amount due by serving written notice upon such person personally or by United States mail to the last known address as shown on the records of the department. If the delinquent taxpayer proves to the department that the delinquency was due to a reasonable cause, the department shall waive the penalty provided in this paragraph. If the delinquent taxpayer after receiving the statement prepared by the department later renders to the department a true statement covering the same calendar month, the department shall use such statement, adding the penalty of ten percent (10%) and interest of one percent (1%) per month on the license taxes from the due date until payment. The penalty shall be waived by the department upon satisfactory written proof the delinquency was due to a reasonable cause;

(iii) Any person who fails to furnish any report or remit any license tax to the department as required by this article is guilty of a misdemeanor. Each offense is punishable as provided in paragraph (vii) of this subsection. In addition, the department may suspend or revoke any license held by the offender and may require the offender, as a condition of any future licensing under this article, to provide a surety bond, cash bond or certificate of deposit as provided by W.S. 39-17-306(d);

(iv) Any supplier, refiner, terminal operator, importer, exporter, distributor or dealer selling alternative fuel subject to the license taxes imposed by this article while delinquent in the payment of any such taxes is liable for double the amount due to be recovered in a suit instituted by and in the name of the state of Wyoming. Upon application made by the state a writ of injunction may be issued, without requiring bond, against the defendants enjoining and restraining them from selling or offering to sell in the state alternative fuel until the license taxes are paid. Upon application made by the state a receiver of the property and business of the defendant may be appointed to impound the same as security for the delinquent tax and any judgment recovered in the suit;

(v) Any person who makes a false statement in a report required by this article is guilty of a misdemeanor punishable as provided in paragraph (vii) of this subsection. In addition, the person shall forfeit all rights to a refund to the extent that the false statement resulted in a refund larger than that to which the person was lawfully entitled;

(vi) The department may revoke any license granted upon proof of viola-

tion of any provision of this article;

(vii) Any person violating any provision of this article, or who procures, aids or abets any person in a violation or noncompliance is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars ($750.00), imprisoned for not more than six (6) months or both;

(viii) The Wyoming highway patrol and all peace officers of any county or municipality shall aid in the enforcement of this article.

(d) Liens. There are no specific applicable provisions for liens for this article.

(e) Tax sales. There are no specific applicable provisions for tax sales for this article.

39-17-309. Taxpayer remedies.

(a) Interpretation requests. There are no specific applicable provisions for interpretation requests for this article.

(b) Appeals. There are no specific applicable provisions for appeals for this article.

(c) Refunds. The following shall apply:

(i) On or before the last day of each month every distributor shall, if applicable, submit a statement to the department on forms furnished by or in a format required by the department for the preceding calendar month for the purpose of obtaining a refund from the department for taxes paid pursuant to W.S. 39-17-307(a)(i);

(ii) Any person exporting alternative motor vehicle fuel from Wyoming for which the license tax has been paid is subject to a refund of the license tax paid. The refund request shall be submitted on or before the last day of the month on forms provided by or in a format required by the department. The refund request is invalid if not submitted within one (1) year of the date of purchase;

(iii) Alternative fuel purchased for agricultural purposes as defined in W.S. 39-17-301(a)(ii) is qualified for a refund of the license tax imposed under W.S. 39-17-304(a)(i) as declared by the applicant. Any person claiming a refund under this paragraph 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, gasoline gallon equivalent (GGE) or diesel gallon equivalent (DGE) purchased and license taxes paid. The department shall establish by rule the format for applying for the refund under this paragraph. The refund form and receipts shall be invalid if not submitted to the department within eighteen (18) months 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 alternative fuel license tax;

(iv) The department shall by rule promulgated pursuant to W.S. 39-17-302(a) prescribe procedures under which an alternative fuel user who is entitled to at least a two hundred fifty dollar ($250.00) refund of tax under this article for purchases and use of alternative fuel to propel a motor vehicle in any calendar month may apply for and receive the refund at any time after the last day of that month;

(v) The license tax under W.S. 39-17-304(a)(iii) is subject to refund on all alternative fuel sold in Wyoming for transportation of people, goods and equipment in interstate commerce and used outside Wyoming, provided that there is an adequate system for determining whether or not the alternative fuel is used in Wyoming. Nothing in this paragraph shall apply to the use, sale or distribution for use of alternative fuel in Wyoming. The refund request is invalid if not submitted within one (1) year;

(vi) The license tax under W.S. 39-17-304(a)(i) is subject to refund as follows:

(A) Alternative fuel purchased from a Wyoming licensed distributor or dealer by the University of Wyoming and community colleges and public schools located in Wyoming for use in a motor vehicle is subject to refund of the license tax. The record of purchases under this paragraph shall be submitted monthly by the purchaser on refund forms provided by or in a format required by the department, along with receipts detailing gallons, gasoline gallon equivalent (GGE) or diesel gallon equivalent (DGE) purchased and license taxes paid. The refund form and receipts are invalid if not submitted to the department within one (1) year following date of purchase;

(B) Liquefied natural gas (LNG) or renewable diesel sold by a distributor, importer, supplier or dealer to the state of Wyoming or any of its political subdivisions is subject to a refund;

(C) Liquefied natural gas, renewable diesel or compressed natural gas converted to liquefied natural gas at the point of delivery sold by a distributor, importer, supplier or dealer and used as heating fuel or to a person engaged in logging operations, mining operations, manufacturing, processing, drilling, exploration or well servicing, highway or other construction or railroad operations when the alternative fuel is consumed directly in logging operations, mining operations, manufacturing, processing, drilling, exploration or well servicing, highway or other construction or railroad operations, or other nonhighway operations or uses is subject to a refund. The record of purchases under this paragraph shall be submitted quarterly on a form provided by or in a format required by the department, along with receipts detailing the gallons, gasoline gallon equivalent or diesel gallon equivalent purchased and license taxes paid. The refund form and receipts shall be invalid if not submitted to the department within one (1) year following date of purchase. The department shall not deduct the state sales and use tax imposed by the provisions of

W.S. 39-15-101 through 39-16-211 from the refund to any person who possesses a valid sales or use tax license under W.S. 39-15-106 or 39-16-106, or if the person is exempt from paying sales or use taxes under W.S. 39-15-105 or 39-16-105. A copy of the most recent sales or use tax report or proof that the person is exempt from sales or use taxes shall accompany the claim for refund.

(d) Credits. Credit shall be given for tax paid in Wyoming on alternative fuel purchased to propel a motor vehicle but which is not used in Wyoming. The credit may be carried forward to succeeding reporting periods.

(e) Redemption. There are no specific applicable provisions for redemption for this article.

(f) Escrow. There are no specific applicable provisions for escrow for this article.

39-17-310. Statute of limitations.

(a) The refund form and receipts, as provided for in W.S. 39-17-309 are invalid if not submitted to the department within one (1) year following date of purchase or eighteen (18) months for agricultural producers seeking refunds.

(b) Each supplier, refiner, terminal operator, importer, exporter, distributor and dealer shall keep and preserve the records relating to the purchase and sale of alternative fuels for not less than three (3) years. The department may authorize, by rule, alternate methods of preserving records required under this section.

39-17-311. Distribution.

(a) Except as otherwise provided in subsection (b) of this section, all alternative fuel license taxes and fees shall be distributed as follows:

(i) All alternative fuel license taxes and fees received by the department under this article shall be transferred to the state treasurer who shall credit them to the proper accounts as specified by the department and in paragraph (iv) of this subsection;

(ii) The state treasurer shall deposit all license fees under W.S. 39-17-306 into the state highway fund;

(iii) The department shall certify to the state treasurer amounts to be credited to appropriate accounts based upon deductions from the taxes collected under this article provided that the department shall deduct the pro rata share of the cost of collecting the taxes received from alternative fuel used for aircraft at any municipal or county airport and distribute the remainder to the city, town or county where the airport is located. These funds shall be used for the maintenance of the airport.

(iv) After certifying the amounts provided by paragraph (iii) of this subsection, the department shall certify the balance of taxes collected under this

article to the state treasurer who shall distribute the remainder into the accounts within the state highway fund created under this subsection as follows:

(A) Thirteen and one-half percent (13.5%) shall be distributed monthly to county treasurers. Each county treasurer shall credit such revenues to the county road fund for the improvement and maintenance of county roads. The distribution to each county shall be based on:

(I) One-third (1/3) in the ratio in which the area of the county bears to the total area of the state;

(II) One-third (1/3) in the ratio in which the rural population including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state;

(III) One-third (1/3) in the ratio in which the assessed valuation of the county bears to the last total assessed valuation of the state.

(B) Fourteen percent (14%) shall be credited by the state treasurer to the county treasurers of the various counties for their road construction funds, except that an amount equal to the contribution required of the counties for the cost of the university's technology transfer program under W.S. 21-17-115(a)(ii) or thirty-one thousand two hundred fifty dollars ($31,250.00), whichever is less shall be first distributed to the highway fund. Each county treasurer shall credit the revenues to the road construction fund in that county. The department shall allocate to each county a share based fifty percent (50%) upon the ratio which the rural population of each county including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state and fifty percent (50%) based on the ratio which the area of the county bears to the total area of the state. Any interest earned on invested funds allocated to counties shall be retained by each county and shall be used for project costs as provided by W.S. 24-2-110(a);

(C) Fifteen percent (15%) shall be distributed as follows:

(I) To the highway fund, an amount equal to the contribution required of the cities and towns for the cost of the university's technology transfer program under W.S. 21-17-115(a)(iii) or thirty-one thousand two hundred fifty dollars ($31,250.00), whichever is less;

(II) The remainder to be distributed monthly to incorporated cities and towns to be used in their street and alley programs as follows:

(1) Seventy-five percent (75%) based on the taxes paid upon alternative fuel sold to and distributed by dealers located within each incorporated city and town;

(2) Twenty-five percent (25%) in the ratio which the population of each city or town bears to the total population of all cities and towns.

(D) Fifty-seven and one-half percent (57.5%) to the state highway account.

(v) All taxes collected under W.S. 39-17-304(a)(iii) shall be transferred to the state treasurer who shall deposit them only into the state highway fund. The provisions of this section and W.S. 39-17-305(c) shall not apply to the tax imposed by W.S. 39-17-304(a)(iii). Any refund for any overpayment of the one cent ($.01) tax imposed by W.S. 39-17-304(a)(iii) shall be taken from the taxes collected pursuant to W.S. 39-17-304(a)(iii).

(b) All alternative fuel license taxes and fees related to liquefied natural gas, biodiesel or renewable diesel shall be distributed as follows:

(i) All alternative fuel license taxes and fees received by the department under this article related to liquefied natural gas, biodiesel or renewable diesel shall be transferred to the state treasurer who shall credit them to the proper accounts;

(ii) The state treasurer shall deposit all license fees under W.S. 39-17-306 into the state highway fund;

(iii) All taxes collected under W.S. 39-17-304(a)(ii) related to liquefied natural gas, biodiesel or renewable diesel shall be transferred to the state treasurer who shall deposit them only into the state highway fund. The provisions of paragraph (iv) of this subsection shall not apply to the tax imposed by W.S. 39-17-304(a)(iii). Any refund for any overpayment of the one cent ($.01) tax imposed by W.S. 39-17-304(a)(iii) shall be taken from the taxes collected pursuant to W.S. 39-17-304(a)(iii);

(iv) The state treasurer shall:

(A) Deduct not to exceed two percent (2%) of the taxes collected under this article and distributed under this subsection corresponding to the actual cost of the administration of this article for the month and credit the money to the highway fund;

(B) Distribute monthly the remainder as follows:

(I) Twenty percent (20%) shall be distributed to county treasurers. Each county treasurer shall credit the revenues to the county road fund for the improvement and maintenance of county roads. The distribution shall be based on:

(1) One-third (1/3) in the ratio in which the area of the county bears to the total area of the state;

(2) One-third (1/3) in the ratio in which the rural population including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state;

(3) One-third (1/3) in the ratio in which the assessed valuation of the county bears to the last total assessed valuation of the state.

(II) Five percent (5%) shall be distributed to incorporated municipalities based on the ratio that the total population of the municipality bears to the total population of all municipalities within the state. Each treasurer of a municipality shall credit the revenues to the municipal street fund for the improvement and maintenance of municipal streets;

(III) The remaining revenues shall be credited to the state highway fund for the maintenance, construction and reconstruction of state highways.

(C) Deduct the pro rata share of the cost of collecting the taxes received from alternative fuel used for aircraft at any municipal or county airport and distribute the remainder to the city, town or county where the airport is located. These funds shall be used for the maintenance of the airport.

Section 2. W.S. 31-3-102(a) by creating a new paragraph (xxiii), 39-17-101(a)(xxiv), 39-17-111(d)(ii) and 39-17-201(a)(xxx) are amended to read:

31-3-102. Miscellaneous fees.

(a) The following fees shall be collected for the instruments or privileges indicated:

(xxiii) For a decal for a plug-in electric vehicle as defined in W.S. 39-17-301(a)(xxxviii) $50.00

39-17-101. Definitions.

(a) As used in this article:

(xxiv) "Alternative fuel" means ~~any accountable product other than gasoline, gasohol, diesel fuel, dyed diesel fuel, kerosene or dyed kerosene~~ as defined in W.S. 39-17-301(a)(iii);

39-17-111. Distribution.

(d) After certifying the amounts provided by subsection (c) of this section, the department shall certify the balance of taxes collected under this article to the state treasurer who shall distribute the remainder into the accounts within the state highway fund created under this subsection as follows:

(ii) Fourteen percent (14%) shall be credited by the state treasurer ~~to the counties' road construction account in the highway fund for distribution by the department~~ to the county treasurers of the various counties for their road construction funds, except that an amount equal to the contribution required of the counties for the cost of the university's technology transfer program under W.S. 21-17-115(a)(ii) or thirty-one thousand two hundred fifty dollars ($31,250.00), whichever is less shall be first distributed to the highway fund. Each county treasurer shall credit the revenues to the road construction fund in that county. The department shall allocate to each county a share based fifty percent (50%) upon the ratio which the rural population of each county including the population

within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state and fifty percent (50%) based on the ratio which the area of the county bears to the total area of the state. Any interest earned on invested funds allocated to counties shall be retained by each county and shall be used for project costs as provided by W.S. 24-2-110(a);

39-17-201. Definitions.

(a) As used in this article:

(xxx) "Alternative fuel" means ~~any accountable product other than gasoline, gasohol, diesel fuel, dyed diesel fuel, kerosene or dyed kerosene~~ as defined in W.S. 39-17-301(a)(iii);

Section 3. W.S. 39-17-104(e) and 39-17-204(e) are repealed.

Section 4. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 29

SCHOOL FINANCE-EXCESS MILL LEVY REBATE

Original Senate File No. 20

AN ACT relating to school finance; eliminating the reduction of recapture payments for school districts levying more than the statewide average mill levy for the repayment of bonded indebtedness; and providing for an effective date.

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

Section 1. W.S. 21-13-102(g) is repealed.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 30

EDUCATION ADMINISTRATION-1

Original Senate File No. 10

AN ACT relating to government administration; eliminating the position of a director of the department of education; transferring specified duties to the state superintendent in accordance with Powers v. State, 2014 WY 15, 318 P.3d 300 (Wyo. 2014) and Powers v. State, No. 180-673 (1st Jud. Dist. Ct. Apr. 18, 2014); accordingly conforming law; specifying application; and providing for an effective date.

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

Section 1. W.S. 9-1-513(b)(i) and (c), 21-2-104, 21-2-105, 21-2-201(a), 21-2-202(a)(intro), (i), (ix), (x), (xix)(intro), (H), (xx), (xxx) and (b)

through (e), 21-2-203(a), (c)(intro), (iv), (viii), (d)(intro) and (e)(ii)(intro), 21-2-204(c)(vii), (f)(intro), (iv) through (viii) and (j), 21-2-301(c), 21-2-304(a)(i), (v)(intro), (vi), (b)(ii) and (xvii), 21-2-306, 21-2-502(a), 21-2-701(a)(ii), 21-2-703(a)(intro), (b)(iii) and (c), 21-2-802(m), 21-3-110(a)(i), (v), (xxii), (xxviii), (xxix) and (xxxi)(intro), 21-3-117(a)(i) and (ii), 21-3-314(a)(intro), 21-3-401(d), 21-4-401(b), 21-4-601(b) and (d), 21-6-219, 21-13-101(a)(xiv), 21-13-102(e), 21-13-306(b), 21-13-307(a)(ii)(B), (iii), (iv) and (b), 21-13-309(m)(intro), (v)(intro) and (B)(III), 21-13-310(b), 21-13-312(a)(intro) and (i), 21-13-313(a) through(c) and (g), 21-15-113(a)(intro), 21-17-201, 21-18-201(c) and 31-5-118(a) 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:

(i) Conduct periodic audits of each school district pertaining to data required to be submitted to the department of education under law and by rule and regulation of the ~~director of the department of education~~ state superintendent of public instruction for purposes of implementing and operating the "school finance system" as defined under W.S. 21-2-203(a). Audits under this paragraph shall include audits of systems supporting data collection and shall be performed on each school district at least once within each three (3) year period;

(c) School districts and the department of education shall provide access to all data and other information and shall cooperate with the school finance section as necessary to implement this section and to conduct audits and reports required under this section. In addition, each district shall within thirty (30) days following receipt of a copy of the audit or report, file a written response to each audit or report conducted on that district with the department. The ~~director~~ state superintendent shall on behalf of the department of education and within thirty (30) days following receipt of a report or audit on the department, file a written response to the report with the department of audit.

21-2-104. State department of education established; personnel; facilities.

There shall be a separate and distinct state department designated as the state department of education which shall be under the supervision of the ~~director~~ state superintendent and consist of the ~~director~~ state superintendent and such divisions, staffed by personnel and provided with facilities the ~~director~~ state superintendent determines necessary to assist him in the proper and efficient discharge of his respective duties. ~~as approved by the governor. The director shall serve as the chief administrative officer of the department. All duties of the state department of education shall be under the control of the director.~~

21-2-105. Delegation of duties of state superintendent.

The ~~director~~ state superintendent may delegate ministerial and nondiscretion-

ary duties within the ~~state~~ department of education.

ARTICLE 2
SUPERINTENDENT OF PUBLIC INSTRUCTION AND DEPARTMENT OF EDUCATION

21-2-201. General supervision of public schools entrusted to state superintendent.

(a) The general supervision of the public schools shall be entrusted to the state superintendent ~~as prescribed by law~~ who shall be the administrative head and chief executive officer of the department of education.

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the ~~director~~ 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 ~~director~~ state superintendent rulemaking power in any area specifically ~~delegated~~ entrusted to the state board~~; or the state superintendent~~;

(ix) Print and distribute to local boards of trustees, local school administrators and other persons and agencies within or without the state the school laws, regulations, forms, necessary reports of the state board, state committee, state superintendent~~, the director~~ and state department. The ~~director~~ state superintendent may require the payment of reasonable costs of publication, handling and postage by persons or agencies outside the state requesting publications and shall deposit all payments into the general fund;

(x) Promulgate rules for the acceptance and disbursement of federal funds apportioned to the state for school lunch, milk and other commodities distribution programs. For purposes of these programs, the ~~director~~ state superintendent may enter into agreements, employ personnel, direct disbursement of funds in accordance with federal law to be used by districts to operate the programs along with funds from gifts and the sale of school lunches or other commodities, assist in the training of personnel in the programs and accept gifts in connection with the programs. Districts shall maintain records and report to the ~~director~~ state superintendent in accordance with rules promulgated under this paragraph, but accounts and records need not be preserved more than five (5) years. The ~~director~~ state superintendent shall audit and conduct reviews and inspections of accounts, records and operations of programs to ensure effective administration and compliance with applicable law and rules. To the extent funds are available, the ~~director~~ state superintendent shall conduct studies to determine methods to improve and expand school lunch programs and to promote nutritional education in the schools, including appraising nu-

tritive benefits of school lunch programs. For school lunch program funds, the ~~director~~ state superintendent shall utilize a revolving account with a balance of at least five thousand dollars ($5,000.00) to cover any operating expenditures incurred by the school lunch division of the department under 7 U.S.C. section 1431, the United States department of agriculture commodity program offered to the state and accepted by the participating schools and institutions. The schools and institutions shall be billed for their share pro rata of transportation and allied charges with the receipts to be used in replenishing the revolving account. If the United States department of agriculture removes all commodities from this program, the revolving account shall be discontinued and the balance shall be transferred to the general fund;

(xix) Serve as ~~the director of~~ the state agency to accept all federal funds for aid to education, except as provided in W.S. 21-2-307 and 21-2-601, and as the agency to administer or supervise the administration of any state plan established or federal funds subject to federal requirements. Each acceptance is restricted in its effect to the specific situation involved. The ~~director~~ state superintendent may:

(H) Take any other action as may be necessary to secure the benefits of the federal statute to the schools of this state. Nothing in this paragraph shall be construed as conferring any authority to the ~~director~~ state superintendent with respect to the University of Wyoming or the various community colleges of the state;~~.~~

(xx) In cooperation with the state board, the Wyoming community college commission, University of Wyoming, public service commission, department of transportation, department of enterprise technology services, public libraries, school district boards of trustees, classroom teachers and other appropriate groups identified by the ~~director~~ superintendent, develop and implement a statewide education technology plan which shall address staff training, curriculum integration and network connectivity in and between schools, communities and between the state and the world, and which shall have as its goal the provision of equal access to educational instruction and information. The statewide technology education plan may include telecommunications services provided by the department of enterprise technology services pursuant to W.S. 9-2-2906(g). Not later than January 10 of each year and with the assistance of participating agencies, an annual report on the status of the statewide education technology plan shall be prepared and issued by the ~~director~~ state superintendent;

(xxx) Effective school year 2012-2013 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a standardized, curriculum based, achievement college entrance examination, computer-adaptive college placement assessment and a job skills assessment test selected by the ~~director~~ state

superintendent to all students in the eleventh and twelfth grades throughout the state in accordance with this paragraph. The examinations and tests selected by the ~~director~~ state superintendent shall be administered throughout the United States and shall be relied upon by institutions of higher education. The college entrance examination shall at a minimum test in the areas of English, reading, writing, mathematics and science for all students in grade eleven (11). The jobs skills assessment test shall be optional for all students in grade eleven (11) and shall at a minimum test in the areas of applied math, reading for information and locating information. The ~~director~~ state superintendent shall pay all costs associated with administering the college entrance examination, the computer-adaptive college placement assessment and the jobs skills assessment test and shall schedule a day during which examinations shall be provided. The date for administration of the college entrance examination in grade eleven (11) shall be selected so that following receipt of scores, students may timely register for senior year classes which may be necessary to allow the student to qualify for a state provided scholarship. The computer adaptive college placement assessment shall be optional and all students in grade twelve (12) shall be provided at least one (1) opportunity to take the assessment during the school year. The ~~director~~ state superintendent may enter into agreements with an administrator of the college entrance examination and the computer-adaptive college placement assessment and an administrator of the jobs skills assessment test and adopt rules as necessary to ensure compliance with any requirements of an administrator, such as a secure environment. Waivers may be granted for the examinations and tests required by this paragraph for students with disabilities in accordance with the provisions of the federal No Child Left Behind Act of 2001 and the federal Individuals with Disabilities Education Act. Alternate assessments and accommodations shall be offered by the ~~director~~ state superintendent in accordance with rule and regulation;

(b) The ~~director~~ state superintendent shall designate an employee of the department of education to serve as liaison to the state board ~~and the state superintendent~~ through which requests for staff assistance shall be directed. ~~The state department of education shall provide information or data requested by the state board that is necessary to perform duties under W.S. 21-2-304.~~

(c) In addition to subsection (a) of this section, the ~~director~~ state superintendent may take appropriate administrative action with the state board as necessary, including but not limited to the changing of accreditation status, against any school district or state institution failing to comply with any applicable law or with the uniform educational program standards specified under W.S. 21-9-101 and 21-9-102 and the student content and performance standards prescribed by the state board.

(d) Any school district aggrieved by an act of the ~~director~~ state superintendent may seek review in accordance with the Wyoming Administrative Procedure Act.

(e) In addition to paragraph (a)(i) of this section, the ~~director~~ 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 ~~director~~ 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 ~~director~~ 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 ~~director~~ 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 ~~director~~ state superintendent, shall be in accordance with procedures specified by rule and regulation filed with the secretary of state, 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 ~~director~~ 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.

(a) The department shall collect data for the state's school finance system and in accordance with rule and regulation of the ~~director~~ state superintendent, administer the Wyoming education resource block grant model adopted by the Wyoming legislature pursuant to W.S. 21-13-309. As used in this section, "school finance system" means all statutes related to the terms and conditions under which funds from Wyoming sources are made available under Wyoming law to the public schools for school operations. The school finance system established following a 1995 Wyoming supreme court decision, and subsequently modified and recalibrated as required under W.S. 21-13-309(t), is extremely complex and requires timely and accurate data to be administered fairly and accurately. It is essential that a single entity be established to ensure that fair and accurate administration is accomplished.

(c) The duties of the department are, in accordance with rules promulgated by the ~~director~~ state superintendent, to:

(iv) Recommend to the ~~director~~ state superintendent proposed rules to improve the accuracy and reliability of data and the general efficiency of the operation of the school finance system, including requiring training for district personnel with respect to accounting and reporting related to the administration of the school finance system;

(viii) Assist the ~~director~~ state superintendent in implementing W.S. 21-13-309(m)(v)(D) and assist districts with computations necessary for reporting student career-vocational education participation and career-vocational education instruction information;

(d) The ~~director~~ state superintendent of public instruction shall establish an advisory committee consisting of not less than seven (7) members. This advisory committee shall have representatives from among Wyoming school districts, other state agencies involved in the administration of the school finance system, shall include the director of the department of audit or his designee, and shall include at least one (1) representative from the independent auditor community within the state. The committee shall meet at least twice annually and at the call of the ~~director~~ state superintendent or his designee. The duties of the advisory committee are to:

(e) The following shall apply:

(ii) If a district superintendent fails to provide data or reports in compliance with law or rules regarding timeliness, format, completeness or accuracy, without good cause, the ~~director~~ state superintendent shall:

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(c) School level performance shall be determined by measurement of performance indicators and attainment of student performance as specified by this section. To the extent applicable, each measure shall be aggregated to the

school level based upon those grades served inclusive to each school as reported by the respective school district to the department of education. The indicators of school level performance shall be:

(vii) Equity as defined by a measure of academic student growth for non-proficient students in reading and mathematics, subject to a standard for academic progress that is linked to attainment of proficiency within a reasonable period of time. If a school is without a sufficient sequence of assessment scores to support growth computations, another approach to equity may be used subject to approval of the ~~director~~ state superintendent.

(f) A progressive multi-tiered system of support, intervention and consequences to assist schools shall be established by the ~~director~~ state board, and shall conform to the January 2012 education accountability report as defined by subsection (k) of this section. The system shall clearly identify and prescribe the actions for each level of support, intervention and consequence. Commencing with school year 2014-2015, and each school year thereafter, the ~~director~~ state superintendent shall take action based upon system results according to the following:

(iv) Schools designated as meeting expectations shall file an improvement plan with the school district superintendent and the department. The plan shall be based upon an evaluation of the strengths and deficiencies of specific indicator scores that identifies appropriate improvement goals with an explanation of the measures and methods chosen for improvement, the processes to be implemented to deliver the improvement measures, identification of relevant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The ~~director~~ state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district, if requested, in identifying and securing the necessary resources to support the goals as stated by the school and the district;

(v) Schools designated as partially meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The ~~director~~ state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing the necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may require that the school be subject to paragraph (vi) of

this subsection;

(vi) Schools designated as not meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The ~~director~~ state superintendent shall appoint a representative from the department in accordance with paragraph (vii) of this subsection to assist in drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall be recommended by the school district superintendent and approved by the local board of trustees prior to submission to the department. The plan shall describe the personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may be grounds for dismissal of the school principal;

(vii) A representative shall be appointed by the ~~director~~ state superintendent for all schools designated under paragraphs (iv) through (vi) of this subsection to serve as a liaison between the school district leadership and the department. The representative shall be an employee of the department, an employee of a Wyoming school district or any combination, and may require more than one (1) individual for schools requiring substantial intervention and support. Additionally, one (1) representative may be assigned to more than one (1) school. Among other duties as may be requested by the district or department, the representative shall review and approve improvement plans submitted by schools in accordance with paragraphs (iv) through (vi) of this subsection. Requested resources for improvement plan implementation, or the reallocation of existing resources for plan implementation, shall be based upon a comprehensive review of the available research. Justification for resource allocation or reallocation shall be incorporated within the written improvement plan. The representative shall possess expertise appropriate to particular strategies incorporated within improvement plans to enable necessary plan evaluation, and shall be commensurate with the level of intervention, support and consequences to be administered under this subsection. The ~~director~~ state superintendent shall annually report to the state board on the progress of each school in meeting annual goals and overall improvement targets, fully describing the effectiveness and deficiencies of efforts to improve school performance in performance categories prescribed by this section;

(viii) To the extent permitted by law and rule and regulation, plans submitted in compliance with paragraphs (iii) through (vi) of this subsection shall serve to comply with similar requirements administered by the ~~director~~ state superintendent and the department, and the state board shall ensure the plans

minimize submission of duplicative information, material and the administrative burdens placed upon schools. All plans submitted under this subsection shall be made available for public inspection through internet access as defined by W.S. 9-2-1035(a)(iii);

(j) Beginning school year 2014-2015, and each school year thereafter, the state board shall through the ~~director~~ state superintendent, annually review the statewide education accountability system, including but not limited to a review of the appropriateness of the performance indicators, the measures used to demonstrate performance, the methods used to calculate school performance, the target levels and statewide, district and school attainment of those levels and the system of support, intervention and consequences. Not later than September 1, 2015, and each September 1 thereafter, the state board shall report to the joint education interim committee on the information required under this subsection and the results of the accountability system for each school in the state.

21-2-301. Appointment; qualifications, terms and removal of members; meetings; chairman.

(c) Notwithstanding subsection (a) of this section, the superintendent of public instruction ~~and the director~~ shall not participate in board deliberations on or vote on any matter relating to a contested case involving actions of the department of education.

21-2-304. Duties of the state board of education.

(a) The state board of education shall:

(i) Establish policies for public education in this state consistent with the Wyoming Constitution and statutes and may promulgate rules necessary or desirable for the proper and effective implementation of this title and its responsibilities under this title. Nothing in this section shall give the state board rulemaking authority in any area specifically delegated to the state superintendent~~, or the director,~~;

(v) Through the ~~director~~ 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 performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(vi) Subject to and in accordance with W.S. 21-2-204, through the ~~director~~ state superintendent and in consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate achievement, growth, readiness and equity as required by W.S. 21-2-204. The state board~~, through the director,~~ shall establish performance targets as required by W.S. 21-2-204(e), establish a progressive multi-tiered system of supports, interventions and consequences as required by W.S. 21-2-204(f) and shall establish a statewide reporting system pursuant to W.S. 21-2-204(h). The system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(k). In addition and for purposes of complying with requirements under the federal No Child Left Behind Act of 2001, the board shall by rule and regulation provide for annual accountability determinations based upon adequate yearly progress measures imposed by federal law for all schools and school districts imposing a range of educational consequences and supports resulting from accountability determinations;

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(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 ~~director~~ state superintendent, including but not limited to the changing of accreditation status;

(xvii) Through the ~~director~~ state superintendent, implement, administer and supervise education programs and services for adult visually handicapped and adult hearing impaired persons within the state.

21-2-306. Reports of state superintendent and state board.

The state superintendent~~, the director~~ and the state board shall, in accordance with W.S. 9-2-1014, report to the governor and recommend such legislation concerning education and appropriations for educational activities as they may deem appropriate.

21-2-502. Duties of school districts; interdistrict contracts; assistance of state superintendent; attendance beyond school age.

(a) Each school district of this state having any school age children residing in the district who possess any of the disabilities covered under this article shall, subject to the rules and regulations of the ~~director~~ state superintendent, provide for the appropriate diagnosis, evaluation, education or training and necessary related services and may include, but is not limited to room and

board, for those children. If the school district is unable to provide the necessary and appropriate programs and services, it shall contract with another school district or agency to obtain them. If the programs and services cannot reasonably be provided by the district or by interdistrict contracts, the ~~director~~ state superintendent shall assist local boards of trustees in arranging for the appropriate educational programs and services either within or without the state pursuant to its rules and regulations and financed as provided by law.

21-2-701. Definitions.

(a) As used in this act:

(ii) "Preschool children with disabilities" means any children three (3) through five (5) years of age in the state of Wyoming having a mental, physical or psychological disability which impairs learning, subject to rules and regulations of the ~~director of the department of education~~ state superintendent;

21-2-703. Superintendent duties; division duties.

(a) The ~~director~~ state superintendent shall:

(b) The division in carrying out its duties as an intermediate educational unit, shall:

(iii) Administer the rules and regulations promulgated by the ~~director~~ state superintendent under this act.

(c) The ~~director~~ state superintendent and the administrator of the division shall enter an interagency agreement which shall define the duties of the division and the ~~director~~ superintendent.

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 ~~director of the department of education~~ 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:

(i) Prescribe and enforce rules, regulations and policies for its own government and for the government of the schools under its jurisdiction. Rules and regulations shall be consistent with the laws of the state and rules and regulations of the state board~~, the director~~ and the state superintendent and shall be open to public inspection;

(v) Submit reports concerning finances or any other matter as the state board, state superintendent~~, the director~~ or state law may require;

(xxii) In accordance with guidelines established by the state superintendent under W.S. ~~21-2-201(c)(v)~~ 21-2-202(a)(xxii), implement standards for the storage and disposal of toxic chemicals and other hazardous substances used by schools within the district for educational programs;

(xxviii) Annually report to the ~~director~~ state superintendent on district expenditures for career-vocational education programs, broken down by school, and submitted in a manner and form required by rule and regulation of the ~~director~~ state superintendent;

(xxix) Beginning in school year 2012-2013, and each school year thereafter, administer a program where all students enrolled in the eleventh and twelfth grades in the district shall be required to take or be provided the opportunity to take, on a date specified by the ~~director of the department of education~~ state superintendent, a standardized, curriculum based, achievement college entrance examination, a computer-adaptive college placement assessment or a jobs skills assessment test in accordance with W.S. 21-2-202(a)(xxx). Each school district shall provide the opportunity for all home school and private school students in the eleventh and twelfth grades and residing within the district to take the examinations or the jobs skills assessment test at no cost to the student on the same date administered to all eleventh and twelfth grade public school students in the state. The results of the examinations or jobs skills assessment test taken shall be included in each student's transcript;

(xxxi) 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. ~~21-2-201(c)(iii)~~ 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. ~~21-2-201(c)(iii)~~ 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:

21-3-117. Duties of clerk of school district.

(a) The clerk of each school district within the state shall:

(i) Within thirty (30) working days after the close of each fiscal year, submit all fiscal reports to the ~~director~~ state superintendent of public instruction for the past fiscal year. The reports shall contain information required by the ~~director~~ state superintendent. A copy of the reports shall also be filed with the county clerk of each county in which the school district is located;

(ii) Cause to be filed copies of all reports made to the ~~director~~ state super-

intendent and all papers transmitted to him by school officers or other persons pertaining to the business of the district. After two (2) years have elapsed from the date of filing, microfilm copies may be treated as originals;

21-3-314. Students counted among district ADM; determination of charter school funding.

(a) ~~The director of the state department of education shall administer the education resource block grant model and perform the duties prescribed under this statute.~~ Each student attending a charter school shall be counted among the average daily membership of the school district in which the school is located and the school shall be included in the district's configuration of schools reported to the ~~director~~ state superintendent under W.S. 21-13-309(m)(iv). Average daily membership of the charter school shall be calculated as follows:

21-3-401. Reading assessment and intervention.

(d) The ~~director~~ state superintendent, in consultation with Wyoming school districts, professionals in the area of dyslexia and other reading difficulties, and other appropriate stakeholders, shall promulgate rules and regulations as necessary to administer the reading assessment and intervention program pursuant to this statute.

21-4-401. Transportation or maintenance for isolated pupils.

(b) The ~~director~~ state superintendent shall adopt reasonable rules and regulations pertaining to residence requirements establishing eligibility under this section and for provision of tuition and transportation or maintenance. No person is eligible as an isolated pupil under this section unless the pupil's parents or legal guardians demonstrate to the local school board that the family's residing in the isolated location is necessary for the family's financial well being. The burden shall be on the parent or guardian to demonstrate that the family's residing in the isolated location is necessary for the family's financial well being. The final decision as to eligibility shall be made by the district board of trustees.

21-4-601. Education programs on the Wind River Indian Reservation.

(b) Subject to amounts appropriated by the legislature, the ~~director~~ state superintendent of public instruction shall enter into negotiations with the individual or joint business councils of the Eastern Shoshone and Northern Arapaho Indian Tribes to determine the appropriate contractual arrangements for the provision of education programs and services addressing Indian students at risk of failure in school and other programs and services essential to the success and welfare of these students as specified under subsection (a) of this section. Contractual arrangements entered into under this subsection shall include a requirement that the expenditure of contractual amounts, as verified annually in writing, is for programs tied to improvement of student performance on the statewide assessment. For purposes of this section, the ~~director~~ state superin-

tendent shall include an amount within his biennial budget request which is computed in accordance with subsection (c) of this section to provide a per student amount that when nonstate funding sources are considered, is comparable to per student amounts provided for public schools under the Wyoming education resource block grant model.

(d) The joint business council of the Eastern Shoshone and the Northern Arapaho Indian Tribes shall annually report to the governor, the ~~director~~ state superintendent of public instruction, the joint education interim committee and the select committee on tribal relations on the expenditure of contractual amounts as required under subsection (b) of this section.

21-6-219. Adjustment of state foundation entitlement.

(a) When two (2) or more districts or parts of districts are organized into a school district and the total fiscal resources of the new school district are less than the combined fiscal resources of the districts the last year before organization, then the ~~director~~ state superintendent shall adjust the state foundation entitlement to compensate for the differences in fiscal resources. The adjustment shall be equal to one hundred percent (100%) of the initial difference in each of the first two (2) fiscal years after the new organization, fifty percent (50%) of the initial difference in the third fiscal year and twenty-five percent (25%) of the initial difference in the fourth fiscal year. The adjustment shall also provide reimbursement for expenses incurred by the school districts involved in the new organization. Expenses which are reimbursable shall be determined in accordance with rules adopted by the ~~director~~ state superintendent, shall not exceed one hundred thousand dollars ($100,000.00), and shall be paid in equal amounts over a period not to exceed three (3) fiscal years.

(b) When any district consolidates two (2) or more schools within the district and the total state aid to the district would decrease because of the consolidation, the ~~director~~ state superintendent shall adjust the state foundation entitlement to compensate for the decrease for not more than one (1) year.

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 2010 cost of education study as referenced in paragraph (xvii) of this subsection and model spreadsheets provided by the consultant performing the 2010 cost of education study, all of which are enacted into law, on file with the secretary of state and are maintained and made available for public inspection by the ~~director~~ 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);

21-13-102. Maximum rate of school district tax; recapture of excess; equalization of permissive levies.

(e) Annually on or before August 15 the department shall notify each district subject to recapture of the estimated amount due to the state during the current fiscal year, using data from the previous school year. Upon receipt of the state assessed values by school districts, and not later than March 1 of the current fiscal year, the department shall certify to each district subject to recapture the amount of recapture for the fiscal year to be remitted to the state. The amount certified shall supersede the estimates certified on or before August 15. If a district can demonstrate financial inability to make payments to the state as provided in subsection (b) of this section, the ~~director~~ superintendent of public instruction may adjust the schedule of payments provided by subsection (b) of this section if the financial integrity of the foundation program will not be jeopardized.

21-13-306. Foundation program account established; disposition of monies.

(b) Within the limits of legislative appropriation, if any, the resources of the public school foundation account shall be paid into the state treasury and shall be drawn out and distributed to the districts upon certification of the ~~director~~ state superintendent and upon vouchers approved by the state auditor payable to the treasurer of the several districts.

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:

(ii) Operated all schools for a term of at least one hundred eighty-five (185) days or the number of days or equivalent hours authorized under an alternative schedule approved by the state board during the previous school year. If the school term of any school in a district was less than one hundred eighty-five (185) days or less than the total number of days authorized under an alternative schedule approved by the state board, the amount allotted per average daily membership (ADM) under W.S. 21-13-309 for the school shall be in proportion to the length of the term the school actually operated, unless caused by closures of schools:

(B) Whenever necessary to protect the health, safety or welfare of students, teachers and other employees and closures are approved by the ~~director~~ state superintendent or are the result of presidential or gubernatorial executive orders.

(iii) Furnishes to the ~~director~~ state superintendent statistical data and information as reasonably required to compute a district's entitlement to share in the foundation account and the extent of the entitlement;

(iv) The district shall provide evidence to the ~~director~~ state superintendent that the district has maintained an average student-teacher ratio of not greater than sixteen (16) to one (1) for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding school year. The requirement of this paragraph may be waived by the department of education for any district that demonstrates insufficient school facility capacity, positive school performance, positive student achievement or for other reasons related to the delivery of the education program to students. This paragraph shall not apply to charter schools established under W.S. 21-3-301 through 21-3-314 or schools designated as exceeding expectations pursuant to W.S. 21-2-204(e)(i)(A). Schools designated as exceeding expectations pursuant to W.S. 21-2-204(e)(i)(A) shall notify the department annually of the student teacher ratios for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding year. The department shall compute the student-teacher ratio and report it to each district not later than March 1 of each year. To obtain a waiver under this paragraph, a school district shall apply to the department not later than March 15 of each year. The application shall be based on the student-teacher ratio reported by the department of education, together with any other information required by the department. The department shall approve or deny an application for a waiver under this paragraph not later than April 10 of that year. A waiver approved under this paragraph shall be effective for the school year immediately following the application and approval.

(b) Each district shall provide financial reports to the department on forms and in such manner required by the department under W.S. 21-2-203 and by rules and regulations promulgated by the ~~director~~ state superintendent of public instruction pursuant to this article. In administering this article, the ~~director~~ state superintendent may conduct audits of information submitted by districts under this article as necessary to administer and perform computations pertaining to the cost components within the education resource block grant model, and may, after consulting and negotiating with the school district, correct the information reported by districts under this article to fairly and accurately reflect the data type, classification and format necessary to perform computations required to administer the school finance system established under this article.

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 ~~director~~ 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. 21-13-101(a)(xiv), as contained within the spreadsheets and accompanying reports referenced under W.S. 21-13-101(a)(xvii), on file with the secretary of state and maintained by the ~~director~~ state superintendent pursuant to W.S. 21-2-202(e). The following criteria shall be used by the ~~director~~ state superintendent in the administration of the education resource block grant model:

(B) Alternative schools qualifying for separate consideration under the education resource block grant model may be established by a school district for offering educational programs to students with educational needs which the district finds are not appropriately met by other schools in the district, excluding charter schools established under W.S. 21-3-301 through 21-3-314. Alternative schools included within a district's configuration of schools identified under paragraph (iv) of this subsection shall for purposes of the education resource block grant model:

(III) Unless otherwise authorized by the ~~director~~ state superintendent, be restricted to not more than one (1) alternative school within any school district;

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

(b) On or before July 10 of each year the county treasurer of each county shall certify to the ~~director~~ state superintendent, in such form as the ~~director~~ state superintendent shall provide, a report of monies distributed by him to each district within the county during the previous school year.

21-13-312. Prorating payments when income from foundation account insufficient.

(a) To preserve the integrity of the foundation account for the biennium and so that payments can be made during the full school year for each year of the biennium, if it appears to the ~~director~~ state superintendent that the income available to the foundation program account is not sufficient to meet the payments as provided by law:

(i) The ~~director~~ state superintendent shall determine a uniform percentage by which the amount guaranteed to each district under W.S. 21-13-309 shall be reduced so that available revenues in the foundation program account for that school year are as nearly as possible equal to the amount necessary to fund payments to districts under W.S. 21-13-313; and

21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.

(a) For each school year the state auditor, on the certification of the ~~director~~ state superintendent, shall draw warrants on the state treasurer for the amount of money which shall be distributed to each district from the foundation ac-

count as computed under W.S. 21-13-311. The warrants, payable to the treasurer of the district concerned, shall be delivered to the ~~director~~ state superintendent for distribution to the several school districts.

(b) The ~~director~~ state superintendent shall determine on or before August 15 of each year the tentative allotment of foundation funds to which each district is entitled under this article. In making this determination, the ~~director~~ state superintendent may, if current fiscal information required by law to compute the tentative allotment is not available for any district by August 1 of that year, use fiscal information available to the ~~director~~ state superintendent from the foundation program computations of the previous school year for that district. The previous year's fiscal information shall be adjusted to reflect current fiscal changes and other information known by or available to the ~~director~~ state superintendent. Upon receiving actual fiscal information from a district, the ~~director~~ state superintendent shall accordingly adjust future foundation program determinations for that district such that foundation program payments appropriately reflect current fiscal information for the applicable school year.

(c) 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 each month through April of each year. The final payment for the balance of each district's entitlement shall be distributed on or before May 15 of each year. If, after March 1 and before April 1, the ~~director~~ state superintendent determines that the entitlement to be paid to a district for that school year is not accurate, the ~~director~~ state superintendent shall adjust payments to or 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 ~~director~~ 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 ~~director~~ 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 not to 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 or before September 1 based upon tentative computations under W.S. 21-13-309, for which the de-

partment 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 and repaying the foundation program account by 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.

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

(a) The school facilities commission is established to consist of ~~nine (9)~~ eight (8) members comprised of the state superintendent of public instruction, ~~and the director of the department of education,~~ who shall serve in an ex-officio, nonvoting capacity, and seven (7) members who are Wyoming residents appointed 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:

21-17-201. Composition; appointment and qualifications of members generally; members ex officio; quorum.

The government of the university is vested in a board of twelve (12) trustees appointed by the governor, no two (2) of whom may be residents of the same county of the state. At least one (1) trustee shall be appointed from each appointment district pursuant to W.S. 9-1-218. Not more than seven (7) members of the board shall be registered in the same political party. The governor, the president of the university, the state superintendent of public instruction, ~~the director of the department of education~~ and the president of the associated students of the university are members ex officio, having the right to speak, but not to vote. A majority of the board is a quorum.

21-18-201. Community college commission; created; composition; removal.

(c) The governor~~, the director of the department of education~~ and the state superintendent of public instruction are ex officio nonvoting members of the commission.

31-5-118. Regulations relative to school buses.

(a) The ~~director of the department of education~~ state superintendent of public instruction shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state and the regulations shall by reference be made a part of any contract with

a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to the regulations.

Section 2. W.S. 21-2-202(a)(xxii), (xxxii) and (xxxiii) as repealed by 2013 Wyoming Session Laws, Chapter 1, Section 3, are recreated to read:

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxii) In consultation with the department of environmental quality and school districts, establish guidelines for school districts for the proper and safe storage and disposal of toxic chemicals and other hazardous substances used by schools in educational programs;

(xxxii) By rule and regulation, 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)(xxxi). The state superintendent shall review the policy of each district for compliance with the requirements of W.S. 21-3-110(a)(xxxi) 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;

(xxxiii) To assist local school districts in developing protocols under W.S. 21-3-110(a)(xxxii) 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;

Section 3. W.S. 21-2-201(b) and (c)(vi) is renumbered as 21-2-202(f) and further amended to read:

21-2-202. Duties of the state superintendent.

(f) Not later than October 15 each year, the state superintendent shall prepare a report on the general status of all public schools for the legislature. The report shall include the quality of education including any proposed improvement to address any shortfalls, the relevance of education, the measurement of achievement of educational goals, the improvement of learning and any suggested innovations in education. The state superintendent shall identify professional development needs for Wyoming schools and teachers based upon the analysis of the quality indicators specified under this subsection, establish a plan to address the professional development needs, contract with necessary expertise to provide professional development to Wyoming certified teachers

and conduct up to five (5) regional workshops each year providing the identified professional development needs.

Section 4. W.S. 21-1-103(a)(iii), 21-1-104 and 21-2-201(b) and (c) are repealed.

Section 5. 2011 Wyoming Session Laws, Chapter 184, Section 4(d)(vii) as amended by 2013 Wyoming Session Laws, Chapter 195, Section 3 is amended to read:

Section 4.

(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:

(vii) A representative of the department of education designated by the ~~director of the department~~ state superintendent of public instruction;

Section 6. To the extent the provisions of this act conflict with provisions enacted prior to the effective date of this act and relate to the charge of the state superintendent of public instruction to generally supervise education as provided herein, the provisions of existing law are superseded by this act as enacted into law and this act shall prevail.

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

Approved February 25, 2015.

Chapter 31

VEHICLE REGISTRATION TIMING

Original House Bill No. 115

AN ACT relating to motor vehicles; amending the time period for registration and payment of taxes on the purchase or transfer of ownership of a motor vehicle; and providing for an effective date.

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

Section 1. W.S. 31-2-201(a)(ii)(A) through (D), 31-2-214(a)(intro), 31-2-501(b), 31-16-126(d) and 39-15-108(b)(ii)(intro) and (C) are amended to read:

31-2-201. Registration required; timelines.

(a) Except as provided in W.S. 31-2-224, every owner, or if applicable, opera-

tor or lessee, of a vehicle which will be operated or driven upon any highway in Wyoming, shall be required to obtain registration at the following times:

(ii) Upon transfer of ownership of a vehicle:

(A) Within ~~forty-five (45)~~ sixty (60) days if transferred and temporary license permits issued by a licensed dealer;

(B) Within ~~forty-five (45)~~ sixty (60) days if transferred by an out-of-state dealer, regardless of when the out-of-state temporary permit expires;

(C) Within ~~forty-five (45)~~ sixty (60) days if transferred under the provisions of W.S. 31-2-104(h). Vehicles may be operated by the transferee during this ~~forty-five (45)~~ sixty (60) day period when accompanied by a notarized bill of sale;

(D) Within ~~thirty (30)~~ forty-five (45) days for other transfer. Vehicles may be operated by the transferee during this ~~thirty (30)~~ forty-five (45) day period when accompanied by a properly executed title for the vehicle transferring interest in the vehicle to the transferee.

31-2-214. Transfer of ownership.

(a) Except as provided by subsections (b) through (d) of this section, upon transfer of ownership of a vehicle the registration of the vehicle expires and the original owner shall immediately remove the license plates from the vehicle. Within ~~forty-five (45)~~ sixty (60) days after acquiring another vehicle for which the license plates would be proper, the original owner may file an application for the transfer of the license registration number to a vehicle acquired by him accompanied by the fees based on the amount which would be due on a new registration as of the date of transfer less any credit for the unused portion of the original registration fees for the original vehicle for the assignment of the plates to the recently acquired vehicle subject to the following:

31-2-501. Definitions; application required.

(b) Except as provided by W.S. 31-2-502, every owner of a mobile home located in this state for which no Wyoming certificate of title has been issued to the owner, or the transferee upon transfer of ownership of a mobile home, shall apply for a certificate of title at the office of a county clerk within ~~thirty (30)~~ forty-five (45) days of the date the mobile home became subject to this act, or upon a transfer, within ~~thirty (30)~~ forty-five (45) days of the date of transfer.

31-16-126. Use of demo, full use plates; temporary permits.

(d) Vehicles may be operated without registration for ~~forty-five (45)~~ sixty (60) days from the date of purchase when displaying a temporary license permit issued by a licensed dealer or the department. The form and display of the temporary license permit shall be prescribed by the department.

39-15-108. Enforcement.

(b) Interest. The following shall apply:

(ii) If the sales or use tax on a vehicle, including local option sales or use tax, under W.S. 39-15-101 through 39-15-211 or 39-16-101 through 39-16-211, is not paid within ~~fifty (50)~~ sixty-five (65) days after the date of the sale, or in the case of a motor vehicle brought into this state, ~~fifty (50)~~ sixty-five (65) days after the vehicle is brought into the state if the owner submits to the county treasurer an affidavit and any other satisfactory proof as necessary to verify the date the vehicle was brought into the state:

(C) The tax is delinquent if the taxpayer or his agent knew or reasonably should have known that the tax liability was not paid within the ~~fifty (50)~~ sixty-five (65) day period.

Section 2. This act is effective January 1, 2016.

Approved February 25, 2015.

Chapter 32

VOLUNTEER FIREFIGHTER AND EMT PENSION ACCOUNT

Original House Bill No. 72

AN ACT relating to pension accounts; creating the volunteer firefighter and EMT pension account; providing membership qualifications; providing for contributions to the account; providing for the transfer of members of the volunteer firemen's pension account and the volunteer emergency medical technician pension account to the new pension account; creating a pension account board; providing for membership on the board; closing and repealing the volunteer firemen's pension account and the volunteer emergency medical technician pension account; directing insurance premiums to the account as specified; providing legislative intent; providing for a transfer of pension funds; requiring a report; and providing for an effective date.

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

Section 1. W.S. 35-9-616 through 35-9-628 are created to read:

ARTICLE 6
VOLUNTEER FIREFIGHTER AND EMT PENSION ACCOUNT

35-9-616. Definitions.

(a) As used in this act:

(i) "Account" or "pension account" means the volunteer firefighter and EMT pension account created pursuant to W.S. 35-9-617(a);

(ii) "Board" means the volunteer firefighter and EMT pension account board created pursuant to W.S. 35-9-623(a);

(iii) "Children" means all natural children and adopted children of the participating member, born or conceived at the time of his death or retirement;

(iv) "Eligible retirement plan" means as defined in W.S. 9-3-402(a)(xxvii);

(v) "Participating member" means any volunteer firefighter or volunteer EMT for whom payments are received by the volunteer firefighter and EMT pension account as prescribed in W.S. 35-9-621(e);

(vi) "Rollover contribution" means as defined in W.S. 9-3-402(a)(xxviii);

(vii) "Spouse" means the lawful spouse of a participating member who was married to the volunteer firefighter or volunteer EMT at the time of the volunteer firefighter or volunteer EMT's entry into the account, or who although married after the date of entry, is recognized as the spouse covered by the benefits of the account as a result of special action of the board;

(viii) "Volunteer emergency medical technician" or "EMT" means as defined by W.S. 33-36-102(a)(x), and a person who performs EMT services as an attendant with a state licensed ambulance service and who devotes less than his entire time of employment to, but is carried on the rolls of, a regularly constituted Wyoming ambulance service, the members of which may be partly paid and partly volunteer. Persons performing EMT services for an industrial ambulance service as defined in W.S. 33-36-102(a)(vi) or a privately owned, for profit ambulance service shall not be considered a volunteer emergency medical technician or EMT. Payment of compensation for services actually rendered by enrolled volunteers does not take them out of this classification. Any individual who volunteers assistance but is not regularly enrolled as an EMT is not a volunteer within the meaning of this chapter;

(ix) A "volunteer fire department" means any duly constituted and organized firefighting unit:

(A) Recognized by the appropriate local government with jurisdiction of the area the unit services and which provides fire protection services to the community as a whole pursuant to a contract or agreement with, or as sponsored by, a governmental entity;

(B) Operating under duly adopted bylaws;

(C) All or a portion of the members of which are volunteers;

(D) Holding monthly meetings to conduct business and training; and

(E) The membership of which is not comprised exclusively of employees of a sponsoring nongovernmental entity.

(x) "Volunteer firefighter" or "firefighter" means any individual who may or may not receive compensation for services rendered as a volunteer firefighter and who:

(A) Is carried on the regular rolls of, but devotes less than his entire time of employment to, activities of a volunteer fire department, all or a portion of the members of which are volunteer; and

(B) During the course of any one (1) year, attends not less than fifty

percent (50%) of the monthly volunteer fire department meetings.

(xi) "This act" means W.S. 35-9-616 through 35-9-628.

35-9-617. Volunteer firefighter and EMT pension account; merger with other pension accounts; membership.

(a) The volunteer firefighter and EMT pension account is created. All awards, benefits and pensions established under this article shall be paid from the account.

(b) The account established under subsection (a) of this section shall be controlled by the board and administered by the director of the Wyoming retirement system. All expenses of administration shall be paid from the account. Disbursements from the account shall be made only upon warrants drawn by the state auditor upon certification by authorized system employees.

(c) The account shall be comprised of all funds and liabilities of the volunteer firemen's pension account created pursuant to W.S. 35-9-602, the volunteer emergency medical technician pension account created pursuant to W.S. 35-29-102, funds directed into the account as provided by W.S. 26-4-102(b), 35-9-619(a), 35-9-621(e) and 35-9-628 and all other funds as directed by this article and the legislature for the benefit of the account, or the volunteer firemen's pension account or volunteer emergency medical technician pension account, respectively.

(d) All members and retirees of the volunteer emergency medical technician pension account created pursuant to W.S. 35-29-101 through 35-29-112, including those members who are no longer participating or contributing members of the volunteer emergency medical technician pension account, but who have not withdrawn their funds as provided by W.S. 35-29-106(f) on or before June 30, 2015, shall become members or retirees of the pension account created pursuant to this section.

(e) All members and retirees of the volunteer firemen's pension account created pursuant to W.S. 35-9-601 through 35-9-615, including those contributing members who are no longer active but who have not withdrawn their funds as provided by W.S. 35-9-608(f) on or before June 30, 2015, shall become members or retirees of the pension account created pursuant to this section.

(f) The director of the retirement system shall determine by rule and regulation a benefit level for all members joining the pension account under subsections (d) and (e) of this section equal to or greater than the benefits the member would have received under the volunteer firemen's or volunteer emergency medical technician pension accounts, respectively.

35-9-618. Annual audit; state's liability.

(a) The director of the Wyoming retirement system shall hire an independent audit firm to perform an annual audit of the account established under W.S.

35-9-617 and shall report audit findings to the board and the governor.

(b) Nothing in this article shall be construed to:

(i) Except for obligations transferred pursuant to W.S. 35-9-617(c), acknowledge any past, present or future liability of or obligate the state of Wyoming for contribution except the employer's contributions provided for in this article, to either the volunteer firefighter and EMT pension system provided by this article or any other retirement system previously existing in the state of Wyoming; or

(ii) Constitute a contract or binding obligation of any kind whatsoever or, except as provided in subsection (c) of this section, to create or grant any vested right or interest in any individual, corporation or body politic.

(c) If the account is terminated, all affected members have a nonforfeitable interest in their benefits that were accrued and funded to date. The value of the accrued benefits to be credited to the account of each affected member shall be calculated as of the date of termination.

35-9-619. Authority to receive donations; investment of monies; employment of actuary; actuarial reports.

(a) In addition to contributions from the state, volunteer fire departments and licensed ambulance services, the board may receive and credit to the account any gifts, donations and other contributions made by individuals, organizations and cities, towns, counties and other political subdivisions for the benefit of the account. The board may invest monies within the account not immediately necessary to pay benefits, awards or pensions under this article, in investments authorized under W.S. 9-3-408(b).

(b) The board shall employ a consulting actuary to review the account annually to determine its solvency and to make recommendations as to revisions and modifications to the pension account. The board may employ legal and other consultants as necessary. Actuarial reports are public records and available for inspection by all participating members of the account.

35-9-620. Contributions on behalf of volunteer firefighters and EMTs; collection; dual participation prohibited.

(a) The county, city, town, fire district, volunteer fire department or licensed ambulance service for whom a participating volunteer firefighter or EMT performs firefighting or EMT services shall pay to the pension account the amount required under W.S. 35-9-621(e). Payments shall be collected upon terms and conditions established by the board under W.S. 35-9-621(e) and shall be forwarded by each collecting officer to the state retirement director for deposit in the account. Any entity listed in this subsection may elect to provide for a member's contribution or any portion thereof provided that any payment of a contribution is made on behalf of a member. Whether an entity makes a con-

tribution for a member shall be at the discretion of the entity as an incentive to improve their local volunteer fire department or emergency medical services.

(b) No volunteer firefighter member of the pension account shall participate as a member of the firemen's pension accounts under W.S. 15-5-201 through 15-5-209 or 15-5-401 through 15-5-422 if participation is based upon covered service for the same fire department.

35-9-621. Benefits enumerated; death of participant or spouse; amount and payment of contributions; death benefits; withdrawal from pension account.

(a) For any participating member attaining the retirement age and service requirements as specified under subsection (d) of this section, the board shall authorize a monthly payment to the member during the member's remaining lifetime of an amount equal to sixteen dollars ($16.00) per year of service for the first ten (10) years of service and nineteen dollars ($19.00) per year of service over ten (10) years of service.

(b) When any participating member or retired member dies, the board shall immediately authorize payment monthly to the member's surviving spouse during the spouse's remaining lifetime of an amount equal to sixty-six percent (66%) of the member's monthly benefit as provided in this section, if the deceased member had at least five (5) years of active participation in the pension account. If a participating member dies with less than five (5) years of active participation in the pension account, the board shall immediately authorize payment monthly to the member's spouse, during the spouse's remaining lifetime, of an amount equal to sixty-six percent (66%) of the equivalent of the deceased member's benefit as if the member had attained five (5) years of active participation in the pension account.

(c) When any participating member or retired member and the participating member's or retired member's spouse die with children who have not attained the age of twenty-one (21) years, the board shall immediately authorize payment monthly to the lawful guardians of the children of an amount equal to a proportional share of thirty-three percent (33%) of the member's benefit as provided in this section, if the deceased member had at least five (5) years of active participation in the pension account. If a participating member or retired member and the participating member's or retired member's spouse die with children who have not attained the age of twenty-one (21) years, and the deceased member had less than five (5) years of active participation in the pension account, the board shall immediately authorize payment monthly to the lawful guardians of the children of an amount equal to a proportional share of thirty-three percent (33%) of the equivalent of the deceased member's benefit as if the member had attained five (5) years of active participation in the pension account.

(d) Members who begin to participate in the pension account prior to attaining the age of fifty-five (55) years shall be eligible for retirement at sixty (60) years of age, if the member has at least five (5) years of active participation in the pension account. Members who begin participation in the pension account after attaining the age of fifty-five (55) years shall be eligible for retirement after participating in the pension account for at least five (5) years.

(e) A volunteer firefighter or volunteer EMT is a participating member under this article for each month a contribution of fifteen dollars ($15.00) is made by or on behalf of the member. For purposes of eligibility for benefits under subsections (b) and (c) of this section, a volunteer firefighter or EMT is a participating member beginning the first month following the month in which the required monthly payment and any required application for participation is actually received by the Wyoming retirement system. To continue as a participating member, subsequent monthly payments shall be received by the Wyoming retirement system not later than three (3) months following the close of the calendar month for which the payments are applicable. With the consent of and upon any terms and conditions established by the board, payments may be accepted at an earlier or later date. The board shall maintain full and complete records of the contributions made on behalf of each participating member and on request, shall furnish any participating member a statement of the contribution amounts and the dates for which contributions were received. If contributions have varied in amount, the board may make appropriate adjustments in the benefits awarded. In making any adjustment, the board shall be guided by actuarial practice to afford substantial equity to members of the pension account. No penalty shall be imposed upon any participating member transferring employment in Wyoming if required payments are made on a timely basis.

(f) A participating member may withdraw from the pension account and upon withdrawal shall be paid an amount equal to the amount contributed into the member's account together with interest at the rate of three percent (3%) per annum compounded annually.

(g) If a member with less than five (5) years of active participation in the pension account fails to provide contributions to the account as provided in subsection (e) of this section, the member's account shall be deemed delinquent. No interest shall accrue on delinquent accounts. A member's account that remains delinquent for nine (9) months shall be closed and the associated funds shall revert into the pension account. A member whose account is closed pursuant to this subsection who subsequently reenrolls in the pension account shall be entitled to a refund equal to the amount that was reverted into the pension account upon the closing of the member's delinquent account.

(h) The board shall authorize benefit payments from the account in accordance with qualified domestic relations orders pursuant to W.S. 9-3-426.

(j) Any participating member with at least five (5) years of participation in

the pension account who retires from active service as a volunteer firefighter or EMT before reaching retirement age and does not withdraw from the pension account as provided in subsection (f) of this section shall be entitled to a monthly benefit payment as provided in subsection (a) of this section upon reaching the retirement age specified in subsection (d) of this section. A member with ten (10) or more years of active participation in the pension account may choose to remove himself from active service as a volunteer firefighter or EMT and continue to contribute to the pension account for an amount of time not to exceed the total number of years the member was an active participant in the pension account, as provided in subsection (e) of this section and rules promulgated by the board.

(k) The board shall adopt rules to allow service for any period of time, after commencement of participation under this article, which a participating member spends in active military or other emergency service of the United States as required by the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq. to count towards a member's years of active participation.

(m) Upon the death of any participating member, a death benefit shall be paid from the deceased member's account in the following manner and amount:

(i) A lump sum payment of five thousand dollars ($5,000.00) or the amount in the deceased member's account, whichever is greater, to the estate of a deceased member without a survivor eligible for a benefit under subsection (b) or (c) of this section;

(ii) If a spouse who is eligible to receive a benefit under subsection (b) of this section dies, an amount equal to five thousand dollars ($5,000.00) less the total amount of benefits received under subsection (b) of this section or the amount remaining in the deceased member's account, whichever is greater, shall be paid to the spouse's estate unless the spouse is survived by a person eligible to receive a benefit under subsection (c) of this section;

(iii) When the last person under the age of twenty-one (21) years who is eligible for the benefit provided by subsection (c) of this section dies or attains the age of twenty-one (21) years, an amount equal to five thousand dollars ($5,000.00) less the total amount of benefits received under subsections (b) and (c) of this section or the amount remaining in the deceased member's account, whichever is greater, shall be paid in equal shares to each of the children alive on that date;

(iv) For former members of the volunteer firemen's account created pursuant to W.S. 35-9-602(a) who contributed five dollars ($5.00) per month before July 1, 1989, the appropriate benefit shall be determined by substituting two thousand five hundred dollars ($2,500.00) for five thousand dollars ($5,000.00) in paragraphs (i) through (iii) of this subsection.

(n) Cost of living increases may be recommended by the board for retirees of the pension account pursuant to W.S. 9-3-454(a).

(o) Retired recipients of the account and their survivors shall receive any benefit increases provided to members of the account.

35-9-622. Death benefits in addition to other benefits.

Death benefits received under this article shall be in addition to, and are payable after the application of, worker's compensation benefits which are payable to volunteer firefighters or volunteer EMTs under the Wyoming Worker's Compensation Act.

35-9-623. Board; established; nomination; appointment; terms and qualification of members; first members.

(a) The volunteer firefighter and EMT pension board is created. The board shall control the account.

(b) The board shall consist of seven (7) members who shall be appointed by the governor to staggered terms of three (3) years. The governor may remove any board member as provided in W.S. 9-1-202. Of these board members:

(i) Six (6) members shall be volunteer firefighters who have a minimum of five (5) years service as a volunteer firefighter in the state. Appointments under this paragraph shall be made from nominees recommended to the governor by the Wyoming state firemen's association; and

(ii) One (1) member shall be a volunteer EMT who has a minimum of five (5) years service as a volunteer EMT in the state. Appointments under this paragraph shall be made by the governor.

(c) The members of the initial board shall be comprised of the volunteer firemen members of the volunteer firemen's pension board created pursuant to W.S. 35-9-610 serving on June 30, 2015 and one (1) member of the volunteer emergency medical technician pension board created pursuant to W.S. 35-29-108 serving on June 30, 2015, as selected by the governor. The volunteer firefighter members and volunteer EMT member of the initial board shall serve for the same term to which they were appointed to the volunteer firemen's pension board or volunteer emergency medical technician pension board, respectively.

35-9-624. Board; chairman; compensation of members; powers and duties.

(a) Members of the board shall serve without compensation, but actual and reasonable expenses incurred by members for attending meetings and representing the board shall be reimbursed from the account.

(b) The board may:

(i) Adjust claims made by participating members under this article and

may waive or alter specific requirements relating to benefits under this article, but shall not have authority to make a general increase in benefits;

(ii) Promulgate rules and regulations governing its operation;

(iii) Investigate claim applications, conduct hearings, receive evidence and otherwise act in a quasi-judicial capacity in accordance with the Wyoming Administrative Procedure Act;

(iv) Permit the suspension of payments in certain cases deemed appropriate by the board, with a commensurate reduction in benefits paid under this article.

35-9-625. Board; hearings; appeals.

(a) The board shall provide an opportunity for hearing to any person petitioning the board for a hearing with or without counsel or witnesses. The board shall provide petitioners the power to subpoena witnesses to testify in their behalf. The taking of evidence shall be summary, giving a full opportunity to all parties to develop the facts. The board shall provide a written transcript of all testimony received at any hearing conducted by the board to any requesting party.

(b) The decision of the board upon hearing is a final administrative decision and is subject to judicial review in accordance with the Wyoming Administrative Procedure Act.

35-9-626. Adjustment of benefits in case of impairment of funds.

If at any time the net assets of the account become actuarially impaired, the board may adjust the benefits provided, pro rata, until the impairment is removed.

35-9-627. Purchase of service credit.

Any member who has been a participating member for at least five (5) years may elect to make a one (1) time purchase of up to five (5) years of service credit as authorized and limited by section 415(c) and 415(n) of the Internal Revenue Code and as established in rules promulgated by the board. Any member electing to purchase service credit shall pay into the account a single lump sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit computed on the basis of actuarial assumptions approved by the board, the individual's attained age and the benefit structure at the time of purchase. A member may purchase service credit with personal funds or, subject to rules and regulations established by the board, through rollover contributions. Unless received by the pension account in the form of a direct rollover, rollover contributions shall be paid to the pension account on or before sixty (60) days after the date the rollover contribution was received by the member.

35-9-628. Deposit of tax on fire insurance premiums into account.

(a) As provided in this subsection, the state treasurer shall deposit into the account an amount not to exceed seventy percent (70%) of the gross tax levied upon fire insurance premiums paid to insurance companies for fire insurance in the state of Wyoming for the preceding calendar quarter, as computed under W.S. 26-4-102(b)(ii) and provided by W.S. 26-4-103(k). The sum specified shall be calculated by the Wyoming retirement system:

(i) Before giving effect to any premium tax credits which may otherwise be provided by law; and

(ii) To achieve one hundred seven percent (107%) funding of the account, taking into account the benefits and employee contribution specified in W.S. 35-9-621 and actuarial assumptions adopted by the Wyoming retirement board;

(iii) After the account achieves one hundred seven percent (107%) actuarial funding, the board shall recommend a funding amount of not less than sixty percent (60%) of the gross tax levied upon fire insurance premiums. A recommended funding amount under this section in an amount greater than sixty percent (60%) which results in an actuarial funding level greater than one hundred seven percent (107%) requires approval of the legislature.

Section 2. W.S. 9-12-1305(c) and 26-4-102(b)(ii) are amended to read:

9-12-1305. Wyoming small business investment credit.

(c) The credit for any tax year shall not exceed the participating investor's state premium tax liability for that tax year. If the amount of the credit determined under this section for any tax year exceeds the liability for tax under this chapter, the credit may be carried forward to future tax years without limitation. The premium tax credits provided by W.S. 26-19-312, 26-42-111 and 26-43-105, and deposits to the volunteer ~~firemen's~~ firefighter and EMT pension account pursuant to W.S. 26-4-102(b)(ii), shall take priority over the premium tax credits provided by this section and shall be calculated using the gross premium tax before the credits provided by this section.

26-4-102. Record of receipts; payment to treasurer; credit to fund.

(b) The commissioner shall promptly pay all monies he receives from any charges to the state treasurer for credit to the general fund, except that:

(ii) ~~Fifty percent (50%)~~ An amount not to exceed seventy percent (70%) of the gross premium tax levied upon fire insurance premiums shall be deposited by the state treasurer in the volunteer ~~firemen's~~ firefighter and EMT pension account pursuant to W.S. ~~35-9-604~~ 35-9-628. For purposes of this paragraph, the gross premium tax levied upon fire insurance premiums is equal to ~~twenty-six percent (26%)~~ thirty percent (30%) of the total gross premium tax levied upon all property, casualty and multiple line insurers.

Section 3. W.S. 35-9-601 through 35-9-615 and 35-29-101 through

35-29-112 are repealed.

Section 4. The Wyoming retirement system and the state treasurer shall transfer all funds within the volunteer firemen's pension account created pursuant to W.S. 35-9-602(a) and the volunteer emergency medical technician pension account created pursuant to W.S. 35-29-102(a) to the volunteer firefighter and EMT pension account created pursuant to this act.

Section 5. It is the intent of the legislature that all members and retirees of the volunteer firemen's pension account and volunteer emergency medical technician pension account on June 30, 2015 shall be able to continue to participate in the pension account created by this act.

Section 6.

(a) The volunteer firefighter and EMT pension board, with the assistance and input of the Wyoming retirement system, shall provide the joint appropriations interim committee with a report no later than December 1, 2015. The report shall contain:

(i) An update on enrollment under the pension account created by this act and any difficulties encountered therein;

(ii) An update on the transfer of members and retirees of the volunteer firemen's pension account and the volunteer emergency medical technician pension account, respectively, and any difficulties encountered therein;

(iii) The projected actuarial soundness of the account; and

(iv) Any proposed statutory changes necessary to administer the pension account.

Section 7. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 33

SHIPMENT OF WINE

Original House Bill No. 47

AN ACT relating to alcoholic beverages; increasing the limitation on shipment of wine to households; and providing for an effective date.

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

Section 1. W.S. 12-2-204(a), (b) and (d)(i) and 12-4-412(h)(i) are amended to read:

12-2-204. Out-of-state shipment of manufactured wine; license; fees; restrictions; conditions.

(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship no more than a total of ~~eighteen (18)~~ thirty-six (36) liters of manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

(b) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship to any Wyoming retail establishment which holds a liquor license in this state or any household in this state any manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation.

(d) Any out-of-state shippers licensed pursuant to this section shall:

(i) Not ship more than a total of ~~eighteen (18)~~ thirty-six (36) liters of manufactured wine to any one (1) household in this state during any twelve (12) month period. In the event any out-of-state shipper ships more than ninety (90) liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the out-of-state shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices;

12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

(h) Any licensed winery holding a winery permit pursuant to this section shall:

(i) Not ship more than a total of ~~eighteen (18)~~ thirty-six (36) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period;

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 34

FRONT LICENSE PLATE REQUIREMENT

Original House Bill No. 74

AN ACT relating to motor vehicle registration; providing that front license plates need not be displayed on certain vehicles as specified; making a conforming amendment; and providing for an effective date.

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

Section 1. W.S. 31-2-205(a)(i)(A) and 31-2-227(d) are amended to read:

31-2-205. Display of license plates.

(a) License plates for vehicles shall be:

(i) Conspicuously displayed and securely fastened to be plainly visible:

(A) One (1) on the front of the vehicle, excluding the following:

(I) Motorcycles;~~,~~

(II) Multipurpose vehicles;~~,~~

(III) Trailers, ~~(~~including house trailers~~)~~;~~,~~

(IV) Vehicles operated with demo, full use or manufacturer license plates issued pursuant to W.S. 31-16-125;~~,~~

(V) Street rods registered pursuant to W.S. 31-2-226~~; and~~

(VI) Custom vehicles registered pursuant to W.S. 31-2-227;~~, provided that such custom vehicles were manufactured prior to 1968 or were originally manufactured to have one (1) license plate;~~

(VII) Antique vehicles registered pursuant to W.S. 31-2-223;

(VIII) A motor vehicle which was originally manufactured without a bracket, device or other means to display and secure a front license plate.

31-2-227. Custom vehicles.

(d) Upon receipt of an approved application and payment of the custom vehicle special license fee the vehicle shall be registered and special license plates issued therefor. The department shall issue a special custom vehicle license plate of a size and design as prescribed by the department. The registration expires upon transfer of ownership of the vehicle or upon the department's issuance of a new plate design. The department may promulgate rules and regulations to implement the provisions of this section. ~~Notwithstanding W.S. 31-2-205(a)(i)(A), for a custom vehicle that was manufactured prior to 1968 or was originally manufactured to have one (1) license plate, a license plate shall only be required to be displayed on the rear of the vehicle.~~

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 35

CEASE AND TRANSFER PRIORITY LIST

Original Senate File No. 25

AN ACT relating to prioritization of municipal solid waste facilities cease and transfer projects; authorizing expenditure of previously appropriated funds; establishing a prioritized list of projects; establishing a maximum amount to be expended on the projects listed; authorizing the department of environmental quality limited discretionary authority to modify the prioritized list; providing definitions; repealing a prior list of priority cease and transfer projects; and providing for an effective date.

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

Section 1.

(a) As used in this section:

(i) "Maximum amount" means the total amount to be expended on the listed project and reflects one hundred percent (100%) of the project cost, including any award by the state loan and investment board under W.S. 35-11-528. As provided in W.S. 35-11-528, no grant or loan shall exceed seventy-five percent (75%) of the total cost of cease and transfer activities of the municipal waste facility;

(ii) "(C)" means closure project;

(iii) "SWDD" means solid waste disposal district;

(iv) "(T)" means transfer projects.

(b) From amounts appropriated by 2013 Wyoming Session Laws, Chapter 194, Section 2(a) and (b), 2014 Wyoming Session Laws, Chapter 26, Section 333(a) and (b) and other funds appropriated and authorized for program expenses, the following amounts and prioritized projects are authorized pursuant to the municipal solid waste facilities cease and transfer grant and loan account program created by W.S. 35-11-528:

Priority Index	Project	Maximum Amount
1	Upper Platte River SWDD – Saratoga (T)	$750,000
2	Central Weston County SWDD – Osage (T)	$350,000
3	Lusk, Town of (T)	$2,100,000
4	Upton, Town of (T)	$1,300,000
5	Ten Sleep SWDD (T)	$763,667
6	Newcastle, City of (T)	$1,200,000
7	Moorcroft, Town of – Moorcroft #3 (T)	$1,500,000
8	Green River, City of – Green River #2 (T)	$1,800,000
9	Green River, City of – Green River #2 (C)	$3,500,000
10	Eden Valley SWDD (C)	$1,581,000
11	Rock River, Town of – Rock River #2 (C)	$905,000
12	Lincoln Co - Thayne (T)	$1,500,000
13	Glenrock, Town of (C)	$1,600,000
14	Uinta County Solid Waste – Bridger Valley (T)	$920,000
15	Lincoln Co - Thayne (C)	$2,600,000
16	Sundance, City of (C)	$2,240,000
17	Teton County – Horsethief Canyon (C)	$8,300,000
18	Manville, Town of (C)	$600,000
19	Fremont County SWDD – Shoshoni (C)	$1,645,000
20	Big Horn County SWDD - North #2 (T)	$1,500,000

21	Thermopolis, Town of (T)	$2,000,000
22	Central Weston County SWDD – Osage (C)	$700,000
23	Hulett, Town of (T)	$500,000
24	Upper Platte River SWDD – Saratoga (C)	$2,300,000
25	High Country Joint Powers Board – Hanna (T)	$400,000
26	Douglas, City of (C)	$3,300,000
27	Rawlins, City of (C)	$7,300,000
28	Thermopolis, Town of (C)	$2,500,000
29	Baggs SWDD (C)	$2,250,000
30	Hulett, Town of (C)	$1,088,000
31	Big Horn County SWDD – South (C)	2,400,000
32	Big Horn County SWDD - North #2 (C)	$1,700,000
33	High Country Joint Powers Board – Hanna (C)	$1,000,000
34	Newcastle, City of (C)	$1,100,000
35	Tensleep SWDD (C)	$800,000
36	Kaycee, Town of (C)	$1,000,000
37	Uinta County Solid Waste – Bridger Valley (C)	$4,000,000
38	Park County Landfills – TS Rolling Stock (T)	$351,000
39	Wheatland, Town of (C)	$2,500,000
40	LaGrange, Town of (C)	$1,400,000
41	Moorcroft, Town of (C)	$500,000
42	Upton, Town of (C)	$1,500,000
43	Fremont County SWDD – Lander (C)	$4,692,800
44	Torrington #2 (C)	$5,000,000
45	Fremont County SWDD - Lander (T)	$1,500,000
46	La Barge, Town of (T)	$250,000
47	Torrington #2 (Transfer station improvements) (T)	$1,500,000

(c) The department of environmental quality may modify the authorized funds and the order of the projects listed in the prioritized list contained in subsection (b) of this section for any of the following reasons:

(i) To optimize efficiency;

(ii) Based on project readiness;

(iii) Based on compliance with grant or loan qualifications or conditions;

(iv) To address emergency or immediate environmental concerns.

(d) Not later than October 15 of each year, the department of environmental quality shall report any modification of the prioritized list contained in subsection (b) of this section to the joint minerals, business and economic development interim committee and the joint appropriations interim committee.

Section 2. 2014 Wyoming Session Laws, Chapter 91 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 February 25, 2015.

Chapter 36

DEFERRED COMPENSATION PLAN-AUTOMATIC ENROLLMENT

Original Senate File No. 60

AN ACT relating to the deferred compensation plan; providing for automatic enrollment in the plan for persons employed by the state of Wyoming after a specified date; providing for participation by other entities in automatic enrollment in the plan; providing for opt out and withdrawal from the plan; providing for a standard employee contribution rate; providing authority to the Wyoming retirement system to enroll employees in investment plans; amending definitions; and providing for an effective date.

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

Section 1. W.S. 9-3-509 is created to read:

9-3-509. Enrollment of state employees in the plan; notice to employee; contribution rate; investment of funds by retirement system; withdrawal period; plan document to provide for automatic enrollment.

(a) On and after July 1, 2015, a person who begins employment, or returns to employment after a break in service, with any state agency, department or institution which utilizes the state auditor's office for payroll services, including the legislature and the judiciary, and who is otherwise eligible to participate in the program, shall be automatically enrolled in the program as provided in this section.

(b) An employee enrolled in the program under this section shall have:

(i) An opt out period in which the employee may elect to not participate in the program. No contribution shall be made to the program by or on behalf of the employee during the pendency of the opt out period. An employee's opt out period shall begin thirty (30) days after enrollment in the program; and

(ii) A ninety (90) day permissible withdrawal period from the program beginning on the date of the employee's first contribution to the program. An employee may withdraw his contribution from the program within the permissible withdrawal period without penalty, however the employee will forfeit any employer contribution made on behalf of the employee under W.S. 9-3-508.

(c) An employee automatically enrolled in the program under this section shall contribute three percent (3%) of the employee's monthly pre-tax includible compensation to the employee's account under the program after the expiration of the employee's opt out period provided in paragraph (b)(i) of this section. An employee automatically enrolled in the program under this section

may elect in writing to change the employee's contribution rate pursuant to the plan document as defined in W.S. 9-3-502(a).

(d) After the expiration of an employee's ninety (90) day permissible withdrawal period, the retirement system shall invest all contributions made by or on behalf of an employee enrolled in the program pursuant to this section in an age appropriate investment plan based on the projected retirement date of the employee as determined by the retirement system. During the pendency of an employee's permissible withdrawal period provided in paragraph (b)(ii) of this section, the retirement system shall invest all contributions made by or on behalf of the employee enrolled in an investment plan with limited exposure to market volatilities as determined by the retirement system. An employee enrolled in an investment plan may change investment plans or otherwise invest funds in his account in the same manner as all other participants in the program.

(e) The board shall provide notice in writing to an employee automatically enrolled in the program. Notice under this subsection shall include:

(i) The employee's ability to opt out of the program as provided in paragraph (b)(i) of this section;

(ii) The employee's ninety (90) day permissible withdrawal period from the program provided in paragraph (b)(ii) of this section;

(iii) The employee's automatic level of contribution to the program; and

(iv) The investment plans the employee will be enrolled in within the program during the pendency of the ninety (90) day permissible withdrawal period and following the expiration of the permissible withdrawal period.

(f) An employee enrolled in the program under this section shall have the same rights to participate in the program as all other participants in the program.

(g) The board shall effectuate the purposes of this section in the plan document.

(h) Failure to provide notice under subsection (e) of this section shall not give rise to any additional obligation or liability on the part of the state or the program.

Section 2. W.S. 9-3-501(a)(iv) and (v), 9-3-502(a) and (b) and 9-3-506(b) are amended to read:

9-3-501. Definitions.

(a) As used in this article:

(iv) "Plan <u>document</u>" means the official document recorded with the secretary of state and adopting and establishing a deferred compensation program for Wyoming under Public Law 95-600;

(v) "Program" means the Wyoming deferred compensation program established in accordance with the plan document;

9-3-502. Establishment of program by state; administration by Wyoming retirement board; establishment of separate deferred compensation by political subdivisions; investment permitted; limitation on amount deferred; taxability.

(a) The board shall establish and administer the program for employees in addition to any retirement, pension, benefit or other deferred compensation programs established by the governmental entity. Subject to requirements of this article, any county, city, town or other political subdivision may establish and administer a deferred compensation program separate from the program established under this article. A county, city, town or other political subdivision which wishes to enter into the state program established under this article shall adopt the plan document, provide the program to employees in accordance with this article and be subject to program administration by the board. A county, city, town, other political subdivision of the state or an entity or institution of the state which does not utilize the state auditor's office for payroll services may provide for automatic enrollment of new employees into the state program pursuant to W.S. 9-3-509 and pursuant to the requirements of this subsection.

(b) Any employee may enter into a written agreement with the program or a separate deferred compensation program established by a ~~state,~~ county, city, town or other political subdivision to defer any part of his compensation for investment as provided by this article or an employee may be automatically enrolled as provided in W.S. 9-3-509 and subsection (a) of this section. The total annual amount deferred may at no time exceed the employee's annual salary under applicable salary schedules or compensation plans.

9-3-506. Program coordinator; selection by contract upon competitive bid; duties.

(b) The program coordinator shall enroll program participants, service accounts established under the plan document for program participants and report to the board.

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 25, 2015.

Chapter 37

CONTROLLED SUBSTANCES-FIRST OFFENSE FOR POSSESSION

Original Senate File No. 38

AN ACT relating to controlled substances; providing for deferred prosecution for the first offense of using or being under the influence of a controlled substance; and providing for an effective date.

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

Section 1. W.S. 35-7-1037 is amended to read:

35-7-1037. Probation and discharge of first offenders.

Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under W.S. 35-7-1031(c) or 35-7-1033(a)(iii)(B), <u>or pleads guilty to or is found guilty of using or being under the influence of a controlled substance under W.S. 35-7-1039,</u> the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under W.S. 35-7-1038. There may be only one (1) discharge and dismissal under this section with respect to any person. This section shall not be construed to provide an exclusive procedure. Any other procedure provided by law relating to suspension of trial or probation, may be followed, in the discretion of the trial court.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 38

COOPERATIVE ELECTRIC UTILITY RATE ADJUSTMENT-NOTICE

Original Senate File No. 70

AN ACT relating to public utilities; amending notice requirements for cooperative electric utility rate increases; and providing for an effective date.

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

Section 1. W.S. 37-17-104(a) is amended to read:

37-17-104. Adjustment of retail rates; complaint; investigation; resolution.

(a) A cooperative electric utility exempted under W.S. 37-17-103 shall give written notice to all member owners, at least thirty (30) days prior to the effective date of any retail rate ~~adjustment~~ increase, including procedures for member consumers to comment on proposed rates.

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 25, 2015.

Chapter 39

Enhanced oil recovery commission amendments

Original Senate File No. 23

AN ACT relating to enhanced oil and gas recovery; amending the formal name of the enhanced oil recovery commission; specifying the school at the University of Wyoming that will conduct commission related tasks; clarifying and amending the scope of the commission's authority and obligations; amending definitions; and providing for an effective date.

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

Section 1. W.S. 30-8-101(a), (b)(intro), (i), (ii), (d)(i), (iii), (iv), (f)(i) and (ii) is amended to read:

30-8-101. Enhanced oil recovery commission created; duties.

(a) The Wyoming enhanced ~~and improved~~ oil recovery commission is created. The commission shall consist of eight (8) members. The governor and the state geologist shall serve as ex officio members of the commission. One (1) legislative member shall be appointed by the management council of the legislature who shall serve as an ex officio member of the commission. The governor shall appoint the remaining members of whom one (1) shall be from the public at large with experience in the oil and gas industry, one (1) shall be a member of the oil and gas conservation commission, two (2) shall represent the oil and gas industry and one (1) shall be a representative of the University of Wyoming. The gubernatorial appointments shall be confirmed by the senate. Appointed members shall serve three (3) year terms. Members of the commission shall not receive any fees, salary or other compensation for services rendered but are entitled to receive per diem and mileage on the same basis and at the same rate as state employees and reimbursement for any other actual and necessary expenses incurred in the performance of commission duties. The governor may remove any appointed member as provided in W.S. 9-1-202. Ex-

cept for the legislative member, initial appointments or any vacancy occurring between sessions of the legislature may be filled by the governor in accordance with W.S. 28-12-101(b). The commission shall be staffed by executive branch agencies as designated by the governor.

(b) The commission, in conjunction with the University of Wyoming school of energy resources and oil and gas industry research entities, shall develop:

(i) A research program ~~at the institute~~ for energy research and enhanced oil and gas recovery at the University of Wyoming school of energy resources. The program shall focus on ~~oil and gas recovery technological issues, including carbon dioxide separation, reservoir sweep performance and reservoir displacement efficiency~~ and facilitate a meaningful and measurable increase in recoverable reserves and production of oil and natural gas in Wyoming through the effective and efficient transfer of relevant technology, information and knowledge to entities, regardless of size, producing Wyoming reserves;

(ii) ~~An expanded~~ A program ~~at the institute~~ focusing on technology transfer, to help industry with access to and application of ~~existing~~ enhanced oil and gas recovery and improved oil and gas recovery technology. The program shall be designed to promote research and technology transfer efforts~~,~~ ~~including polymer and surfactant flooding, horizontal drilling, zone specific fracturing and three dimensional seismic infill drilling~~; in both conventional and unconventional oil and gas reservoirs.

(d) The commission:

(i) Shall ~~oversee and direct development of~~ provide guidance and oversight and coordinate with the University of Wyoming school of energy resources to efficiently carry out the programs developed pursuant to subsection (b) of this section;

(iii) Shall facilitate the development of formal agreements between the ~~institute~~ University of Wyoming school of energy resources and the oil and gas industry through which the industry is provided access to the ~~institute's geologic and engineering reservoir modeling and reservoir characterization work~~ school's expertise and work product in exchange for providing access to data ~~access~~ and ~~testing~~ required facilities;

(iv) Shall promote and facilitate the transfer of new technologies ~~developed at the institute~~ throughout the oil and gas industry in this state;

(f) As used in this section:

(i) "Commission" means the Wyoming enhanced ~~and improved~~ oil recovery commission;

(ii) "Enhanced oil and gas recovery" ~~and improved oil recovery"~~ means all existing and potential technology to recover oil and gas beyond traditional primary and secondary methods,; including technology to optimize develop-

ment and recovery of oil and gas resources in new fields.

Section 2. W.S. 30-8-101(b)(iii), (iv) and (f)(iii) is repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 40

SUBSTANCE ABUSE ASSESSMENTS-NONRESIDENTS

Original Senate File No. 94

AN ACT relating to driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substances; authorizing nonresidents to receive a substance abuse evaluation from their state of residence as specified; and providing for an effective date.

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

Section 1. W.S. 31-5-233(e) is amended to read:

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

(e) Except as otherwise provided, a person convicted of violating this section shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) at or before sentencing. Notwithstanding any other provision of this subsection, a nonresident may receive a substance abuse assessment from a provider certified by that person's state of residence. The cost of the substance abuse assessment shall be assessed to and paid by the offender. Except as otherwise provided in this subsection or subsection (h) or (m) of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both. On a second offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than seven (7) days nor more than six (6) months, he shall be ordered to or shall receive a substance abuse assessment conducted by a substance abuse provider certified by the department of health pursuant to W.S. 9-2-2701(c) before sentencing and shall not be eligible for probation or suspension of sentence or release on any other basis until he has served at least seven (7) days in jail. In addition, the person may be fined not less than two hundred dollars ($200.00) nor more than seven hundred fifty dollars ($750.00). On a third offense resulting in a conviction within ten (10) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months, shall

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

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 41

AQUATIC INVASIVE SPECIES

Original Senate File No. 6

AN ACT relating to aquatic invasive species; amending rulemaking authority; amending requirements for collection and evidence of inspection fees; and providing for an effective date.

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

Section 1. W.S. 23-4-204(b)(intro), (b)(i) and (ii) is amended to read:

23-4-204. Rulemaking authority; fees.

(b) The commission ~~and the department of state parks and cultural resources~~ shall establish and collect fees in accordance with the following:

(i) An annual fee shall be collected by the commission ~~or the depart-~~

~~ment of state parks and cultural resources~~ for every watercraft before the watercraft enters the waters of the state. Payment of the fees shall be evidenced by a sticker placed on the bow of the watercraft ~~and~~ or electronically as determined by commission rule or regulation. No person shall operate nor shall the owner permit the operation of any watercraft on the waters of the state without payment of the fees provided in this section. ~~and display of the sticker on the bow of the watercraft.~~ For purposes of this paragraph, "watercraft" means any contrivance used or designed primarily for navigation on water but does not include personal flotation devices or water sport toys;

(ii) Notwithstanding W.S. 23-4-203(a) and subsection (a) of this section, fees shall be established by commission rule or regulation promulgated in accordance with the Wyoming Administrative Procedure Act;

Section 2. W.S. 23-4-204(c) is repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 42

INTERSTATE MINING COMPACT COMMISSION MEMBERSHIP

Original Senate File No. 34

AN ACT relating to mines and mining; adopting the Interstate Mining Compact; providing for the state of Wyoming to become a full member of the Interstate Mining Compact commission; providing for applicability; authorizing the governor to appoint a designee to the commission; repealing prior authorizing statutes; and providing for an effective date.

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

Section 1. W.S. 30-4-103 through 30-4-108 are created to read:

30-4-103. Title.

This act may be cited as the "Interstate Mining Compact".

30-4-104. Interstate Mining Compact.

The Interstate Mining Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I
Findings and Purposes

(a) The party states find that:

(i) Mining and the contributions thereof to the economy and well-being of every state are of basic significance;

(ii) The effects of mining on the availability of land, water and other

resources for other uses present special problems which properly can be approached only with due consideration for the rights and interests of those engaged in mining, those using or proposing to use these resources for other purposes, and the public;

(iii) Measures for the reduction of the adverse effects of mining on land, water and other resources may be costly and the devising of means to deal with them are of both public and private concern;

(iv) Such variables as soil structure and composition, physiography, climatic conditions, and the needs of the public make impracticable the application to all mining areas of a single standard for the conservation, adaptation, or restoration of mined land, or the development of mineral and other natural resources; but justifiable requirements of law and practice relating to the effects of mining on lands, water, and other resources may be reduced in equity or effectiveness unless they pertain similarly from state to state for all mining operations similarly situated;

(v) The states are in a position and have the responsibility to assure that mining shall be conducted in accordance with sound conservation principles, and with due regard for local conditions.

(b) The purposes of this compact are to:

(i) Advance the protection and restoration of land, water and other resources affected by mining;

(ii) Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water and air attributable to mining;

(iii) Encourage, with due recognition of relevant regional, physical, and other differences, programs in each of the party states which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated;

(iv) Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such use may be consistent with sound land use, public health, and public safety, and to this end to study and recommend, wherever desirable, techniques for the improvement, restoration or protection of such land and other resources;

(v) Assist in achieving and maintaining an efficient and productive mining industry and in increasing economic and other benefits attributable to mining.

Article II
Definitions

(a) As used in this compact, the term:

(i) "Mining" means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter, any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location, and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation of grading when conducted solely in aid of on-site farming or construction;

(ii) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

Article III
State Programs

(a) Each party state agrees that within a reasonable time it will formulate and establish an effective program for the conservation and use of mined land, by the establishment of standards, enactment of laws, or the continuing of the same in force, to accomplish:

(i) The protection of the public and the protection of adjoining and other landowners from damage to their lands and the structures and other property thereon resulting from the conduct of mining operations or the abandonment or neglect of land and property formerly used in the conduct of such operations;

(ii) The conduct of mining and the handling of refuse and other mining wastes in ways that will reduce adverse effects on the economic, residential, recreational or aesthetic value and utility of land and water;

(iii) The institution and maintenance of suitable programs of adaptation, restoration, and rehabilitation of mined lands;

(iv) The prevention, abatement and control of water, air and soil pollution resulting from mining - present, past and future.

Article IV
Powers

(a) In addition to any other powers conferred upon the interstate mining commission, established by article V of this compact, such commission shall have power to:

(i) Study mining operations, processes and techniques for the purpose of gaining knowledge concerning the effects of such operations, processes and techniques on land, soil, water, air, plant and animal life, recreation and patterns of community or regional development or change;

(ii) Study the conservation, adaptation, improvement and restoration of

land and related resources affected by mining;

(iii) Make recommendations concerning any aspect or aspects of law or practice and governmental administration dealing with matters within the purview of this compact;

(iv) Gather and disseminate information relating to any of the matters within the purview of this compact;

(v) Cooperate with the federal government and any public or private entities having interests in any subject coming within the purview of this compact;

(vi) Consult, upon the request of a party state and within available resources, with the officials of such state in respect to any problem within the purview of this compact;

(vii) Study and make recommendations with respect to any practice, process, technique, or course of action that may improve the efficiency of mining or the economic yield from mining operations;

(viii) Study and make recommendations relating to the safeguarding of access to resources which are or may become the subject of mining operations to the end that the needs of the economy for the products of mining may not be adversely affected by unplanned or inappropriate use of land and other resources containing minerals or otherwise connected with actual or potential mining sites.

Article V
The Commission

(a) There is hereby created an agency of the party states to be known as the "interstate mining commission", hereinafter called "the commission". The commission shall be composed of one (1) commissioner from each party state who shall be the governor thereof. Pursuant to the laws of the party state, each governor may have the assistance of an advisory body (including membership from mining industries, conservation interests, and such other and private interests as may be appropriate) in considering problems relating to mining and in discharging the responsibilities as a commissioner on the commission. In any instance where a governor is unable to attend a meeting of the commission or perform any other function in connection with the business of the commission, the governor shall designate an alternate who shall represent the state and act in the governor's place and stead. The designation of an alternate shall be communicated by the governor to the commission in such manner as its bylaws may provide.

(b) The commissioners shall be entitled to one (1) vote each on the commission. No action of the commission making a recommendation pursuant to article IV(a)(iii), IV(a)(vii), and IV(a)(viii) or requesting, accepting or disposing of funds, services or other property pursuant to this subsection, article V(g),

(V)(h), or VII shall be valid unless taken at a meeting at which a majority of the total number of votes on the commission is cast in favor thereof. All other action shall be by a majority of those present and voting provided that action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present. The commission may establish and maintain such facilities as may be necessary for the transaction of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice-chairman and a treasurer. The commission shall appoint an executive director and fix duties and compensation of the executive director. Such executive director shall serve at the pleasure of the commission. The executive director, the treasurer, and such other personnel as the commission shall designate shall be bonded. The amount or amounts of such bond or bonds shall be determined by the commission.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, with the approval of the commission, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with a party state, a suitable retirement system for its employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as it may deem appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this subsection or services borrowed pursuant to subsection (g) of the article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed and the

identity of the donor or lender.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The commission annually shall make to the governor, legislature and advisory body of each party state described in subsection (a) of this article a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been made by the commission. The commission may make such additional reports as it may deem desirable.

Article VI
Advisory, Technical, and Regional Committees

The commission shall establish such advisory, technical, and regional committees as it may deem necessary, membership on which shall include private persons and public officials, and shall cooperate with the use and services of any such committees and the organizations which the members represent in furthering any of its activities. Such committees may be formed to consider problems of special interest to any party state, problems dealing with particular commodities or types of mining operations, problems related to reclamation, development, or use of mined land or any other matters of concern to the commission.

Article VII
Finance

(a) The commission shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: one-half (1/2) in equal shares, and the remainder in proportion to the value of minerals, ores, and other solid matter mined. In determining such values, the commission shall employ such available public source or sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of minerals, ores and other solid matter mined.

(c) The commission shall not pledge the credit of any party state. The com-

mission may meet any of its obligations in whole or in part with funds available to it under article V(h) of this compact; provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under article V(h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government

contributing to the support of the commission.

Article VIII
Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any four (4) or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability previously and separately agreed to, and already incurred by or chargeable to a party state, under article VII(b), prior to the time of such withdrawal.

Article IX
Effect On Other Laws

Nothing in this compact shall be construed to limit, repeal or supersede any other law of any party state.

Article X
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause,

sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

30-4-105. Membership.

(a) Subject to W.S. 30-4-106, the state of Wyoming hereby joins the Interstate Mining Compact commission to further the findings and purposes embodied in the compact. The state through the office of the governor is authorized to join and participate in the Interstate Mining Compact commission as a member state of the commission.

(b) The governor may appoint a designee to serve as the governor's official representative to the compact and to perform all functions in connection with the business of the compact. If the governor appoints a person to act as his designee, that person shall take the oath of office prescribed by the constitution and shall file it with the secretary of state.

30-4-106. Applicability.

(a) No provisions of the Interstate Mining Compact, nor any policies of the Interstate Mining Compact commission, shall be construed to limit, repeal or supersede any law of the state of Wyoming.

(b) The governor and the legislature, or agents of either, shall have the right to inspect the books and accounts of the Interstate Mining Compact commission at any reasonable time while the state is a member.

(c) A copy of the bylaws of the Interstate Mining Compact commission shall be placed on file with the director of the department of environmental quality, and be available for inspection at any reasonable time by the legislature or any interested citizen.

(d) The state of Wyoming shall not be liable for the obligations or solvency of:

(i) The retirement system described in article V(f) of the compact; or

(ii) A program of employee benefits described in article V(f) of the compact.

(e) As used in the article V(a) of the compact, "agency" does not mean an agency of the state of Wyoming or any political subdivision of the state of Wyoming.

30-4-107. Expenses.

The department of environmental quality may pay annually out of funds col-

lected from mining permit fees, or from funds granted to the state by the federal office of surface mining reclamation and enforcement, the annual membership dues payable to the Interstate Mining Compact commission for the membership of the state of Wyoming in that organization.

30-4-108. General power of governor; withdrawal.

(a) Within the limitations of this section, the governor shall be entitled to exercise all the power of his office necessary in his judgment to maintain the state in good standing as a member of the Interstate Mining Compact commission and to participate therein.

(b) After the governor has provided one (1) year's notice in writing to the governors of all other member states, the legislature, by appropriate repealing legislation, may withdraw the state from the Interstate Mining Compact commission.

Section 2. W.S. 30-4-101 and 30-4-102 are repealed.

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

Approved February 25, 2015.

Chapter 43

STATE PROTECTION OF DATA PRIVACY

Original Senate File No. 37

AN ACT relating to administration of government; specifying powers and duties of the department of enterprise technology services over data privacy; specifying that department data privacy policies and standards shall be the minimum privacy requirements adhered to by state agencies; and providing for an effective date.

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

Section 1. W.S. 9-2-2906(d)(i)(A) and (iii) is amended to read:

9-2-2906. Office of the state chief information officer and director; authority; duties of department.

(d) The department shall carry out the following oversight and approval functions:

(i) Review agency expenditure requests for information technology or telecommunications personnel, hardware or software or contractual services for information technology if the expenditure exceeds the maximum amount established by department policy for small purchases. No funds for purchase in excess of the maximum amount shall be expended until the state chief information officer has approved the expenditure. Upon request for expenditure,

the state chief information officer shall review the request and shall:

(A) Disapprove a request which fails to meet existing department standards, security, privacy and procurement policies; and

(iii) Establish and enforce data security and privacy policies and standards for the state data infrastructure. These provisions shall be the minimum security and privacy requirements adhered to by all agencies. Agencies may choose to set additional security and privacy requirements to exceed but not in lieu of or that in any way interfere with the standards set by the state chief information officer;

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 44

SALES TAX EXCLUSION-RELATED BUSINESS ENTITIES

Original House Bill No. 52

AN ACT relating to taxation; providing that the lease of tangible assets between related business entities is not subject to taxation as specified; providing a definition; and providing for an effective date.

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

Section 1. W.S. 39-15-101(a)(vii)(intro), by creating a new subparagraph (M) and by amending and renumbering (M) as (N) is amended to read:

39-15-101. Definitions.

(a) As used in this article:

(vii) "Sale" means any transfer of possession in this state for a consideration including the fabrication of tangible personal property when the materials are furnished by the purchaser but excluding an exchange or transfer of tangible personal property upon which the seller or lessor has directly or indirectly paid sales or use tax incidental to:

(M) The lease or rental of tangible personal property for consideration between parent and closely held subsidiary corporations, between subsidiary corporations closely held by the same parent corporation, or between affiliated companies, partnerships, corporations or other business entities which are owned in similar percentages by the same persons. As used in this subparagraph, "closely held subsidiary corporation" means a corporation in which the parent corporation owns stock possessing at least eighty percent (80%) of the total combined voting power of all classes of stock entitled to vote and owns at least eighty percent (80%) of the total number of shares of all other classes of stock;

~~(M)~~(N) The sale of a business entity when sold to a purchaser of all or not less than eighty percent (80%) of the value of all of the assets which are located in this state of the business entity when the purchaser continues to use the tangible personal property in the operation of an ongoing business entity in this state. As used in ~~this subparagraph~~ subparagraphs (M) and (N) of this section, "business entity" means and includes an individual, partnership, corporation, corporate division, joint stock company or any other association or entity, public or private, or separate business unit thereof.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 45

EMERGENCY 911 PROVIDERS-IMMUNITY

Original House Bill No. 36

AN ACT relating to telephone service; amending immunity provisions related to emergency 911 providers; specifying the activities to which immunity applies; and providing for an effective date.

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

Section 1. W.S. 16-9-108 is amended to read:

16-9-108. Immunity for providers.

No basic emergency service provider or service supplier and no employee or agent thereof shall be liable to any person or entity for infringement or invasion of the right of privacy of any person caused or claimed to have been caused, directly or indirectly, by any act or omission in connection with the installation, operation, maintenance, removal, presence, condition, occasion or use of emergency service features, automatic number identification or automatic location identification services and the equipment associated therewith, including the identification of the telephone number, address or name associated with the telephone used by the person accessing 911 service, wireless automatic number identification, ~~or~~ wireless automatic location identification service or text to 911 service. A governmental entity, public safety agency, local exchange access company, telephone exchange access company or wireless carrier that provides access to an emergency system or any officers, agents or employees thereof is not liable as a result of any act or omission except willful and wanton misconduct or gross negligence in connection with developing, adopting, operating or implementing emergency telephone service, enhanced wireless 911 service, text to 911 service or any 911 system.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 46

CORRECTIVE ACTION ACCOUNT DISTRIBUTION

Original House Bill No. 54

AN ACT relating to environmental quality; providing for the distribution of money from the corrective action account for leaking underground storage tanks to the municipal solid waste remediation account as specified; requiring reports; repealing provisions providing for the suspension of collection of fuel taxes as specified; providing for loans from the state water pollution control revolving loan account as specified; and providing for an effective date.

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

Section 1. W.S. 16-1-206(b) and (c) and 35-11-1424(a) and by creating new subsections (p) through (r) are amended to read:

16-1-206. Financial assistance priorities.

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

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

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

(a) There is created the corrective action account. This account is intended to provide for financial assurance coverage required by federal law and shall be used by the department to take corrective action in response to a release and to remediate solid waste landfills. The department shall use monies from the corrective action account as appropriated by the legislature for the administration of this article and W.S. 35-11-533 through 35-11-537. Interest earned by this account shall be deposited in the general fund. Monies in the corrective action account shall also be used for the state water pollution control revolving loan account pursuant to W.S. 16-1-201 through ~~16-1-206~~ 16-1-207. Except as provided in subsection (p) of this section, and contingent on availability of money in the account, the director shall distribute monies in the corrective action account to the solid waste landfill remediation account created by W.S. 35-11-535 on July 1 of each specified year in an amount not less than:

(i) 2019 - two million dollars ($2,000,000.00);

(ii) 2020 - five million dollars ($5,000,000.00);

(iii) 2021 – six million dollars ($6,000,000.00);

(iv) 2022 – six million dollars ($6,000,000.00);

(v) 2023 – seven million dollars ($7,000,000.00);

(vi) 2024 and each year thereafter – the director shall determine expected expenditures from the corrective action account for the underground storage tank program for the next fiscal year and retain monies equal to that amount in the corrective action account, with the remainder of the monies deposited to the landfill remediation account, but in no event shall monies in the corrective action account on July 1 of any year be less than five million dollars ($5,000,000.00).

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

(i) An emergency involving a leaking underground storage tank which requires immediate corrective action which will require an expenditure of monies in excess of the monies available in the corrective action account; or

(ii) Monies in the account are less than the amount required by federal law to provide for financial assurance coverage or adequate leaking underground storage tank remediation.

(q) The director shall submit a report to the joint minerals, business and economic development interim committee by June 15, 2019 and by June 15 of every year thereafter, describing the amount to be withheld in the corrective action account pursuant to subsection (a) of this section, and the factors used in making that determination.

(r) In the event the director exercises the authorization provided under subsection (p) of this account, the director shall inform the joint minerals, business and economic development interim committee in writing of the withholding of the distribution.

Section 2. W.S. 39-17-103(a)(ii) and 39-17-203(a)(ii) are repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 47

SOLID WASTE PROGRAM AMENDMENTS

Original House Bill No. 55

AN ACT relating to environmental quality; amending requirements for the municipal solid waste remediation program and municipal solid waste cease and transfer program to require the use of accounting principles as specified; requiring landfills enrolled in either program to account for liabilities associated with municipal solid waste landfilling as specified; amending provisions of the municipal solid waste remediation program pertaining to credits for remediation and monitoring work performed before the inception of the program 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. 35-11-532(c)(intro), 35-11-534(c)(viii)(intro) and 35-11-535(c)(intro), (ii), (iii), (iv) and by creating a new paragraph (v) are amended to read:

35-11-532. Municipal solid waste facility operator financial responsibility; penalties.

(c) Municipal solid waste facility operators shall employ ~~generally accepted~~ accounting principles~~, including the recognition of~~ pursuant to the Uniform Municipal Fiscal Procedures Act, W.S. 16-4-101 through 16-4-125, which recognize liabilities associated with:

35-11-534. Program criteria; requirements for local operator.

(c) To be eligible for enrollment under the program, the local operators of a leaking municipal solid waste landfill shall:

(viii) Employ ~~generally accepted~~ accounting principles in managing all solid waste facilities under the control of the local operator or political subdivision, ~~including the recognition of~~ pursuant to the Uniform Municipal Fiscal Procedures Act, W.S. 16-4-101 through 16-4-125, which recognize liabilities associated with:

35-11-535. Municipal solid waste landfill remediation account; authorized expenditures from the account.

(c) ~~Pursuant to subsection (d) of this section,~~ In addition to expenditures from the account authorized by W.S. 35-11-534(a), the department shall ~~reimburse~~ issue a credit in an amount not to exceed the local operator's twenty-five percent (25%) share required by W.S. 35-11-534(c)(v) of the total cost of eligible remediation and monitoring activities provided in W.S. 35-11-534(a), for past remediation and monitoring expenses incurred by the local operator as specified in this subsection. The department shall issue credits under this subsection for costs incurred by a local operator ~~who performed~~ for remediation and monitoring activities from the account if:

(ii) The remediation and monitoring activities were initiated ~~between~~ after July 1, 2006~~, and December 31, 2012,~~

(iii) The local operator of a municipal solid waste landfill provides the department with an accurate accounting of the costs of remediation and monitoring activities conducted at the municipal solid waste landfill ~~between~~ after July 1, 2006 and ~~December 31, 2012~~ the department determines that those remediation and monitoring activities would be eligible for funding if they had been performed under the program~~, and~~

(iv) The local operator conducts additional remediation and monitoring activities at the leaking municipal solid waste landfill which are eligible for funding under W.S. 35-11-534(a) on or after July 1, 2013;~~.~~ and

(v) A credit issued under this subsection shall not exceed an amount equal to seventy-five percent (75%) of the cost incurred by the local operator for eligible remediation and monitoring activities after July 1, 2006.

Section 2. W.S. 35-11-535(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 February 25, 2015.

Chapter 48

BREWERY AND MICROBREWERY LICENSES-DEFINITION

Original House Bill No. 82

AN ACT relating to alcoholic beverages; amending the definition of brewery and microbrewery to allow microbreweries to produce a larger quantity of malt beverages; and providing for an effective date.

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

Section 1. W.S. 12-1-101(a)(xviii) and (xix) is amended to read:

12-1-101. Definitions.

(a) As used in this title:

(xviii) "Brewery" means a commercial enterprise at a single location producing ~~malt beverage in quantities to exceed fifteen thousand (15,000)~~ more than fifty thousand (50,000) barrels per year of malt beverage;

(xix) "Microbrewery" means a commercial enterprise at a single location producing ~~malt beverage in quantities not to exceed fifteen thousand (15,000)~~ not more than fifty thousand (50,000) barrels per year and no less than one hundred (100) barrels per year of malt beverage;

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 49

RESORT LIQUOR LICENSES

Original House Bill No. 111

AN ACT relating to alcoholic beverages; amending the requirements for obtaining a resort retail liquor license; specifying the permissible use of resort retail liquor licenses; and providing for an effective date.

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

Section 1. W.S. 12-4-103(a)(iii), 12-4-401(a), (b)(iii)(intro) and by creating new paragraph (iv) and 12-4-403(b) are amended to read:

12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.

(a) A license or permit authorized by this title shall not be held by, issued or transferred to:

(iii) Any person who does not own the building in which the sales room is located or hold a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by paragraph (iv) of this subsection. This paragraph shall not be interpreted to prevent the use of a resort liquor license by a contractor or subcontractor as permitted by W.S. 12-4-403(b);

12-4-401. Resort retail liquor licenses; authorized; qualifications; provision for licenses issued prior to January 1, 1980.

(a) The appropriate licensing authority in a county, city or town may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex ~~meeting~~ where the resort complex satisfies the ~~qualifications~~ requirements of subsection (b) of this section.

(b) To qualify for a resort retail liquor license, the appropriate licensing authority shall require the resort complex to:

(iii) Include ~~either:~~ motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with a minimum of one hundred (100) sleeping rooms; or

(iv) Without being required to meet the standards of paragraph (iii) of this subsection, be a ski resort facility open to the general public in which the applicant shall have committed or expended on the facility not less than ten million dollars ($10,000,000.00).

12-4-403. Population formula not applicable; transfer.

(b) No resort liquor license may be transferred to another location. License ownership may be transferred to a purchaser or licensee of the licensed premises with the approval of the licensing authority. No transfer of a resort liquor license shall be required where the license is used by a person with whom the licensee has contracted or subcontracted for the provision of food and beverage services on the licensed premises. However, the resort liquor licensee shall remain subject to all applicable laws, rules, regulations and penalties including the provisions of W.S. 12-2-306 and 12-7-103.

Section 2. W.S. 12-4-401(b)(iii)(A) and (B) is repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 50

HUNTERS WHO USE WHEELCHAIRS-DONATED LICENSES

Original House Bill No. 155

AN ACT relating to game and fish; authorizing the holder of a big game hunting license to donate the license to a person with a permanent disability who uses a wheelchair; and providing for an effective date.

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

Section 1. W.S. 23-1-705(k) is amended to read:

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 or a person with a permanent disability who uses a wheelchair as established by commission rule and regulation selected and sponsored by a nonprofit charitable organization providing hunting opportunities for disabled veterans or persons with permanent disabilities who use wheelchairs. 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~~ person 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 person under the provision of this section and in compliance with commission rule and regulation. Licenses reissued to ~~disabled veterans~~ persons 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.

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 25, 2015.

Chapter 51

INTESTATE SUCCESSION-ADOPTED CHILDREN

Original House Bill No. 21

AN ACT relating to intestate succession; eliminating the right of an adopted child to inherit from both natural and adoptive parents as specified; conforming a provision as specified; and providing for an effective date.

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

Section 1. W.S. 2-4-107(a)(i) and 14-2-317(a)(ii) are amended to read:

2-4-107. Determination of relationship of parent and child.

(a) If for purposes of intestate succession, a relationship of parent and child shall be established to determine succession by, through or from a person:

(i) An adopted person is the child of an adopting parent ~~and of the natural parents~~ for inheritance purposes, ~~only.~~ but the adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent for inheritance purposes;

14-2-317. Effect of order of termination.

(a) An order terminating the parent-child legal relationship divests the parent of all legal rights and privileges and relieves the child of all duties to that parent except:

(ii) Except as provided in W.S. 2-4-107(a)(i), the right of the child to inherit from the parent shall not be affected by the order.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 52

DEPOSITS AND DEPOSITORIES

Original House Bill No. 30

AN ACT relating to deposits and depositories; amending board of deposits procedures; amending the procedure for designating state fund depositories; providing for continuing designation; requiring the disclosure of disciplinary actions as specified; providing for the revocation of depository designations; providing for the promulgation of rules; providing definitions; amending provisions related to securing the deposit of state funds; amending requirements related to joint custody agreements which secure deposits; and providing for an effective date.

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

Section 1. W.S. 9-4-801 through 9-4-803, 9-4-804(b)(ii), 9-4-806, 9-4-810, 9-4-811, 9-4-825, 9-4-827(b) and 9-4-828 are amended to read:

9-4-801. Board of deposits; creation; composition; records; meetings; general duties.

The state loan and investment board is established as and shall perform the duties of the board of deposits. The governor is the chairman of the board and the state treasurer is the secretary of the board for the purpose of performing the duties of the board of deposits. The records of the board of deposits kept by the secretary, or a duly certified copy thereof, are prima facie evidence of any action of the board. The board of deposits shall meet quarterly ~~in March, June,~~

~~September and December of~~ each year, or at any other time, upon the call of the chairman. ~~At the June meeting,~~ The board shall designate banks within this state eligible as state depositories for the purpose of receiving on deposit funds of this state.

9-4-802. Board of deposits; application; designation of depositories; revocation of designation.

A bank applying to be a state depository shall~~, on or before the first Monday in June of each year,~~ file a written application with the secretary of the board of deposits. The application shall be accompanied by a sworn statement of the financial condition of the bank at the time the application is made and a certified resolution providing proper authority of the depository. The secretary of the board of deposits shall review all applications, prepare a recommendation regarding each, and submit ~~the applications~~ a list of all applicants and his recommendations to the board. The secretary of the board shall prepare a list of all financial institutions of the state which are approved by the board to be depositories. The chairman and the secretary of the board shall certify the list to the bank collateral officer who is designated by the state treasurer. Once the bank collateral officer is designated, the state treasurer shall provide a written order to the bank declaring it a state depository until its authority is revoked by the board. Each year, designated state depositories shall submit a current statement of condition, a certified copy of a resolution indicating its authority to act as a state depository has not been revoked and any other information the secretary of the board deems necessary. If, at any time state funds are on deposit with a state depository, a state depository is subject to any public enforcement action by any federal or state regulatory entity, the state depository shall notify the secretary of the board of the regulatory action if the action is not confidential. The board may revoke a bank's designation as a state depository at any time except that no time deposit, open account shall be withdrawn from a state depository prior to the date of maturity without providing forty-five (45) days prior written notice, absent a default by the state depository.

9-4-803. Deposit of state money in approved depositories; authority of treasurer; rulemaking.

(a) The state treasurer may deposit any portion of the public monies in his possession in national banks within this state or in any state banks incorporated under the laws of and doing business in this state, as have been approved under W.S. 9-4-801 through 9-4-818 by the board of deposits. As used in W.S. 9-4-801 through 9-4-818, "bank" includes federal and state savings and loan associations. Federal and state savings and loan associations may be designated as depositories for state funds in the same manner as state and national banks.

(b) The state treasurer may promulgate necessary rules and regulations for the implementation of the approved state depository and time deposit, open account programs.

9-4-804. Deposit of state money in approved depositories; required security; contents and form of surety bond; definitions.

(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 business day of January, April, July and October in each year, or when the account is closed. As used in W.S. 9-4-801 through 9-4-815, "business day" means any day other than a Saturday, Sunday, a bank holiday in the state or other day that is considered a holiday for the employees of the state.

9-4-806. Deposit of state money in approved depositories; bank resolution.

(a) Every bank designated as a depository for funds of the state of Wyoming or any political subdivision thereof~~, within thirty (30) days following the designation by the state board of deposits or proper governing board,~~ shall furnish to the treasurer of the state of Wyoming, or treasurer of the appropriate political subdivision, a certified copy of the resolution adopted by its board of directors which shall be in:

(i) A form acceptable to the state treasurer or treasurer of the appropriate political subdivision; or

(ii) Substantially the following form:

"WHEREAS, it is necessary for (name of designated depository) to properly secure the political division or subdivision for all monies deposited in the bank by the Treasurer of the political division or subdivision, hereinafter called the Treasurer; and

WHEREAS, no deposit will be made in the bank by the Treasurer unless the deposit is properly secured, and the giving of proper security is one of the considerations for receiving the deposits; and

WHEREAS, the Treasurer may, when furnished proper security, carry a maximum credit balance with the bank of .... Dollars; and

WHEREAS, the Treasurer is willing to receive securities designated by laws of Wyoming as legal collateral security as security for the deposit;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the depository bank that any two of the following named persons, officers of the bank, are authorized and empowered to pledge to the Treasurer of the state or political subdivision securities of this bank which are legal for collateral security for deposit of public funds, and which the Treasurer is willing to accept as collateral security, and in amounts and at the time the Treasurer and bank officers agree upon:

(Bank Officer's Name) (Title)

« « « «

« « « «

BE IT FURTHER RESOLVED that this authority given to the officers of the bank named herein to furnish collateral security to the Treasurer shall be continuing and shall be binding upon the bank until the authority given to the bank officers named herein is revoked or superseded by another resolution of this Board of Directors, verified copy of which shall be delivered by a representative of the bank to the Treasurer or mailed to the Treasurer by registered mail. The right given the officers named herein to pledge security as collateral also includes the right to give additional collateral security and to withdraw such collateral as the Treasurer is willing to surrender and the right to substitute one piece or lot of collateral for another, provided the Treasurer is willing to make such exchange or substitution.

BE IT FURTHER RESOLVED that the bank officers named herein are fully authorized and empowered to execute in the name of the bank such collateral pledge agreement in favor of the Treasurer as the Treasurer requires, and any collateral pledge agreement executed or any act done by the bank officers named herein under the authority of this Resolution shall be as binding and effective upon this bank as though authorized by specific Resolution of the Board of Directors of this Bank.

(b) The certified copy required by subsection (a) of this section shall be provided at the time of the bank's application or within thirty (30) days following the designation by the state board of deposits or proper governing board, as directed by the state treasurer or treasurer of the appropriate political subdivision.

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.

9-4-811. "Time deposit, open account"; payment of interest; accounts of monies.

Interest paid by banks on public funds on time deposit, open account shall be paid to the state treasurer quarterly ~~in~~ on the first business day of January, April, July and October as required by the state treasurer. The state treasurer shall require, and every depository shall keep accurate accounts of all monies deposited with it, showing the amounts deposited and when deposited.

9-4-825. Joint custody agreement for securing local deposits; banks authorized to receive collateral.

Any properly designated depository of the public funds of the state or any political subdivision thereof, and any treasurer of any proper governing board may agree, as an alternate method of securing the deposit of public funds, to place the collateral security in any financial institution, as defined in W.S. 13-1-101(a)(ix); and other than the depository bank, chartered ~~by the state of Wyoming,~~ as a state bank or in any national bank~~,~~ other than the depository bank, ~~authorized to do business in the state of Wyoming, or~~ in any federal reserve bank or branch thereof, ~~or~~ in any bank which is a member of the federal reserve system or in any government-sponsored enterprise. The financial institution receiving the collateral security shall be known as the custodian.

9-4-827. Joint custody agreement for securing local deposits; form for receipts.

(b) Joint custody trust receipts issued by other banks shall be:

(i) In a form acceptable to the state treasurer or treasurer of the appropriate political subdivision; or

(ii) In substantially the following form:

JOINT CUSTODY RECEIPT

(Name, address of issuer of the Joint Custody Receipt) hereinafter called the custodian, has received to be held in safekeeping subject to the joint order of

(Name of Treasurer and official title) hereinafter called the Treasurer and

(Name of depository bank) hereinafter called the Depository Bank the following described securities:

	Following and Subsequent	
Description	coupon attached	Par Value
Mo.	Day	Year

Total par value (in writing and figures $)

9-4-828. Joint custody agreement for securing local deposits; execution and contents of agreement.

(a) The joint custody ~~receipt~~ agreement shall be executed by the custodian, the depository bank and the treasurer of the proper governing board and ~~the receipt~~ shall:

(i) Contain the following provisions:

~~(i)~~(A) The custodian will detach as they mature and enter for collection the coupons from the securities and the proceeds when collected will be

credited to the account of the depository bank unless otherwise ordered by the treasurer;

~~(ii)~~(B) The custodian will enter matured principal for collection and hold the proceeds when collected subject to the joint order of the treasurer and depository bank;

~~(iii)~~(C) It is understood by the treasurer and depository bank that the custodian assumes no responsibility for the nonpayment of interest or principal nor for the validity, genuineness or enforceability of any of the securities deposited in safekeeping hereunder nor makes any representation or warranties expressed or implied, as to the value or worth thereof, nor for the giving of notice of maturity, calls for redemption or the exercise of any rights, priorities, privileges of exchange or conversion or for the timely presentation of maturing principal or interest of any securities deposited under this agreement;

~~(iv)~~(D) The custodian assumes no responsibility with respect to the safekeeping and condition of deposited property beyond the care and custody it gives its own securities held on its own premises. Any and all forms of protective insurance are to be furnished by the treasurer and depository bank at their option and expense. The custodian is not required to furnish any form of protective insurance; and

~~(v)~~(E) The custodian shall deliver the securities to the treasurer upon the sole order of the treasurer when supported by a verified certificate of the state banking commissioner certifying under seal that the depository bank has failed or refused to pay all or a portion of the deposit due the treasurer by the depository bank and that under the terms of the pledge agreement executed by the depository bank the treasurer is entitled to delivery of the securities described in this receipt or the proceeds thereof. Otherwise the securities shall be delivered only upon the written joint order and instructions of the treasurer and depository bank~~;~~. or

(ii) Be in a form and contain provisions as required by the state treasurer or the treasurer of the proper governing board.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 53

INTERSTATE GAME TAG EXEMPTION-MEAT PROCESSORS

Original House Bill No. 136

AN ACT relating to game and fish; repealing interstate game tag requirements for meat processing plants as specified; and providing for an effective date.

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

Section 1. W.S. 23-3-106(a)(intro), (b)(intro) and by creating a new subsection (f) is amended to read:

23-3-106. Transportation of big or trophy game animal.

(a) Except as provided in subsection (f) of this section and W.S. 23-2-302(e), no person shall ship, transport, or receive for shipment or transportation within Wyoming, any game animal, game bird, or any part thereof, unless tagged with a Wyoming game tag or Wyoming interstate game tag, or unless:

(b) Except as provided in subsection (f) of this section and W.S. 23-2-302(e), no big or trophy game animal, or any part thereof, shall be shipped or transported from the state unless accompanied by the licensee who harvested the animal, in possession of a proper coupon, or unless:

(f) Shipment or receipt from a meat processing plant to another meat processing plant of any edible portions of big game animals or game birds are exempt from the requirements of subsections (a) and (b) of this section. Meat processing plants shipping any game animal, game bird or any part thereof to the licensee who harvested the animal are exempt from the requirements of subsections (a) and (b) of this section when the shipment is accompanied by the proper coupon.

Section 2. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 54

TELEPHONE ASSISTANCE PROGRAM-REPEAL

Original House Bill No. 37

AN ACT relating to public utilities; repealing the telephone assistance program; providing conforming statutory amendments; and providing for an effective date.

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

Section 1. W.S. 37-15-408 is amended to read:

37-15-408. Applicability of existing law.

W.S. 37-2-102, 37-2-104, 37-2-106 through 37-2-109, 37-2-113, 37-2-115 through 37-2-118, 37-2-124, 37-2-125, 37-2-130, 37-2-203, 37-2-205(a), 37-2-209, 37-2-214 through 37-2-216, 37-2-218, ~~37-2-301 through 37-2-306,~~ 37-3-114, 37-4-101 through 37-4-104, 37-12-120 through 37-12-130, 37-12-201, 37-12-202, 37-12-204 through 37-12-213, 37-12-301 through 37-12-304 and 37-13-101 through 37-13-137, inclusive, unless in conflict with other provisions of this chapter, are applicable to telecommunications compa-

nies and telecommunication companies shall be considered public utilities for the purposes of those provisions.

Section 2. W.S. 37-2-301 through 37-2-306, 42-2-301 through 42-2-303 and 42-4-115(d) are repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 55

CIGARETTE CERTIFICATION

Original House Bill No. 113

AN ACT relating to public health and safety; providing additional certification and enforcement duties to the department of revenue under the Wyoming Reduced Cigarette Ignition Propensity Act; repealing a reporting requirement; and providing for an effective date.

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

Section 1. W.S. 35-9-803(a)(intro), (d)(intro) and (e), 35-9-804(a)(intro), (c) and (e), 35-9-806(e) and (g) and 35-9-807 are amended to read:

35-9-803. Requirements for sale; test method; adoption of other state's testing method, if appropriate; performance standards; exceptions.

(a) Except as provided in this act, cigarettes may not be offered for sale or sold to persons located in this state unless the cigarettes have been tested and have met the required performance standard specified in this section, the manufacturer has filed a written certification with the ~~state fire marshal~~ department of revenue in accordance with W.S. 35-9-804 and the cigarettes have been marked in accordance with W.S. 35-9-805. The following testing requirements shall apply:

(d) The state fire marshal shall authorize a manufacturer to employ an alternative test method and performance standard to certify ~~that~~ a cigarette for sale in this state if the fire marshal determines that:

(e) Manufacturers shall maintain copies of reports of all tests conducted on all cigarettes offered for sale for three (3) years and shall make copies available upon written request by the ~~state fire marshal~~ department of revenue or attorney general. Any manufacturer failing to make copies of the requested reports available within sixty (60) days of receipt of the request shall be subject to a civil penalty not to exceed ten thousand dollars ($10,000.00) for each day after the sixtieth day that the manufacturer fails to make copies available.

35-9-804. Certification and product change.

(a) Each manufacturer shall certify in writing to the ~~state fire marshal~~ department of revenue:

(c) The ~~state fire marshal~~ department of revenue shall make the certifications available to the attorney general and ~~department of revenue~~ the state fire marshal for purposes consistent with this act.

(e) For each cigarette listed in a certification, a manufacturer shall pay a fee of two hundred fifty dollars ($250.00) payable to the ~~state fire marshal for processing, testing, enforcement and oversight activities required by this act~~ department of revenue to be deposited into the general fund.

35-9-806. Penalties.

(e) Law enforcement personnel or ~~an authorized representative of the state fire marshal~~ authorized employees of the department of revenue may seize cigarettes for which no certification has been filed or that have not been marked in the manner required by this act. Cigarettes seized pursuant to this section shall be destroyed not less than thirty (30) days after the trademark holder in the cigarette brand has been given an opportunity to inspect the cigarettes.

(g) Each violation of this act or of rules and regulations adopted under this act constitutes a separate civil violation for which the ~~state fire marshal~~ department of revenue or attorney general may obtain relief. Upon obtaining judgment for injunctive relief under this section, the ~~state fire marshal~~ department of revenue or attorney general shall provide a copy of the judgment to all wholesale dealers and agents to which the subject cigarette has been sold.

35-9-807. Inspection and enforcement.

(a) The department of revenue may inspect cigarettes to determine if the cigarettes are marked as required by W.S. 35-9-805. If the cigarettes are not marked as required, the department of revenue shall ~~notify the state fire marshal~~ seize the cigarettes as provided in W.S. 35-9-806(e) and notify the attorney general.

(b) To enforce the provisions of this act, the attorney general, the department of revenue ~~and the state fire marshal, their agent~~ and other law enforcement personnel are authorized to examine books, papers, invoices and other records of any person or entity possessing, controlling or occupying any premises where cigarettes are placed, held, stored, sold or offered for sale.

Section 2. W.S. 35-9-803(f) is repealed.

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

Approved February 25, 2015.

Chapter 56

MINERALS TO VALUE ADDED PRODUCTS PROGRAM

Original House Bill No. 53

AN ACT relating to economic development; creating the minerals to value added products program; providing for administration of the program by the Wyoming business council; providing requirements to participate in the program; providing for adequate consideration and other prerequisites for approval of a contract under the program by the state loan and investment board; creating an account; restricting expenditures from the account as specified; providing rulemaking authority; requiring a report; providing definitions; providing legislative findings; and providing for an effective date.

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

Section 1. W.S. 9-20-101 through 9-20-104 are created to read:

CHAPTER 20
WYOMING MINERALS TO VALUE ADDED PRODUCTS PROGRAM

9-20-101. Definitions.

(a) As used in this article:

(i) "Account" means the minerals to value added product program account created pursuant to W.S. 9-20-104(a);

(ii) "Minerals to value added products facility" includes a commercial scale mineral to liquid fuels or other value added products facilities but shall not include any facility which will derive fifty percent (50%) or more of its anticipated revenues from the generation of electricity;

(iii) "Program" means the minerals to value added products program created pursuant to W.S. 9-20-102(a);

(iv) "Tolling fee" means a negotiated fee for the conversion of a feedstock mineral provided by the state of Wyoming under a contract with the operator of a value added facility;

(v) "This act" means W.S. 9-20-101 through 9-20-104.

9-20-102. Wyoming mineral to value added product program; rulemaking authority.

(a) There is created the Wyoming minerals to value added products program. The program is intended to aid economic development of the state by providing mineral product input guarantees to enable the recruitment and operation of commercial scale minerals to value added products facilities, which have demonstrated proof of performance.

(b) The Wyoming business council shall establish and administer the program under this act. Any commercial scale minerals to value added products facility shall submit a proposal to the governor. The governor may provide recommendations for the size and parameters of the proposed contract. An application to participate in the program shall then be submitted to and reviewed

by the Wyoming business council under the process set forth in W.S. 9-12-601 through 9-12-603. The application shall be submitted on forms prescribed by, and subject to rules promulgated by, the Wyoming business council. In determining whether to recommend a contract for approval, the Wyoming business council shall consider if the applicant has demonstrated a business plan, balance sheet, sufficient cash flow, commitments to sell the finished product and other indices necessary to demonstrate the applicant's ability to perform under the contract as determined by rule and regulation of the Wyoming business council.

(c) The Wyoming business council shall provide recommendations for terms and conditions contained in a proposed contract. The Wyoming business council's recommendations shall be forwarded to the state loan and investment board for final consideration of the application.

(d) After an application to participate in the program is approved by the state loan and investment board, the Wyoming business council may complete negotiations to contract to supply not more than twenty percent (20%) of the expected mineral supply to the facility for the duration of the contract. Total contract amounts for any one (1) facility shall be set by rule of the state loan and investment board based on the provisions of this act and the expected return to the state of Wyoming, but in no event shall a contract exceed fifty million dollars ($50,000,000.00).

(e) All complete applications to participate in the minerals to value added products program established under this act which conform to the criteria established by this act and rules and regulations promulgated hereunder, shall be considered. The Wyoming business council shall review the application and may communicate directly with the applicant. A determination by the state loan and investment board to approve or disapprove an application under this act is not appealable.

(f) If the Wyoming business council receives multiple applications to enter a contract under the program, consideration shall be given to whether the applicant has demonstrated a past record of producing jobs in Wyoming and whether the applicant has and is likely to maintain a nexus to the state of Wyoming.

9-20-103. Criteria and procedures for contracts.

(a) In determining whether to recommend or approve a contract under this act, the Wyoming business council and state loan and investment board shall consider if:

(i) There are sufficient funds in the account to fully fund the contract and all other outstanding commitments to the account;

(ii) The contract establishes the terms and conditions of the contract as required by this act, including, but not necessarily limited to:

(A) The duration of the contract to provide feedstock minerals, including the end date for the contract;

(B) Criteria to determine proof of performance on the part of the minerals to value added products facility prior to expenditure of funds by the state of Wyoming under the contract;

(C) Tolling fees for the conversion of the state's feedstock to a value added product;

(D) Procedures and mechanisms for the sale of the finished product produced under the contract and the deposit of the proceeds of those sales to the account as provided in W.S. 9-20-104.

(b) Contracts considered under this act shall be subject to the following procedures:

(i) The proposed contract shall be submitted to the Wyoming business council for review and determination under the process set forth in W.S. 9-12-601 through 9-12-603;

(ii) The Wyoming business council's recommendations shall be forwarded to the state loan and investment board for final consideration of the contract.

(c) The Wyoming business council shall only recommend, and the state loan and investment board shall only approve, entering into contracts under this act for minerals to value added products facility projects which meet the following minimum requirements:

(i) Are anticipated to have a beneficial economic impact to the state of Wyoming and provide the following minimum public benefits:

(A) The creation of a substantial expansion of permanent jobs in the county or counties in which the project will be located;

(B) A substantial increase in the assessed valuation of the county or counties in which the projects will be located;

(C) A substantial increase in the sales, property or other tax revenues to the county or counties where the project will be located;

(D) Promotion of a stable, balanced and diversified economy; and

(E) Private investment in the county or counties in buildings, equipment and direct project infrastructure of not less than three (3) times the amount of any contract.

(ii) Provide adequate consideration for the state of Wyoming to enter the contract;

(iii) The feedstock materials supplied under the contract shall have been produced substantially in Wyoming;

(iv) The contract shall not create debt of the state of Wyoming beyond the

current year's taxes;

(v) The facility to which the feedstock materials is to be supplied has not previously been supplied with feedstock materials from a contract entered into under the program; and

(vi) The terms of the contract are such that the state of Wyoming is likely to realize a positive return on its investment under the contract.

(d) No contract shall be entered into under this act without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith.

(e) The governor, Wyoming business council or state loan and investment board is authorized to employ such experts as necessary to fully evaluate an application and negotiate the terms and conditions of a contract under this act. If experts are retained, the cost for the experts shall be paid by the applicant.

(f) The Wyoming business council may contract with such experts as necessary to assist in the performance of its obligations under any contract entered into, including assistance with feed stock purchases and the sale of value added products.

9-20-104. Wyoming mineral to value added product program account; purpose; creation; rulemaking.

(a) There is created a minerals to value added products program account. Funds in the account shall be used exclusively to promote minerals to value added products facilities as provided in this act.

(b) Funds appropriated by the legislature for the program shall be deposited into the account. All funds in the account are continuously appropriated for contracts and other expenses authorized under this act. The total principal balance of outstanding contracts shall not exceed the amounts appropriated by the legislature plus revenues accrued and collected less any losses, currently available in the account.

(c) Any unexpended balance in the account shall be invested by the state treasurer and the interest earned shall be credited to the account.

(d) Revenues generated from any contract entered into under this act shall be deposited into the account and continuously appropriated to the Wyoming business council to be expended solely for the purpose of administering this act and contracts authorized hereunder, except as provided in subsection (e) of this section.

(e) The Wyoming business council shall report by November 1 of each year to the joint appropriations committee and the joint minerals, business and economic development interim committee on the status and condition of the program and the account. The report required under this subsection, and all its contents, shall be a public record. In addition to factors listed in this sub-

section, the Wyoming business council's report shall include the account fund balance and anticipated potential expenditures, including contracts, under the program for the next three (3) fiscal years, respectively. The joint appropriations committee shall then determine whether to introduce legislation to appropriate a portion, or all, of the funds in the account for purposes other than the program. The report shall further include:

(i) A review of rules adopted by the Wyoming business council or state loan and investment board during the reporting period;

(ii) The portfolio of contracts entered into under the program;

(iii) A risk analysis of the portfolio;

(iv) Any other relevant information as determined by the state loan and investment board or the Wyoming business council.

Section 2. The Wyoming business council and the office of state lands and investments shall develop rules and regulations for the implementation of the program developed under this act as soon as practicable after the effective date of this act.

Section 3.

(a) The legislature finds that the state of Wyoming has an abundance of natural mineral resources which provide the basis of the state's economy. The vast majority of Wyoming's extracted mineral wealth is consumed or converted to higher value products outside of the state of Wyoming.

(b) The legislature finds that it is in the interest of the state of Wyoming to encourage the development of industries in this state which convert the state's mineral resources to higher valued products prior to exportation from the state.

(c) The legislature finds that to promote the development of facilities which convert minerals to value added products in the state of Wyoming it may be necessary for the state to enter into ventures with private entities which own and operate value added facilities. This act creates a program whereby the state of Wyoming may enter into a contract to provide feedstock minerals to a mineral to value added product facility, pay a tolling fee to the operator for the conversion of the feedstock to a higher value product and receive the sale price of the value added product, less any reasonable fees negotiated between the state of Wyoming and the operator of the facility.

(d) It is the intent of the legislature that any contract entered into under this act will produce a positive return on the funds committed by the state of Wyoming.

(e) The legislature finds that a program to encourage the development of minerals to value added products in Wyoming will benefit the state of Wyoming and serves a public purpose for the citizens of the state of Wyoming by creating additional revenues for the state, diversifying the state's economy and

providing employment opportunities for citizens of the state.

Section 4. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 57

UNCLAIMED PROPERTY-ADVERTISING

Original House Bill No. 63

AN ACT relating to unclaimed property; amending advertising notice requirements; and providing for an effective date.

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

Section 1. W.S. 34-24-119(c)(intro) is amended to read:

34-24-119. Abandoned property lists; notice and publication of lists of abandoned property.

(c) Within the calendar year following the year in which unclaimed property has been paid or delivered to the administrator, the administrator shall advertise the unclaimed property ~~one (1) time in a newspaper generally circulating in this state. The advertisement shall be made in such form as~~ in a form that, in the discretion of the administrator, is likely to attract the attention of the apparent owner of the unclaimed property. ~~The advertisement shall contain the following information:~~

Section 2. W.S. 34-24-119(c)(i) through (iv) is repealed.

Section 3. This act is effective July 1, 2015.

Approved February 25, 2015.

Chapter 58

WYOMING HEALTH INSURANCE POOL ACT EXTENSION

Original Senate File No. 64

AN ACT relating to the Wyoming Health Insurance Pool Act; amending eligibility as specified; extending a sunset date; and providing for an effective date.

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

Section 1. W.S. 26-43-103(a)(intro) and by creating a new subsection (e) and 26-43-113 are amended to read:

26-43-103. Eligibility.

(a) Except as provided in ~~subsection~~ subsections (b) and (e) of this section,

any individual person who is a resident of this state is eligible for pool coverage under eligibility level one (1) or eligibility level two (2) if evidence of the following is provided:

(e) Notwithstanding subsection (a) of this section, the commissioner shall have authority to terminate eligibility and disenroll from coverage under the pool some or all of the individuals who are enrolled in the plan as of July 1, 2015, subject to the following:

(i) The commissioner has determined that all individuals or groups of individuals who are to be disenrolled have reasonable access to health insurance;

(ii) All individuals who are to be disenrolled shall receive prior notice of disenrollment at least ninety (90) days prior to the effective date of the disenrollment;

(iii) The commissioner shall have authority to reenroll any individual or group who were disenrolled pursuant to this subsection if it is demonstrated that the individual or group cannot otherwise be insured at reasonable expense.

26-43-113. Termination of provisions.

This act is not effective after June 30, ~~2015~~ 2020.

Section 2. This act is effectively 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 26, 2015.

Chapter 59

DEPARTMENT OF HEALTH REPORTS-CLEANUP

Original Senate File No. 31

AN ACT relating to the administration of government; deleting requirements for reports from the department of health to the legislature as specified; requiring the department to provide reports from the department's internal performance measurement system; and providing for an effective date.

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

Section 1. W.S. 9-2-102 by creating a new subsection (o), 9-2-2702(a)(vii), 35-1-801, 35-25-301(b)(intro), 35-27-103(a)(intro) and 42-4-120(f) are amended to read:

9-2-102. Department of health; duties and responsibilities; state grants.

(o) The department shall provide to the joint labor, health and social services interim committee, and any other appropriate legislative committee, periodic reports from the department's internal performance measurement system.

9-2-2702. Definitions.

(a) As used in this act:

(vii) "This act" means W.S 9-2-2701 through ~~9-2-2706~~ 9-2-2704.

35-1-801. Department of health to develop comprehensive emergency medical services and trauma system.

The department of health shall develop a comprehensive emergency medical services and trauma system. ~~The department shall report annual progress on the system to the legislature.~~

35-25-301. Diabetes care planning; reports to the legislature.

(b) The department of health shall ~~submit a report to the joint labor, health and social services interim committee by October 1 of each odd-numbered year through 2021 on~~ track for statistical and trending analysis the following:

35-27-103. Program evaluation and statistical information.

(a) It shall be the goal of the program in each county to provide appropriate nursing contact to all eligible women. The department shall ~~annually report by October 1 to the joint labor, health and social services interim committee~~ statistically track, in order to provide trending reports as needed, the number of known eligible births, the number receiving appropriate contacts, the number of women needing follow-up services and the number who did not receive follow-up services broken down by cause as follows:

42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments; training and certification of specialists.

(f) The department, not later than April 1, 2008, shall promulgate rules under which an emergency case shall be determined to exist with respect to eligibility for federal home and community based waiver services for persons with developmental disabilities or adult brain injury under this act. Upon a finding by the department that an emergency exists under this subsection, the department in accordance with its rules and regulations shall make necessary expenditures for the recipient from the emergency contingency account established for that purpose. Expenditures from the emergency contingency account shall be limited to those services necessary to provide authorized customary services as provided by home and community-based waivers for persons with developmental disabilities or adult brain injury in response to the emergency situation until the emergency no longer exists or eligibility under this act can be determined and any necessary services provided from nonemergency funding sources. ~~The developmental disabilities division of the department of health shall submit an accounting to the joint appropriations interim committee and the joint labor, health and social services interim committee by October 1 of each year regarding total expenditures and the number of persons provided emergency services pursuant to this subsection.~~

Section 2. W.S. 9-2-103(a)(ii), 9-2-1215, 9-2-2701(f), 9-2-2706, 9-4-1204(j), 25-5-105(b), 33-36-115(g), 42-4-121(m), 42-6-105(f) and 42-6-109(d) are repealed.

Section 3. 2006 Wyoming Session Laws, Chapter 40, Section 10(c) is amended to read:

> **Section 10. Mental health outcomes development/data infrastructure.**
>
> (c) The department of health, mental health division, shall expend the appropriation under this section to establish a statewide quality improvement program which will systematically monitor the effectiveness, efficiency, appropriateness and quality of mental health care and services. The department of health, mental health division, shall negotiate with service providers specific system performance measures and client outcome measures utilized on the statewide quality improvement program, to include, but not be limited to, access to and quality of core and regional services, changes in employment and residential status of clients, and cost effectiveness of services. The department of health, mental health division shall structure its contracts with community mental health centers with whom it has contracts to ensure necessary client data is reported uniformly. The contracts shall specify what services will be provided under the contract and outcome measures achieved to determine the extent of statewide needs, based on regional reports received. ~~Quality improvement reports shall be provided to the joint appropriations interim committee and the joint labor, health and social services interim committee no later than October 1 of each year, beginning October 1, 2007.~~

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 26, 2015.

Chapter 60

NRC AGREEMENT STATE AUTHORIZATION

Original House Bill No. 27

AN ACT relating to environmental quality; authorizing the governor to begin negotiations with the nuclear regulatory commission to seek an agreement for the state to assume regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such

source materials, as specified; authorizing the governor to negotiate and enter a final agreement with the nuclear regulatory commission, as specified; providing for the department of environmental quality to administer the program; providing rulemaking authority; authorizing additional positions as specified; directing the department of environmental quality to adopt a fee structure under the program as specified; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 35-11-2001 is created to read:

ARTICLE 20
NUCLEAR REGULATORY AGREEMENT

35-11-2001. Authorization to negotiate transfer of certain nuclear regulatory functions to the state; rulemaking.

(a) The governor, on behalf of the state, is authorized to contact the federal nuclear regulatory commission to express the intent of the state of Wyoming to enter into an agreement with the nuclear regulatory commission providing for the assumption by the state of responsibilities relating to the regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such source materials.

(b) The department of environmental quality shall serve as the lead agency for the regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such source materials in the state of Wyoming under any proposed agreement negotiated under this section.

(c) The governor, through the department, is authorized to negotiate all aspects of a potential agreement under this section between the state of Wyoming and the federal nuclear regulatory commission. The governor is authorized to enter into a final agreement with the federal nuclear regulatory commission for the regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such source materials in the state of Wyoming pursuant to the requirements of this section. A final agreement under this section shall include all necessary components of a program to regulate source materials from uranium mining and milling and the wastes associated with the recovery of such source materials.

(d) The department is authorized to promulgate reasonable rules and regulations necessary to effectuate the purposes of this section.

Section 2.

(a) The department of environmental quality is authorized up to six (6) additional positions to implement the purposes of this act. The department of environmental quality shall include these positions in its 2017-2018 standard budget request.

(b) The office of the attorney general is authorized two (2) additional full-time permanent positions to implement the purposes of this act. The office

of the attorney general shall include these positions in its 2017-2018 standard budget request.

(c) The department of environmental quality shall adopt a fee structure which accounts for the full cost of the program developed under this act, including all positions authorized by this act and other positions assigned to implementation of the program developed under this act.

Section 3.

(a) For the period beginning with the effective date of this act through June 30, 2016, there is appropriated nine hundred twenty thousand dollars ($920,000.00) from the general fund to the department of environmental quality to fund the full-time permanent positions authorized in subsection 2(a) of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds shall revert as provided by law on June 30, 2016.

(b) For the period beginning with the effective date of this act through June 30, 2016, there is appropriated two hundred twelve thousand two hundred fifty-four dollars ($212,254.00) from the general fund to the office of the attorney general to fund the full-time permanent positions authorized in subsection 2(b) of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds shall revert as provided by law on June 30, 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 27, 2015.

Chapter 61

EXCISE TAX-WELL SITE

Original House Bill No. 51

AN ACT relating to taxation and revenue; amending the definition of well site; 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)(xviii) is amended to read:

39-15-101. Definitions.

(a) As used in this article:

(xviii) "Well site" means an area ~~within a two hundred fifty (250) foot radius of an oil or gas wellbore~~ where production equipment is installed to store or prepare oil or gas for transportation off the well site. Production equipment

includes, but is not limited to, wellheads, valves, tanks, dehydrators, heater-treaters, separators, flow lines, meters, flares, vapor recovery units and emission equipment. Except as provided in this paragraph, production equipment for purposes of defining a well site shall not include compressors, off well site gathering lines and processing facilities;

Section 2. This act is effective July 1, 2015.

Approved February 27, 2015.

Chapter 62

INTERSTATE MEDICAL LICENSURE COMPACT

Original House Bill No. 107

AN ACT relating to professions and occupations; adopting the Interstate Medical Licensure Compact; requiring reporting; making a conforming amendment; and providing for an effective date.

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

Section 1. W.S. 33-26-701 through 33-26-703 are created to read:

ARTICLE 7
INTERSTATE MEDICAL LICENSURE COMPACT

33-26-701. Short title.

This act shall be known and may be cited as the "Interstate Medical Licensure Compact."

33-26-702. Compact provisions generally.

The Interstate Medical Licensure Compact is enacted into law and entered into on behalf of this state with all other states legally joining in the compact in a form substantially as follows.

ARTICLE I
Purpose

In order to strengthen access to health care and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter and therefore requires the physician to

be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

ARTICLE II
Definitions

(a) In this compact:

(i) "Bylaws" means those bylaws established by the interstate commission pursuant to article XI for its governance or for directing and controlling its actions and conduct;

(ii) "Commissioner" means the voting representative appointed by each member board pursuant to article XI;

(iii) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board;

(iv) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact;

(v) "Interstate commission" means the interstate commission created pursuant to article XI;

(vi) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization;

(vii) "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state;

(viii) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation and education of physicians as directed by the state government;

(ix) "Member state" means a state that has enacted the compact;

(x) "Practice of medicine" means the clinical prevention, diagnosis or treatment of human disease, injury or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state;

(xi) "Physician" means any person who:

(A) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation or a medical school listed in the international medical education directory or its equivalent;

(B) Passed each component of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX-USA) within three (3) attempts or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(C) Successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association;

(D) Holds specialty certification or a time unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists;

(E) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(F) Has never been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;

(G) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license;

(H) Has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration; and

(J) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction.

(xii) "Offense" means a felony, gross misdemeanor or crime of moral turpitude;

(xiii) "Rule" means a written statement by the interstate commission promulgated pursuant to article XII of the compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state and includes the amendment, repeal or suspension of an existing rule;

(xiv) "State" means any state, commonwealth, district or territory of the United States;

(xv) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

ARTICLE III
Eligibility

(a) A physician must meet the eligibility requirements as defined in article II(a)(xi) to receive an expedited license under the terms and provisions of the compact.

(b) A physician who does not meet the requirements of article II(a)(xi) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

ARTICLE IV
Designation of State of Principal License

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state and the state is:

(i) The state of primary residence for the physician;

(ii) The state where at least twenty-five percent (25%) of the practice of medicine occurs;

(iii) The location of the physician's employer; or

(iv) If no state qualifies under paragraph (a)(i), (ii) or (iii) of this article, the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements in subsection (a) of this article.

(c) The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

ARTICLE V
Application and issuance of expedited licensure

(a) A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the interstate commission, subject to the following:

(i) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination and other qualifications as determined by the interstate commission through rule, shall not be subject to additional primary source verification where primary sources have already been verified by the state of principal license;

(ii) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202;

(iii) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

(c) Upon verification under subsection (b) of this article, physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to subsection (a) of this article, including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) of this article and any fees under subsection (c) of this article, a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained though the compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a nondisciplinary reason, without redesignation of a new state of principal licensure.

(g) The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees and the issuance of an expedited license.

ARTICLE VI
Fees for Expedited Licensure

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

(b) The interstate commission is authorized to develop rules regarding fees for expedited licenses.

ARTICLE VII
Renewal and Continued Participation

(a) A physician seeking to renew an expedited license granted in a member

state shall complete a renewal process with the interstate commission if the physician:

(i) Maintains a full and unrestricted license in a state of principal license;

(ii) Has not been convicted, received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;

(iii) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license; and

(iv) Has not had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected under subsection (c) of this article, a member board shall renew the physician's license.

(e) Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

(f) The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact.

ARTICLE VIII
Coordinated Information System

(a) The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under article V.

(b) Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission.

(d) Member boards may report any nonpublic complaint, disciplinary or investigatory information not required by subsection (c) of this article, to the interstate commission.

(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the interstate commission or distributed by

member boards shall be confidential, filed under seal and used only for investigatory or disciplinary matters.

(g) The interstate commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

ARTICLE IX
Joint Investigations

(a) Licensure and disciplinary records of physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

ARTICLE X
Disciplinary Actions

(a) Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided and:

(i) Impose the same or lesser sanction against the physician so long as

such sanctions are consistent with the medical practice act of that state; or

(ii) Pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline or suspended, then any license issued to the physician by any other member board shall be suspended, automatically and immediately without further action necessary by the other member board, for ninety (90) days upon entry of the order by the disciplining board, to permit the member board to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the medical practice act of that state.

ARTICLE XI
Interstate Medical Licensure Compact Commission

(a) The member states hereby create the "Interstate Medical Licensure Compact Commission."

(b) The purpose of the interstate commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.

(c) The interstate commission shall be a body corporate and shall have all the responsibilities, powers and duties set forth in the compact and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

(d) The interstate commission shall consist of two (2) voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one (1) representative from each member board. A commissioner shall be:

(i) An allopathic or osteopathic physician appointed to a member board;

(ii) An executive director, executive secretary or similar executive of a member board; or

(iii) A member of the public appointed to a member board.

(e) The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(g) Each commissioner participating at a meeting of the interstate commission is entitled to one (1) vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d) of this article.

(h) The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds (2/3) vote of the commissioners present that an open meeting would be likely to:

(i) Relate solely to the internal personnel practices and procedures of the interstate commission;

(ii) Discuss matters specifically exempted from disclosure by federal statute;

(iii) Discuss trade secrets, commercial or financial information that is privileged or confidential;

(iv) Involve accusing a person of a crime or formally censuring a person;

(v) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(vi) Discuss investigative records compiled for law enforcement purposes; or

(vii) Specifically relate to the participation in a civil action or other legal proceeding.

(j) The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(k) The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.

(m) The interstate commission shall establish an executive committee, which shall include officers, members and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the compact including enforcement and compliance with the provisions of the compact, its

bylaws and rules and other such duties as necessary.

(n) The interstate commission may establish other committees for governance and administration of the compact.

ARTICLE XII
Powers and Duties of the Interstate Commission

(a) The interstate commission shall have the duty and power to:

(i) Oversee and maintain the administration of the compact;

(ii) Promulgate rules which shall be binding to the extent and in the manner provided for in the compact;

(iii) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules and actions;

(iv) Enforce compliance with compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(v) Establish and appoint committees including, but not limited to, an executive committee as required by article XI, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties;

(vi) Pay or provide for the payment of the expenses related to the establishment, organization and ongoing activities of the interstate commission;

(vii) Establish and maintain one (1) or more offices;

(viii) Borrow, accept, hire or contract for services of personnel;

(ix) Purchase and maintain insurance and bonds;

(x) Employ an executive director who shall have such powers to employ, select or appoint employees, agents or consultants and to determine their qualifications, define their duties and fix their compensation;

(xi) Establish personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

(xii) Accept donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose of it in a manner consistent with the conflict of interest policies established by the interstate commission;

(xiii) Lease, purchase, accept contributions or donations of or otherwise to own, hold, improve or use, any property, real, personal or mixed;

(xiv) Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

(xv) Establish a budget and make expenditures;

(xvi) Adopt a seal and bylaws governing the management and operation

of the interstate commission;

(xvii) Report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission;

(xviii) Coordinate education, training and public awareness regarding the compact, its implementation and its operation;

(xix) Maintain records in accordance with the bylaws;

(xx) Seek and obtain trademarks, copyrights and patents; and

(xxi) Perform such functions as may be necessary or appropriate to achieve the purposes of the compact.

ARTICLE XIII
Finance Powers

(a) The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

(b) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The interstate commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The interstate commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the interstate commission.

ARTICLE XIV
Organization and operation of the Interstate Commission

(a) The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within twelve (12) months of the first interstate commission meeting.

(b) The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission.

(c) Officers selected in subsection (b) of this article shall serve without remu-

neration from the interstate commission.

(d) The officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error or omission that occurred, or that the officer or employee had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities provided that an officer or employee shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of the officer or employee. The immunity provided by this article shall be subject to the following:

(i) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of the officer's or employee's employment or duties for acts, errors or omissions occurring within the officer's or employee's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect the officer or employee from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of the officer or employee;

(ii) The interstate commission shall defend the executive director, its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend an interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of the officer or employee;

(iii) To the extent not covered by the state involved, member state or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against the officers and employees arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities or that the officers and employees had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of the officers

or employees.

ARTICLE XV

Rulemaking functions of the Interstate Commission

(a) The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010 and subsequent amendments thereto.

(c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

ARTICLE XVI

Oversight of Interstate Compact

(a) The executive, legislative and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact which may affect the powers, responsibilities or actions of the interstate commission.

(c) The interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, the compact or promulgated rules.

ARTICLE XVII

Enforcement of Interstate Compact

(a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

(b) The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c) The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XVIII
Default Procedures

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the compact or the rules and bylaws of the interstate commission promulgated under the compact.

(b) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact or the bylaws or promulgated rules, the interstate commission shall:

(i) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and

(ii) Provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of

the member states.

(e) The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state or the withdrawal of a member state.

(f) The member state which has been terminated is responsible for all dues, obligations and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(h) The defaulting state may appeal the action of the interstate commission by petitioning the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

ARTICLE XIX
Dispute Resolution

(a) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

(b) The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

ARTICLE XX
Member States, Effective Date and Amendments

(a) Any state is eligible to become a member state of the compact.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.

(c) The governors of nonmember states or their designees, shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

(d) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XXI
Withdrawal

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

(d) The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection (c) of this article.

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

(g) The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

ARTICLE XXII
Dissolution

(a) The compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one (1) member state.

(b) Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XXIII
Severability and Construction

(a) The provisions of the compact shall be severable and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of the compact shall be liberally construed to effectuate

its purposes.

(c) Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XXIV
Binding Effect of Compact and Other Laws

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the interstate commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

33-26-703. Interstate commission members.

Pursuant to article XI(d) of the Interstate Medical Licensure Compact, the governor shall appoint two (2) voting representatives to the interstate medical licensure compact commission. The representatives shall serve staggered two (2) year terms as commissioners.

Section 2. W.S. 33-26-303(a)(intro) is amended to read:

33-26-303. Requirements for granting license.

(a) The board may grant a license to practice medicine in this state <u>as provided in the Interstate Medical Licensure Compact or, under this article,</u> to any applicant who demonstrates, to the board, that he:

Section 3. This act is effective July 1, 2015.

Approved February 27, 2015.

Chapter 63

PERSONAL IDENTIFYING INFORMATION-DEFINITIONS

Original Senate File No. 36

AN ACT relating to crimes and offenses and consumer protection; amending definitions relating to personal identifying information; and providing for an effective date.

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

Section 1. W.S. 6-3-901(b) and 40-12-501(a)(vii)(intro) are amended to read:

6-3-901. Unauthorized use of personal identifying information; penalties; restitution.

(b) As used in this section "personal identifying information~~,~~" means the name~~, address, telephone number, driver's license number, social security number, place of employment, employee identification number, tribal identification card number, mother's maiden name, demand deposit account number, savings account number, or credit card number~~ or any of the following data elements of an individual person:~~.~~

(i) Address;

(ii) Telephone number;

(iii) Social security number;

(iv) Driver's license number;

(v) Account number, credit card number or debit card number in combination with any security code, access code or password that would allow access to a financial account of the person;

(vi) Tribal identification card;

(vii) Federal or state government issued identification card;

(viii) Shared secrets or security tokens that are known to be used for data based authentication;

(ix) A username or email address, in combination with a password or security question and answer that would permit access to an online account;

(x) A birth or marriage certificate;

(xi) Medical information, meaning a person's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional;

(xii) Health insurance information, meaning a person's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the person or information related to a person's application and claims history;

(xiii) Unique biometric data, meaning data generated from measurements or analysis of human body characteristics for authentication purposes;

(xiv) An individual taxpayer identification number.

40-12-501. Definitions.

(a) As used in this act:

(vii) "Personal identifying information" means the first name or first initial and last name of a person in combination with one (1) or more of the

~~following~~ data elements specified in W.S. 6-3-901(b)(iii) through (xiv), when ~~either the name or~~ the data elements are not redacted.~~:~~

Section 2. W.S. 40-12-501(a)(vii)(A) through (E) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 64

MEDICAL BILLING-PROVISIONAL PROVIDERS

Original Senate File No. 102

AN ACT relating to Medicaid; providing that mental health services may be provided by mental health professionals holding a provisional license as specified; providing a definition; and providing for an effective date.

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

Section 1. W.S. 42-4-103(a)(xx) is amended to read:

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xx) Services provided by a certified mental health center or community substance abuse treatment center;~~, and~~ mental health services ~~furnished~~ provided to qualified recipients by a licensed physician or under the direction of a physician if an individual treatment plan is established in writing, approved and periodically reviewed by a licensed physician; ~~and~~ services ~~furnished~~ provided by a ~~licensed professional counselor, a licensed marriage and family therapist, a licensed addictions therapist or a licensed clinical social worker.~~ licensed mental health professional. Authorized services shall include services provided by a person holding a provisional license as a mental health professional if the services were provided under the supervision of a licensed mental health professional. The department of health shall by rule and regulation or within the state plan for medical assistance and services, define those services qualifying as mental health services under this paragraph and, pursuant to W.S. 9-2-102, establish standards for certification under this paragraph. As used in this paragraph "licensed mental health professional" means a licensed professional counselor, a licensed marriage and family therapist, a licensed addictions therapist or a licensed clinical social worker;

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 65

SECURITY BREACH NOTIFICATION

Original Senate File No. 35

AN ACT relating to consumer protection; specifying notice requirements to consumers affected by breaches of personal identifying information; providing exceptions; and providing for an effective date.

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

Section 1. W.S. 40-12-502(e)(intro), by creating new paragraphs (ii) through (vii) and by creating a new subsection (h) is amended to read:

40-12-502. Computer security breach; notice to affected persons.

(e) Notice required under subsection (a) of this section shall be clear and conspicuous and shall include, at a minimum:

(ii) The types of personal identifying information that were or are reasonably believed to have been the subject of the breach;

(iii) A general description of the breach incident;

(iv) The approximate date of the breach of security, if that information is reasonably possible to determine at the time notice is provided;

(v) In general terms, the actions taken by the individual or commercial entity to protect the system containing the personal identifying information from further breaches;

(vi) Advice that directs the person to remain vigilant by reviewing account statements and monitoring credit reports;

(vii) Whether notification was delayed as a result of a law enforcement investigation, if that information is reasonably possible to determine at the time the notice is provided.

(h) A covered entity or business associate that is subject to and complies with the Health Insurance Portability and Accountability Act, and the regulations promulgated under that act, 45 C.F.R. Parts 160 and 164, is deemed to be in compliance with this section if the covered entity or business associate notifies affected Wyoming customers or entities in compliance with the requirements of the Health Insurance Portability and Accountability Act and 45 C.F.R. Parts 160 and 164.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 66

AIR QUALITY CONSTRUCTION PERMITTING

Original Senate File No. 117

AN ACT relating to environmental quality; authorizing the operation of specified oil and gas exploration or production wells or activities following application for a construction permit; and providing for an effective date.

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

Section 1. W.S. 35-11-801(c) and by creating new subsections (e) and (f) is amended to read:

35-11-801. Issuance of permits and licenses.

(c) Except as provided in subsection (e) of this section, a permit to construct is required before construction or modification of any industrial facility capable of causing or increasing air or water pollution in excess of standards established by the department is commenced.

(e) Except for sources required to have a permit before construction or modification under the applicable requirements of W.S. 35-11-203 and sources specified by the director, if an applicant for an air quality permit for an oil or gas exploration or production well, with its associated equipment, has submitted a timely and complete application for a permit to construct or modify within ninety (90) days of the first date of production of the oil and gas operation, the applicant's failure to have a permit shall not be a violation of this section. An applicant complies with this section if the applicant demonstrates to the administrator of the air quality division that the oil and gas exploration or production activity qualifies as a nonmajor source. The application shall contain, at a minimum, a demonstration that the applicant will apply the best available control technology to the oil and gas production and exploration activity.

(f) As used in subsection (e) of this section, "first date of production" means the date permanent production equipment is in place and product is consistently flowing to sales lines, gathering lines or storage tanks. Production occurring during well completion activities which is routed to temporary production equipment is considered to occur prior to the first date of production. If extended periods of time pass between zone completions but production from initially completed zones is consistently flowing to permanent production equipment, the first date of production is the date when production from the initial zones began consistently flowing to the permanent production equipment, even though more zones will be completed later.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 67

WYOMING PUBLIC TELEVISION ENDOWMENT ACCOUNTS

Original Senate File No. 59

AN ACT relating to Wyoming public television; creating the Wyoming public television endowment account; creating the Wyoming public television matching funds account; depositing prior appropriations into the account; and providing for an effective date.

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

Section 1. W.S. 21-23-201 and 21-23-202 are created to read:

ARTICLE 2
WYOMING PUBLIC TELEVISION ENDOWMENT ACCOUNT

21-23-201. Wyoming public television accounts.

(a) The Wyoming public television endowment account is created.

(b) The state treasurer shall invest amounts deposited within the Wyoming public television endowment account in accordance with law. All investment earnings shall be credited to the general fund. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, other funds within the account shall not lapse or revert until and unless directed by the legislature and shall remain available for distribution as provided in this article.

21-23-202. Wyoming public television matching program; state treasurer to administer program accounts; matching payments; conditions; reversion of appropriations.

(a) The Wyoming public television matching funds account is created.

(b) The state treasurer shall administer the Wyoming public television endowment account and Wyoming public television matching funds account established under this article. The following shall apply:

(i) Funds from the Wyoming public television endowment account shall be transferred by the state treasurer to the 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 amounts actually deposited to the matching funds account total 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 deposits 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 section 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 investment earnings from investments of the monies in the matching funds account may be distributed. The state treasurer shall distribute income from the matching funds account to the community college commission quarterly. 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).

Section 2. Monies appropriated to the Wyoming public television endowment account by 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 057, footnote 1, and reappropriated in 2011 Wyoming Session Laws, Chapter 88, Section 2, Section 057, footnote 3, not otherwise obligated or encumbered, shall be deposited in the Wyoming public television endowment account created by this act. The fund balance within the Wyoming public television matching funds account originally created under 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 057, footnote 1 shall be transferred to the Wyoming public television matching funds account created by 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 2, 2015.

Chapter 68

SAVINGS AND LOAN ASSOCIATIONS

Original Senate File No. 65

AN ACT relating to banking; specifying how provisions related to savings and loan associations apply to mutual savings and loan associations; revising specified duties of the state banking commissioner; repealing provisions related to the office of thrift supervision; providing a definition; and providing for an effective date.

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

Section 1. W.S. 13-6-102 by creating a new subsection (f), 13-6-201, 13-6-202, 13-6-301(a) and (b), 13-6-302(a)(intro), (ii) and (iii), 13-6-304(a)(intro), (ii) and (iii), 13-6-405, 13-7-102(a) and 13-7-602(a) and (c) are amended to read:

13-6-102. Articles of incorporation; bylaws; definition.

(f) As used in this chapter:

(i) "Mutual savings and loan association" means a savings and loan association or savings and loan bank without stock in which the borrowers and depositors are members of the savings and loan association or savings and loan

bank and have voting rights as members of the association or bank;

(ii) "Shareholder" includes a member of a mutual savings and loan association.

13-6-201. Insurance.

The state banking commissioner ~~may~~ shall require as a condition of approval that associations be approved and their savings insured by the federal deposit insurance corporation.

13-6-202. Capitalization.

(a) Except as otherwise provided in this subsection, associations shall have permanent nonwithdrawable capital stock of one hundred dollars ($100.00) per share and this stock shall be subscribed for as fully paid stock. An association other than a mutual savings and loan association shall not organize with a capital stock less than five hundred thousand dollars ($500,000.00). In a mutual savings and loan association without capital stock, the association shall not organize with less than five hundred thousand dollars ($500,000.00) in initial capital.

(b) If an association has par value capital stock outstanding of less than one percent (1%) of its savings and investment accounts outstanding, it shall either increase its capital stock to at least one percent (1%) of such outstanding savings accounts or discontinue the acceptance of savings and investment accounts until this amount of capital is provided. This subsection shall not apply to a mutual savings and loan association.

13-6-301. Procedure generally.

(a) Any association organized under the laws of this state, including a mutual savings and loan association, may reorganize the association and provide for the carrying on of its business under the laws of this state by a vote of two-thirds (2/3) of the shares of the members of the association who vote at the meeting. No meeting shall be called unless the plan has first been approved by the state banking commissioner, the federal deposit insurance corporation and the ~~office of thrift supervision~~ comptroller of the currency. Notice of the meeting shall contain a statement of the time, place and purpose of the meeting and an outline of the reorganization plan. Notice shall be given by mailing a copy to each shareholder at least thirty (30) days prior to the date of the meeting, addressed to the shareholder at his address shown by the books of the association. Shareholders may vote at the meeting in person or by proxy and all voting shall be by ballot. The plan of reorganization may provide for reincorporation under the existing corporate name or under a different name, may provide for the exchange of shares in the association for shares of the same or a different class in the reorganized association and may fix the time or times prior to which notice of withdrawal of shares issued in exchange for shares in the association being reorganized shall not be given, and, if the withdrawal of the shares is so

postponed, this fact shall be printed or stamped on the face of the certificates evidencing shares so to be issued. All obligations to any prior association shall inure to the benefit of the reorganized association and be enforceable by it and in its name, and demands, claims and rights of action against any prior association may be enforced against the reorganized association as fully and completely as they might have been enforced before reorganization.

(b) Associations that are in the course of liquidation may reorganize. No reorganization is effective until approved by the state banking commissioner~~; the federal deposit insurance corporation and the office of thrift supervision~~ and the appropriate federal banking regulatory agency and until the members holding three-fourths (3/4) of the outstanding shares have approved the plan in writing.

13-6-302. Conversion to federal association; procedure.

(a) Any state savings and loan association, including a mutual savings and loan association, or any other home financing association, eligible to become a federal savings and loan association may convert itself into a federal savings and loan association by the following procedure:

(ii) A copy of the minutes of the meeting verified by the affidavit of the president and the secretary of the meeting shall be filed within ten (10) days in the state banking commissioner's office~~, the federal deposit insurance corporation and the office of thrift supervision~~ and the appropriate federal banking regulatory agency;

(iii) After the adjournment of the meeting of shareholders, the association shall take the necessary action to make it a federal savings and loan association. Within ten (10) days of receipt of the federal charter a copy of the charter issued to the association by the ~~federal deposit insurance corporation or the office of thrift supervision~~ appropriate federal banking regulatory agency or a certificate showing the organization of the association as a federal savings and loan association certified by, or on behalf of~~, the federal deposit insurance corporation or the office of thrift supervision~~ the appropriate federal banking regulatory agency shall be filed in the state banking commissioner's office and upon filing the association ceases to be a state association and becomes a federal savings and loan association.

13-6-304. Conversion to state association; procedure.

(a) Any savings and loan association organized under the federal laws and doing business in this state pursuant to W.S. 13-4-109 through 13-4-112, including a mutual savings and loan association, may convert itself into a state savings and loan association under the laws of this state by the following procedure:

(ii) A copy of the minutes of the meeting of the shareholders and members, verified by the affidavit of the president or vice president and the secretary

of the meeting, shall be filed within ten (10) days after the meeting with the ~~federal deposit insurance corporation or office of thrift supervision~~ appropriate federal banking regulatory agency and in the state banking commissioner's office. The verified copy of the minutes of the meeting, when filed, is presumptive evidence of the holding and the action of the meeting;

(iii) The association shall then organize itself as a state savings and loan association under the laws of this state, including the filing of appropriate articles of incorporation, adoption of bylaws and election of officers and full compliance with the provisions of W.S. 13-2-201, 13-2-202 and 13-2-207 through 13-2-215. Upon completion of its organization, the association ceases to be a federal savings and loan association and becomes a state savings and loan association subject to the supervision of the state banking commissioner~~, the federal deposit insurance corporation and the office of thrift supervision~~ and the appropriate federal banking regulatory agency.

13-6-405. Banking commissioner to be appointed receiver; assistants; bonding requirements.

The state banking commissioner shall be appointed the receiver for any savings and loan association. No fee shall be allowed the state banking commissioner as the receiver, but he may appoint, upon the approval of the court, persons to assist him in any receivership proceedings as may be required. The compensation or fees of persons appointed by the state banking commissioner shall be fixed by the court and shall be paid, together with all other costs and expenses of the receivership, out of the assets of the association. The state banking commissioner may require each of the persons appointed to execute to him a bond as he may deem necessary. The state banking commissioner may designate the federal deposit insurance corporation ~~or the office of thrift supervision~~ to act without bond as receiver or liquidator of any savings and loan association whose assets are insured by the corporation and which has been closed for the purpose of liquidation.

13-7-102. Organization of savings and loan associations.

(a) It is the purpose of this section to authorize the organization and operation of state savings and loan associations according to the laws of the state of Wyoming which have the same powers and are subject to the restrictions provided for by the laws of the United States and the rules, regulations and requirements of the ~~office of thrift supervision and insurance of the shares and deposits of the associations by the federal deposit insurance corporation~~ appropriate federal banking regulatory agency.

13-7-602. Duties generally; examinations.

(a) The state banking commissioner shall supervise and administer the laws with respect to all state savings and loan associations doing business in this state. He shall make ~~at least an annual examination into the affairs of all sav-~~

~~ings and loan associations. All examinations shall be full and complete and he may compel the production of all books, papers, moneys and records of the association under examination and may administer oaths to and examine the officers of the association or any person connected with it as to its business and affairs. Any willful false swearing is perjury~~ an examination into the affairs of all savings and loan associations consistent with the requirements of W.S. 13-3-702(a).

(c) ~~The state banking commissioner shall report the condition of each association to the governor with recommendations.~~ If the association is found to be in an unsafe condition, its charter may be suspended until the matters complained of by the state banking commissioner have been remedied.

Section 2. W.S. 13-6-305, 13-7-103(a), 13-7-303, 13-7-304, 13-7-601 and 13-7-602(b) are repealed.

Section 3. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 69

FARM LICENSE PLATES

Original Senate File No. 137

AN ACT relating to motor vehicle registration; requiring county treasurers to issue farm registration stickers as specified; and providing for an effective date.

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

Section 1. W.S. 31-2-204(b) is amended to read:

31-2-204. Issuance of certificates of registration and license plates by county; form.

(b) Except as otherwise provided, license plates shall be of metal not less than twelve (12) inches long in the left-hand end of which shall be arabic numerals for the county in which issued, followed by the bucking horse and rider emblem and a distinctive number assigned to the vehicle, set forth in numerals and letters as determined by the department and above or underneath such numerals shall be the word "Wyoming" and arabic numerals for the year of issue or validation. License plates issued to dealers and for state or federal official forestry vehicles, motorcycles, multipurpose vehicles and trailers shall contain appropriate identification which may be in lieu of the bucking horse and rider emblem. After the county number on the left-hand end, the license plate may also contain a distinctive symbol or letters, as determined by the department, indicating vehicle type. License plates shall be changed or validated annually. There shall be a marked contrast between the color of the plate and that of the

numerals and letters and the background of all plates shall be fully reflectorized. Plates for light utility trailers under one thousand (1,000) pounds, motorcycles and multipurpose vehicles shall not be less than three (3) inches wide and six (6) inches long. Antique license plates shall bear no date and shall bear the inscription "Pioneer Wyo". Distinctive license farm stickers shall be issued by the county treasurer upon request for trucks and trailers used by any farmer or rancher for the transportation of livestock, feed or unprocessed agricultural products owned and produced by the farmer or rancher from the place of production to market and of ranch supplies intended solely for the use of the farmer or rancher, and not for sale, on the return trip, and not for the transportation of goods and persons for hire. Farm stickers shall bear the inscription "Farm". Upon application to the department and payment of a fee as provided by W.S. 31-3-102(a)(xix), veteran license stickers bearing the inscription "Veteran" and designating the conflict service of the veteran may be issued to the veterans' commission in a format approved by the department. The veterans' commission may sell the veteran license sticker to qualified veterans at a fee not to exceed cost, plus ten dollars ($10.00) per vehicle. Any fees collected by the veterans' commission under this subsection shall be deposited in the veterans' commission expendable trust fund. The veterans' commission shall establish eligibility criteria for veterans applying for a veteran license sticker. A qualified veteran purchasing a veteran license sticker manufactured by the department and sold by the veterans' commission may display the sticker on the license plate issued by the county treasurer. The provisions of W.S. 31-2-205(a)(iv) shall not apply to any veteran license sticker manufactured by the department and displayed as provided in this section.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 70

FUNERAL SERVICES PRACTITIONERS ACT-AMENDMENTS

Original Senate File No. 82

AN ACT relating to the Funeral Service Practitioners Act; amending a definition; clarifying the functions of funeral directors; clarifying the separation of licenses and permits; clarifying the ability of the board to require certification to operate a crematory or chemical disposition facility; clarifying the extent to which an unlicensed person may assist in the operation of a crematory or chemical disposition facility; and providing for an effective date.

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

Section 1. W.S. 33-16-502(a)(xv)(intro), 33-16-515, 33-16-525, 33-16-528, 33-16-530(c)(i) and by creating a new paragraph (iv) are amended to read:

33-16-502. Definitions.

(a) As used in this act:

(xv) "Funeral director" means a person who assumes the responsibility for the operations of a particular funeral establishment or multiple funeral establishments, or crematory or multiple crematories, or a chemical disposition facility or multiple chemical disposition facilities, who ensures that the funeral establishment, crematory or chemical disposition facility complies with this chapter and all other laws under which the funeral establishment, crematory or chemical disposition facility is operated, who is permitted by law to perform funeral directing and who:

33-16-515. Funeral services to be conducted in permitted funeral establishment by licensee or registrant.

The business of a funeral service practice shall be conducted in a funeral establishment that has been issued a permit by the board. Unlicensed individuals employed by a funeral establishment may assist funeral directors and funeral service practitioners in the area of funeral service practice, under the supervision of a licensed funeral service practitioner. Individuals not licensed by the board as funeral service practitioners or registered as apprentice funeral service practitioners shall not conduct other activities incidental to the practice of embalming and shall not embalm, cremate or chemically dispose of human remains, except as otherwise allowed in W.S. 33-16-530.

33-16-525. Licenses and permits to be signed and displayed; business to be in name of permitted business.

Every license or permit issued under this act shall specify the name of the licensee or permittee, shall be signed by the licensee or authorized designee of the permittee and shall be displayed conspicuously in the place of business or employment of the licensee. No funeral establishment shall be conducted or held forth as being conducted, or advertised as being conducted, under any name except the name of the business appearing ~~as licensee in the license~~ on the establishment's permit issued by the board.

33-16-528. Persons barred from embalming room; exceptions.

It shall be the duty of every funeral director and funeral service practitioner, not to permit any person or persons to enter any room in any funeral establishment where dead bodies are being embalmed, except licensed funeral service practitioners and their assistants or apprentices, funeral directors and their apprentices, public officers in the discharge of their official duties, and attending physicians and their assistants, unless by direct permission of the immediate family.

33-16-530. Crematory operator; chemical disposer; permit required; qualifications.

(c) Every person desiring to operate a crematory or chemically dispose of

human remains within the state of Wyoming shall apply to the board for a crematory permit or a chemical disposition facility permit, upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and satisfactory evidence of the following:

(i) The applicant, unless an organization, shall be a licensed funeral service practitioner or funeral director who is a shareholder or officer in or is directly employed by a licensed funeral establishment. The applicant, when an organization, shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the crematory or chemical disposition facility;

(iv) An employee who is not a licensed funeral service practitioner may assist in the operation of a crematory or chemical disposition facility to the extent directed by a funeral service practitioner following the facility's receipt of human remains in a closed cremation container. An employee who is not a funeral service practitioner shall not handle human remains or open a closed cremation container. The employee may conduct the full crematory or chemical disposition process under the direction of a funeral service practitioner or funeral director. The funeral service practitioner overseeing the facility shall successfully complete a crematory or chemical disposition facility operator's certification program approved by the board. The supervising funeral service practitioner shall ensure that employees who are operating crematories under the direction of a funeral service practitioner or funeral director successfully complete a crematory or chemical disposition operator's certification program approved by the board. The board may waive or extend the time to complete the certification program required by this section due to hardship or difficulty in completing the required certification program.

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, 2015.

Chapter 71

DEPARTMENT OF TRANSPORTATION COMMUNICATIONS FACILITIES

Original Senate File No. 97

AN ACT relating to telecommunications; specifying that the department of transportation shall lease communications facilities to telecommunications companies if determined by the public service commission as specified; providing rulemaking authority; directing the deposit of funds; and providing for an effective date.

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

Section 1. W.S. 24-2-116 is created to read:

24-2-116. Department of transportation communications facilities.

Upon application by a telecommunications company, if the public service commission determines that it is necessary to provide telecommunications service to underserved areas of the state, the Wyoming department of transportation shall lease excess capacity on any communication infrastructure or facility owned by the department of transportation to the telecommunications company. For purposes of this section an area is underserved if private communication providers are unwilling or unable to provide the telecommunication service to a substantial number of households or persons in the geographic area. The rate of the lease shall be a reasonable market-based rate as determined by the public service commission. No telecommunications company may lease excess capacity on a communication infrastructure or facility owned by the department pursuant to this section unless the telecommunications company establishes that excess capacity in that area is unavailable from private commercial communication facility owners. The public service commission may adopt rules and regulations necessary to implement this section. All monies received from any lease executed pursuant to this section shall be deposited into the state general fund.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 72

RESIDENT CONTRACTOR MATERIALS PREFERENCE

Original Senate File No. 17

AN ACT relating to public works and contracts; amending the preference for Wyoming materials as specified; and providing for an effective date.

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

Section 1. W.S. 16-6-105(a) is amended to read:

16-6-105. Preference for Wyoming materials and Wyoming agricultural products required in public purchases; exception; cost differential; definition.

(a) A five percent (5%) materials preference for Wyoming materials shall be applied in public purchases, subject to the following:

(i) The preference requirement shall apply to:

(A) Every board, commission or other governing body of any state institution;~~, and~~

(B) Every person acting as purchasing agent for the board, commission or other governing body of any state institution or department;~~,~~ and

(C) Every county, municipality, school district and community college district.~~, shall prefer in all purchases for~~

(ii) As used in this section, "materials" means supplies, material, agricultural products, equipment, machinery and provisions to be used in the construction, major maintenance, ~~and~~ renovation, regular maintenance and upkeep of ~~their respective~~ public institutions;~~,~~

(iii) The preference shall be applied in favor of ~~supplies,~~ materials~~, agricultural products, equipment, machinery and provisions~~ that are produced, manufactured or grown in this state, ~~and supplies, materials, agricultural products, equipment, machinery and provisions~~ or that are supplied by a resident of the state~~,~~ who is competent and capable to provide ~~service for the supplies, materials, agricultural products, equipment, machinery and provisions~~ the materials within the state of Wyoming;~~.~~

(iv) Preference shall not be granted for ~~articles~~ materials of inferior quality to those offered by competitors outside of the state. ~~A differential of not to exceed five percent (5%) may be allowed in cost of contracts for the Wyoming materials, supplies, agricultural products, equipment, machinery and provisions of quality equal to those of any other state or country.~~

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 73

TASK FORCE ON MINERAL TAXES

Original Senate File No. 42

AN ACT relating to the administration of government; creating a task force on mineral taxes; providing for a study on mineral taxes; requiring a report; providing appropriations; and providing for an effective date.

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

Section 1.

(a) There is created a task force on mineral taxes consisting of the following members:

(i) Two (2) members of the Wyoming senate appointed by the president of the senate not later than March 31, 2015, one (1) of whom shall be designated as cochairman;

(ii) Two (2) members of the Wyoming house of representatives, appointed by the speaker of the house not later than March 31, 2015, one (1) of whom shall be designated as cochairman;

(iii) Six (6) members appointed by the governor not later than March 31, 2015. One (1) of the members shall be employed in an industry related to oil or gas, one (1) shall be a person employed in an industry related to mining of solid minerals, one (1) shall be a county assessor, one (1) shall be a county commissioner, one (1) shall be a county treasurer and one (1) shall be a member of the public.

(b) The task force shall be staffed by the legislative service office. The department of revenue and the department of audit shall serve in an advisory capacity to the task force and shall provide technical and other relevant information as requested. With the prior approval of the management council, the task force may engage the services of research firms or consulting expertise as necessary to carry out the purposes of this act. State agencies shall provide information and assistance to the task force as requested. The task force shall hold at least four (4) public meetings each year and, to the extent practicable, shall meet in close proximity in time and location to meetings of the joint revenue interim committee.

(c) The task force shall study and make recommendations for a fair, viable and simplified system of valuation and taxation for minerals. In making recommendations under this subsection, the task force shall:

(i) Establish criteria for determining and evaluating state and local mineral valuation and taxation options;

(ii) Establish a priority list for addressing the valuation and taxation of each mineral with the highest priority being minerals for which the administration of valuation and taxation is the most complex;

(iii) Develop a fair, understandable valuation and taxation system which is as simple as possible to comply with and administer;

(iv) Consider whether proposed changes to the mineral severance tax and the mineral gross product tax can be made revenue neutral to the state, local government and industry;

(v) Consider any constitutional issues which may be raised in relation to the recommendations of the task force and recommend solutions to those issues if necessary.

(d) The task force shall regularly provide updates to the joint revenue interim committee on the activities of the task force. The task force shall submit a final report including its final recommendations and any proposed legislation with respect to the issues specified in subsection (c) of this section, to the joint revenue interim committee and the governor no later than November 30, 2016. The joint revenue 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, 2016. 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 for the purposes of this act:

(i) Thirty thousand dollars ($30,000.00) to the legislative service office for payment of salary, per diem and mileage for legislative task force members and other expenses of the task force. The management council may use a portion of this appropriation to engage the services of research firms or consulting or other expertise determined necessary to carry out the purposes of this act;

(ii) Fifteen thousand dollars ($15,000.00) to the governor's office for payment of authorized per diem and mileage for nonlegislative task force members.

(g) Funds appropriated under subsection (f) of this section shall only be expended for the purposes of this act. Any unused and unobligated funds shall revert as provided by law on June 30, 2017.

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

Approved March 2, 2015.

Chapter 74

SUMMARY PROBATE PROCEEDINGS

Original Senate File No. 111

AN ACT relating to the Wyoming Probate Code; providing requirements and procedures for distribution of property by affidavit and summary procedures for distribution of property; providing a definition; providing legislative findings; and providing for an effective date.

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

Section 1. W.S. 2-1-206 through 2-1-208 are created to read:

2-1-206. Proof of publication and service; filing with clerk.

(a) The proof of publication of the notice required under W.S. 2-1-205(d) shall be by affidavit of the publisher.

(b) The proof of service under W.S. 2-1-205(d) shall be signed by a distributee who signed the application or his attorney and shall state the name and address of the person served and the manner of service.

(c) The affidavit for proof of publication and the proof of service shall be filed

with the clerk of court prior to the court taking action on the application.

(d) Proof of service by a distributee shall be signed under penalty of perjury.

2-1-207. Missing distributees.

(a) The person or persons claiming to be the distributee or distributees of the decedent who filed the application shall make reasonable efforts to identify and locate all living distributees of the decedent having a right to succeed to the interests of the decedent in the property described in the application. If all distributees are not located, the distributee or distributees filing the application shall advise the court of the efforts made to locate missing distributees. "Missing distributees" means distributees who were identified pursuant to this subsection but who could not be located. If a distributee cannot be located, the court shall grant the application as follows:

(i) In the case of an interest in real property, the interest shall be set over to the missing distributee or distributees if known; and

(ii) In the case of all other interests, the court may direct that the share of the missing distributee or distributees be paid to the state treasurer under the Uniform Unclaimed Property Act, W.S. 34-24-101 through 34-24-140.

(b) The person or persons claiming to be a distributee or distributees of the decedent who filed the application shall report to the court upon payment of the share of the missing distributee or distributees.

(c) The court may order the missing distributee's or distributees' share to be liquidated for value.

2-1-208. Venue generally.

(a) An application for a decree under W.S. 2-1-205 shall be filed as follows:

(i) If the decedent was a resident of Wyoming at the time of his death, in the county of which the decedent was a resident;

(ii) If the decedent was not a resident of Wyoming at the time of his death, in a county in which any part of the estate is located.

Section 2. W.S. 2-1-201(a)(intro), (i), (iii), (iv), by creating a new paragraph (v), (c), by creating a new subsection (d) and by amending and renumbering (d) as (e), 2-1-202 and 2-1-205 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 <u>distributee or</u>

distributees of the property or the attorney for the distributee or distributees, upon being presented an affidavit, filed as provided by subsection (c) of this section, made by or on behalf of the distributee or distributees stating:

(i) The value of the entire estate~~,~~ located in Wyoming ~~or otherwise~~ subject to ~~probate~~ administration, ~~in this state~~ either testate or intestate, less liens and encumbrances, does not exceed 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~~

(iv) The person or persons claiming to be a distributee or distributees are entitled to payment or delivery of the property of the decedent; the facts concerning the distributee's or distributees' relationship to the decedent~~;~~ and concerning the legal basis upon which the distributee or distributees claim entitlement to such property, including facts regarding any intervening estates or other parties who may have a claim of entitlement from the decedent and from whom the applicant distributee or distributees claim and that there are no other distributees of the decedent having a right to succeed to the property under probate proceedings~~.~~ in any jurisdiction; and

(v) If an application for appointment of a personal representative has been made in a jurisdiction outside of Wyoming:

(A) The name and address of the proposed or appointed personal representative, the date of the application and the date of any appointment; and

(B) The title of the proceedings and name of the court and jurisdiction in which the application was made.

(c) When the affidavit is filed with the county clerk and a certified copy is presented to ~~a party~~ any person with custody of the decedent's property or a holder of ~~assets~~ the decedent's property, the affidavit shall be honored and have the ~~same effects~~ effect as provided ~~for~~ in ~~subsections (a), (b) and (d) of~~ this section and W.S. 2-1-202.

(d) The county clerk of the county in which any vehicle is registered shall transfer title of the vehicle from the decedent to the distributee or distributees upon presentation of an affidavit as provided in subsection (a) of this section.

~~(d)~~(e) Upon presentation of an affidavit as provided in ~~subsections (a) and (c) of~~ this section, ~~to any bank, savings and loan institution, credit union or any other like depository~~ a person with custody of the decedent's property or a holder of the decedent's property shall pay or deliver any of the decedent's property held or on deposit in the sole name of the decedent, together with the interest and dividends thereon, to the distributee or distributees. A receipt for the payment by the distributee ~~paid is~~ or distributees or proof of delivery by the custodian or holder of the decedent's property shall constitute a valid and sufficient release and discharge for the payment or delivery made.

2-1-202. Effect; refusal to pay, deliver.

(a) The person having custody of the decedent's property or a holder of the decedent's property:

(i) Paying, delivering, transferring or issuing personal property or the evidence thereof pursuant to affidavit is discharged and released to the same extent as if he dealt with a personal representative of the decedent;~~.~~ and

(ii) ~~He~~ Is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit.

(b) If any person having custody of the decedent's property or a holder of decedent's property to whom an affidavit is delivered refuses to pay, deliver, transfer or issue any personal property or evidence thereof, ~~it~~ the property may be recovered or its payment, delivery, transfer or issuance compelled upon proof of right in an action by or on behalf of the persons entitled thereto. If an action is brought under this subsection, the court shall award reasonable attorney's fees and costs of the action to the plaintiff if the court finds that the decedent's property was not paid, delivered, transferred or issued within forty-five (45) days after presentation of the affidavit under W.S. 2-1-201 unless the court finds just cause for the refusal to pay, deliver or transfer the property.

(c) Any person to whom payment, delivery, transfer or issuance is made is answerable and accountable to a personal representative of the estate or to any other person having a like or superior right.

(d) For purposes of this article, "holder" means any person who is in possession of property of the decedent and includes but is not limited to a security broker, security dealer, bank, savings and loan institution, credit union or any other like depository.

2-1-205. Summary procedure for distribution of personal or 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 two hundred thousand dollars ($200,000.00), less liens and encumbrances, the person or persons claiming to be the distributee or 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.~~ of summary distribution of property.

(b) The application shall be sworn to and signed by ~~each~~ any person claiming to be a distributee and shall state the facts required by W.S. 2-1-201(a)(i) through ~~(iv)~~ (v). The application shall also fully describe any real property, including any mineral interests, being claimed.

(c) The application shall have attached thereto a sworn report of ~~appraisal~~

value which may be based upon a broker's price opinion as defined by W.S. 33-28-102(b)(lxii), made by a person who has no legal interest in the estate, showing the value on the date of the decedent's death of all interests owned by the decedent in real property located in Wyoming, including mineral interests.

~~(c)~~(d) ~~After publication of the~~ A notice of application for a decree of summary distribution of property shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county~~, or otherwise as the court may order, the court shall consider the application~~ in which the application was filed. The notice of application shall be served by first class mail to the last known address, with copy of application attached, to the surviving spouse of the decedent, if any, and to all other distributees, so far as known, or to their guardians if any of them are minors, or to their personal representatives if any of them are deceased and to any reasonably ascertainable creditors no less than ten (10) days after the date of first publication.

(e) If the decedent received medical assistance pursuant to W.S. 42-4-101 through 42-4-114, the state department of health shall be provided a copy of the application for a decree within ~~five (5)~~ ten (10) days ~~of its filing~~ after the date of first publication.

(f) If ~~it appears that the facts stated in the application are not in dispute~~ no objection to the application has been filed within thirty (30) days of the first date of publication, the court shall enter a decree establishing the right and title to the property located in Wyoming. A certified copy of the decree shall be recorded in the office of the county clerk ~~and thereafter~~ of each county in which the real property, including mineral interests, is located. Upon recording of the decree, the decree and the record thereof shall be presumptive evidence of title to the property. If an objection to the application is filed within thirty (30) days of the first date of publication, the court shall set the matter for a hearing, after which the court shall enter an order either denying or granting the application.

~~(d)~~(g) In the event that the decree is entered as the result of ~~a petition~~ an application containing a materially false ~~statements~~ statement, title to the property which passes as a result of the decree shall not be affected but the person or persons signing as distributee or distributees and knowingly swearing to a materially false statement in the application shall be subject to the appropriate penalties for perjury. Any distributee who is damaged by an application containing a material false statement may file an action to amend the decree, and for damages. The action shall be filed in the court in which the application was filed. Any action under this paragraph is barred unless commenced within two (2) years from the entry of the decree.

~~(e)~~(h) The procedure provided by this section may be used in addition to the affidavit procedure provided by W.S. 2-1-201.

Section 3. This act is intended as a clarification of existing law. The Wyoming

legislature intends to make no substantive change to prior law including, but not limited to powers, duties, authorities, obligations, administration, confidentiality, remedies or statutes of limitation. This act is not intended to affect the validity of any rule or regulation promulgated prior to the effective date of this act.

Section 4. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 75

UNIFORM INTERSTATE FAMILY SUPPORT ACT

Original Senate File No. 120

AN ACT relating to the Uniform Interstate Family Support Act; incorporating the 2008 amendments proposed by the Uniform Laws Commission; amending and creating definitions; clarifying procedures; providing for recognition, registration and cooperation in issuing, modifying and enforcing family support and modification orders and determinations of parentage of children involving parties that live in foreign countries as specified; providing for applicability of the act; providing for severability of provisions; and providing for an effective date.

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

Section 1. W.S. 20-4-198 and 20-4-201 through 20-4-213 are created to read:

20-4-198. State tribunal and support enforcement agency.

(a) The district courts enumerated in W.S. 5-3-101 are the tribunals of this state.

(b) The Wyoming department of family services is the support enforcement agency of this state.

ARTICLE 2
SUPPORT PROCEEDINGS UNDER CONVENTION

20-4-201. Definitions.

(a) As used in this article:

(i) "Application" means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority;

(ii) "Central authority" means the entity designated by the United States or a foreign country described in W.S. 20-4-140(a)(xxviii) to perform the functions specified in the convention, as defined in W.S. 20-4-140(a)(xxvii);

(iii) "Convention support order" means a support order of a tribunal of a foreign country described in W.S. 20-4-140(a)(xxviii);

(iv) "Direct request" means a petition filed by an individual in a tribunal

of this state in a proceeding involving an obligee, obligor or child residing outside the United States;

(v) "Foreign central authority" means the entity designated by a foreign country described in W.S. 20-4-140(a)(xxviii) to perform the functions specified in the convention;

(vi) "Foreign support agreement":

(A) Means an agreement for support in a record that:

(I) Is enforceable as a support order in the country of origin;

(II) Has been:

(1) Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

(2) Authenticated by, or concluded, registered or filed with a foreign tribunal; and

(III) May be reviewed and modified by a foreign tribunal; and

(B) Includes a maintenance arrangement or authentic instrument under the convention.

(vii) "United States central authority" means the secretary of the United States department of health and human services.

20-4-202. Applicability.

This article applies only to a support proceeding under the convention. In the proceeding, if a provision of this article is inconsistent with article 1 of this act, this article controls.

20-4-203. Relationship of the Wyoming support enforcement agency to the United States central authority.

The support enforcement agency of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

20-4-204. Initiation by the Wyoming support enforcement agency proceeding under the convention.

(a) In a support proceeding under this article, the support enforcement agency of this state shall:

(i) Transmit and receive applications; and

(ii) Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

(b) The following support proceedings are available to an obligee under the convention:

(i) Recognition or recognition and enforcement of a foreign support or-

der;

(ii) Enforcement of a support order issued or recognized in this state;

(iii) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(iv) Establishment of a support order if recognition of a foreign support order is refused under W.S. 20-4-208(b)(ii), (iv) or (ix);

(v) Modification of a support order of a tribunal of this state; and

(vi) Modification of a support order of a tribunal of another state or a foreign country.

(c) The following support proceedings are available under the convention to an obligor against which there is an existing order:

(i) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;

(ii) Modification of a support order of a tribunal of this state; and

(iii) Modification of a support order of a tribunal of another state or a foreign country.

(d) A tribunal of this state may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

20-4-205. Direct request.

(a) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

(b) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, W.S. 20-4-206 through 20-4-213 apply.

(c) In a direct request for recognition and enforcement of a convention support order or foreign support agreement:

(i) A security, bond or deposit is not required to guarantee the payment of costs and expenses; and

(ii) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

(d) A petitioner filing a direct request is not entitled to assistance from the support enforcement agency of this state.

(e) This article does not prevent the application of laws of this state that pro-

vide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

20-4-206. Registration of a convention support order.

(a) Except as provided in this article, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in W.S. 20-4-173 through 20-4-184, 20-4-193, 20-4-194 and 20-4-197.

(b) Notwithstanding W.S. 20-4-161 and 20-4-174(a), a request for registration of a convention support order shall be accompanied by:

(i) A complete text of the support order, or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law;

(ii) A record stating that the support order is enforceable in the issuing country;

(iii) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceeding and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(iv) A record showing the amount of arrearages, if any, and the date the amount was calculated;

(v) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(vi) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(c) A request for registration of a convention support order may seek recognition and partial enforcement of the order.

(d) A tribunal of this state may vacate the registration of a convention support order without the filing of a contest under W.S. 20-4-207 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(e) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

20-4-207. Contest of a registered convention support order.

(a) Except as otherwise provided in this article, W.S. 20-4-177 through 20-4-180 apply to a contest of a registered convention support order.

(b) A party contesting a registered convention support order shall file a con-

test not later than thirty (30) days after notice of the registration, but if the contesting party does not reside in the United States, the contest shall be filed not later than sixty (60) days after notice of the registration.

(c) If the nonregistering party fails to contest the registered convention support order by the time specified in subsection (b) of this section, the order is enforceable.

(d) A contest of a registered convention support order may be based only on grounds set forth in W.S. 20-4-208. The contesting party bears the burden of proof.

(e) In a contest of a registered convention support order, a tribunal of this state:

(i) Is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and

(ii) May not review the merits of the order.

(f) A tribunal of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

(g) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

20-4-208. Recognition and enforcement of a registered convention support order.

(a) Except as otherwise provided in subsection (b) of this section, a tribunal of this state shall recognize and enforce a registered convention support order.

(b) The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered convention support order:

(i) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and opportunity to be heard;

(ii) The issuing tribunal lacked personal jurisdiction consistent with W.S. 20-4-142;

(iii) The order is not enforceable in the issuing country;

(iv) The order was obtained by fraud in connection with a matter of procedure;

(v) A record transmitted in accordance with W.S. 20-4-206 lacks authenticity or integrity;

(vi) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be

filed;

(vii) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this act in this state;

(viii) Payment, to the extent alleged arrearages have been paid in whole or in part;

(ix) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(A) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(B) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

(x) The order was made in violation of W.S. 20-4-211.

(c) If a tribunal of this state does not recognize a convention support order under paragraph (b)(ii), (iv) or (ix) of this section:

(i) The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order; and

(ii) The support enforcement agency shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under W.S. 20-4-204.

20-4-209. Partial enforcement.

If a tribunal of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

20-4-210. Foreign support agreement.

(a) Except as otherwise provided in subsections (c) and (d) of this section, a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

(b) An application or direct request for recognition and enforcement of a foreign support agreement shall be accompanied by:

(i) A complete text of the foreign support agreement; and

(ii) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

(c) A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

(d) In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds:

(i) Recognition and enforcement of the agreement is manifestly incompatible with public policy;

(ii) The agreement was obtained by fraud or falsification;

(iii) The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state or a foreign country if the support order is entitled to recognition and enforcement under this act in this state; or

(iv) The record submitted under subsection (b) of this section lacks authenticity or integrity.

(e) A proceeding for recognition and enforcement of a foreign support agreement shall be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

20-4-211. Modification of a convention child support order.

(a) A tribunal of this state may not modify a convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

(i) The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

(ii) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(b) If a tribunal of this state does not modify a convention child support order because the order is not recognized in this state, W.S. 20-4-208(c) applies.

20-4-212. Personal information; limit on use.

Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

20-4-213. Record in original language; English.

A record filed with a tribunal of this state under this article shall be in the original language and, if not English, shall be accompanied by an English translation.

Section 2. W.S. 20-4-140(a)(ii), (iv), (viii) through (x), (xi)(A) through (C), by creating a new subparagraph (D), (xii) through (xvi), (xviii)(intro), (xix), (xx) through (xxii), (xxv) and by creating new paragraphs (xxviii) through

(xxxii), 20-4-141(a), (b)(ii) and by creating new subsections (c) through (e), 20-4-142(a)(intro), (ii), (v), (vii) and (b), 20-4-144, 20-4-145(a)(intro), (i), (ii), (b)(intro), (i) and (iii), 20-4-147(a)(ii), 20-4-148(a), (b)(intro), (i), (ii)(A) and (c), 20-4-149, 20-4-150, 20-4-151(a) and (c), 20-4-154(b), 20-4-155(b)(i), (viii), (ix), (c) and (f), 20-4-156, 20-4-157(b)(i), (iv) and (v), 20-4-158(b), 20-4-160(b)(iii) and (iv), 20-4-161(a), 20-4-163(a) through (c), 20-4-164(c), 20-4-166(a), (b), (d) through (f) and (h), 20-4-167, 20-4-168(a)(i) and (ii), 20-4-169(a), 20-4-170(a), 20-4-172(a) and (b), 20-4-173, 20-4-174(a)(intro) and (b), 20-4-175, 20-4-176(a)(intro) and (b) through (d), 20-4-177(a), (b)(ii), (c)(i) and (d), 20-4-178, 20-4-179(a)(intro), (vii), (b) and (c), 20-4-180 through 20-4-182, 20-4-183(a)(intro), (ii)(C), (c) and by creating a new subsection (f), 20-4-185(a), 20-4-186(a), 20-4-187(a) and (b), 20-4-188, 20-4-190, 20-4-191, 20-4-192(a), 20-4-193(b), 20-4-195, 20-4-196(b) and 20-4-197 are amended to read:

20-4-140. Definitions.

(a) As used in this act:

(ii) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state <u>or foreign country</u>;

(iv) "Home state" means the state <u>or foreign country</u> in which a child lived with a parent or a person acting as a parent for at least six (6) consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child less than six (6) months old, the state <u>or foreign country</u> in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six (6) month or other period;

(viii) "Initiating tribunal" means the ~~authorized~~ tribunal ~~in an initiating~~ <u>of a</u> state <u>or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country</u>;

(ix) "Issuing state" means the state in which a tribunal issues a support order or ~~renders~~ a judgment determining parentage <u>of a child</u>;

(x) "Issuing tribunal" means the tribunal <u>of a state or foreign country</u> that issues a support order or ~~renders~~ a judgment determining parentage <u>of a child</u>;

(xi) "Obligee" means:

(A) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage <u>of a child</u> has been ~~rendered~~ <u>issued</u>;

(B) A <u>foreign country,</u> state or political subdivision <u>of a state</u> to which the rights under a duty of support or support order have been assigned or

which has independent claims based on financial assistance provided to an individual obligee in place of child support; ~~or~~

(C) An individual seeking a judgment determining parentage of the individual's child;~~.~~ or

(D) A person that is a creditor in a proceeding under article 2 of this act.

(xii) "Obligor" means an individual, or the estate of a decedent that:

(A) ~~Who~~ Owes or is alleged to owe a duty of support;

(B) ~~Who~~ Is alleged but has not been adjudicated to be a parent of a child; ~~or~~

(C) ~~Who~~ Is liable under a support order;~~.~~ or

(D) Is a debtor in a proceeding under article 2 of this act.

(xiii) "Register" means to record or file in a tribunal of this state a support order or judgment determining parentage ~~in the appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically~~ of a child issued in another state or a foreign country;

(xiv) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered;

(xv) "Responding state" means a state in which a ~~proceeding~~ petition or comparable pleading for support or to determine parentage of a child is filed or to which a ~~proceeding~~ petition or comparable pleading is forwarded for filing from ~~an initiating~~ another state ~~under the Uniform Interstate Family Support Act or a law or procedure substantially similar to this act~~ or a foreign country;

(xvi) "Responding tribunal" means the authorized tribunal in a responding state or foreign country;

(xviii) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession ~~subject to~~ under the jurisdiction of the United States. The term includes~~:~~ an Indian nation or tribe;

(xix) "Support enforcement agency" means a public official, governmental entity or private agency authorized to: ~~seek:~~

(A) Seek enforcement of support orders or laws relating to the duty of support;

(B) Seek establishment or modification of child support;

(C) Request determination of parentage of a child;

(D) ~~Location of~~ Attempt to locate obligors or their assets; or

(E) Request determination of the controlling child support order.

(xx) "Support order" means a judgment, decree, order, decision, or direc-

tive, whether temporary, final, or subject to modification, issued ~~by a tribunal~~ in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement~~, and~~ for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief;

(xxi) "Tribunal" means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage of a child. For purposes of establishing, enforcing or modifying support orders or determining parentage in Wyoming, tribunal means only the district court;

(xxii) "This act" means W.S. 20-4-139 through ~~20-4-197~~ 20-4-213;

(xxv) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality~~, public corporation~~ or any other legal or commercial entity;

(xxvii) "Convention" means the convention on the international recovery of child support and other forms of family maintenance, concluded at the Hague on November 23, 2007;

(xxviii) "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(A) Which has been declared under the law of the United States to be a foreign reciprocating country;

(B) Which has established a reciprocal arrangement for child support with this state as provided in W.S. 20-4-158;

(C) Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act; or

(D) In which the convention is in force with respect to the United States.

(xxix) "Foreign support order" means a support order of a foreign tribunal;

(xxx) "Foreign tribunal" means a court, administrative agency or quasi-judicial entity of a foreign country which is authorized to establish, enforce or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention;

(xxxi) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child;

(xxxii) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.

20-4-141. Remedies cumulative; application of act to resident of foreign country and foreign support proceeding.

(a) Remedies provided by ~~the Uniform Interstate Family Support Act~~ this act are cumulative and do not affect the availability of remedies under other law~~, including~~ or the recognition of a foreign support order ~~of a foreign country or political subdivision~~ on the basis of comity.

(b) This act does not:

(ii) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this act.

(c) A tribunal of this state shall apply article 1 of this act and, as applicable, article 2 of this act, to a support proceeding involving:

(i) A foreign support order;

(ii) A foreign tribunal; or

(iii) An obligee, obligor or child residing in a foreign country.

(d) A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of article 1 of this act.

(e) Article 2 of this act applies only to a support proceeding under the convention. In such a proceeding, if a provision of article 2 of this act is inconsistent with article 1 of this act, article 2 of this act controls.

20-4-142. Basis for jurisdiction over nonresident.

(a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(ii) The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(v) The child resides in this state as a result of the ~~act~~ acts or directives of the individual;

(vii) The individual asserted parentage of a child in this state pursuant to ~~W.S. 14-2-401 through 14-2-907~~ the putative father registry created by W.S. 1-22-117 and maintained in this state by the department of family services; or

(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of W.S. 20-4-183 ~~or 20-4-197~~ are met, or, in the

case of a foreign support order, unless the requirements of W.S. 20-4-197 are met.

20-4-144. Initiating and responding tribunal of this state.

Under ~~the Uniform Interstate Family Support Act~~ this act, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or a foreign country.

20-4-145. Simultaneous proceedings.

(a) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:

(i) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;

(ii) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and

(b) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

(i) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(iii) If relevant, the other state or foreign country is the home state of the child.

20-4-147. Continuing jurisdiction to enforce a child support order.

(a) A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce:

(ii) A money judgment for arrearages of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

20-4-148. Determination of controlling child support orders.

(a) If a proceeding is brought under this act and only one (1) tribunal has issued a child support order, the order of that tribunal controls and shall be ~~so~~ recognized.

(b) If a proceeding is brought under this act, and two (2) or more child support orders have been issued by tribunals of this state, ~~or~~ another state or a for-

eign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and shall be recognized:

(i) If only one (1) of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls~~; and shall be so recognized~~;

(ii) If more than one (1) of the tribunals would have continuing, exclusive jurisdiction under this act:

(A) An order issued by a tribunal in the current home state of the child controls; ~~but~~ or

(c) If two (2) or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b) of this section. This request may be filed with a registration for enforcement or registration for modification pursuant to W.S. 20-4-173 through 20-4-184, 20-4-193, 20-4-194 and 20-4-197, or may be filed as a separate proceeding.

20-4-149. Child support orders for two or more obligees.

In responding to registrations or petitions for enforcement of two (2) or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one (1) of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

20-4-150. Credit for payments.

A tribunal of this state shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this state, ~~or~~ another state or a foreign country.

20-4-151. Proceedings under the Uniform Interstate Family Support Act.

(a) Except as otherwise provided in this act, W.S. 20-4-151 through 20-4-169 apply to all proceedings under ~~the Uniform Interstate Family Support Act~~ this act.

(c) An individual petitioner or a support enforcement agency may initiate a proceeding authorized under the act by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.

20-4-154. Duties of initiating tribunal.

(b) If requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding ~~state~~ tribunal is in a foreign country, ~~or political subdivision,~~ upon request the tribunal of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported and provide any other documents necessary to satisfy the requirements of the responding ~~state~~ foreign tribunal.

20-4-155. Duties and power of responding tribunal.

(b) A responding tribunal of this state, to the extent not prohibited by other law, may do one (1) or more of the following:

(i) ~~Issue~~ Establish or enforce a support order, modify a child support order, determine the controlling child support order or determine parentage of a child;

(viii) Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment and telephone number at the place of employment;

(ix) Award reasonable attorney's fees and other fees and ~~court~~ costs;

(c) A responding tribunal of this state shall include in a support order issued under ~~the Uniform Interstate Family Support Act~~ this act, or in the documents accompanying the order, the calculations on which the support order is based.

(f) If requested to enforce a support order, arrearages or judgment, or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

20-4-156. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal shall forward the pleading and accompanying ~~document~~ documents to an appropriate tribunal ~~in~~ of this state or another state and notify the petitioner where and when the pleading was sent.

20-4-157. Duties of support enforcement agency.

(b) A support enforcement agency of this state that is providing services to the petitioner shall:

(i) Take all steps necessary to enable an appropriate tribunal ~~in~~ of this state, ~~or~~ another state or a foreign country to obtain jurisdiction over the respondent;

(iv) Within ~~five (5)~~ two (2) days, exclusive of Saturdays, Sundays and

legal holidays, after receipt of ~~a written~~ notice in a record from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner;

(v) Within ~~five (5)~~ two (2) days, exclusive of Saturdays, Sundays and legal holidays, after receipt of ~~a written~~ communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

20-4-158. Duty of attorney general.

(b) The attorney general may determine that a foreign country ~~or political subdivision~~ has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

20-4-160. Duties of state information agency.

(b) The state information agency shall:

(iii) Forward to the appropriate tribunal in the county in this state in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from ~~an initiating tribunal or the state information agency of the initiating~~ another state or a foreign country; and

(iv) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from the obligor's employer or employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and social security.

20-4-161. Pleadings and accompanying documents.

(a) In a proceeding under this act, a petitioner seeking to establish a support order, to determine parentage of a child or to register and modify a support order of a tribunal of another state or a foreign country shall file a petition. Unless otherwise ordered under W.S. 20-4-162, the petition or accompanying ~~document~~ documents shall provide, so far as known, the name, residential address and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition shall be accompanied by a copy of any support order known to have been issued by another tribunal. The petition or accompanying documents may include any other information that may assist in locating or identifying the respondent.

20-4-163. Costs and fees.

(a) The petitioner may not be required to pay a filing fee or other ~~cost~~ costs.

(b) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney's fees, other costs and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under W.S. 20-4-173 through 20-4-184, 20-4-193, 20-4-194 and 20-4-197, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

20-4-164. Limited immunity of petitioner.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while physically present in this state to participate in the proceeding.

20-4-166. Special rules of evidence and procedure.

(a) The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

(b) An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury or false swearing by a party or witness residing ~~in another~~ outside this state.

(d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten (10) days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

(e) Documentary evidence transmitted from ~~another~~ outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this act, a tribunal of this state shall permit a party or witness residing ~~in another~~ outside this state to be deposed or to testify under penalty of perjury or false swearing by telephone, audiovisual means or

other electronic means at a designated tribunal or other location. ~~in that state.~~ A tribunal of this state shall cooperate with other tribunals ~~of other states~~ in designating an appropriate location for the deposition or testimony.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under ~~the~~ this act.

20-4-167. Communications between tribunals.

A tribunal of this state may communicate with a tribunal ~~of another~~ outside this state ~~or foreign country or political subdivision~~ in a record, or by telephone, electronic mail or other means, to obtain information concerning the laws, the legal ~~affect~~ effect of a judgment, decree or order of that tribunal, and the status of a proceeding. ~~in the other state or foreign country or political subdivision.~~ A tribunal of this state may furnish similar information by similar means to a tribunal ~~of another~~ outside this state. ~~or foreign country or political subdivision.~~

20-4-168. Assistance with discovery.

(a) A tribunal of this state may:

(i) Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery; and

(ii) Upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ outside this state.

20-4-169. Receipt and disbursement of payments.

(a) A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

20-4-170. Establishment of support order.

(a) If a support order entitled to recognition under this act has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

(i) The individual seeking the order resides ~~in another~~ outside this state; or

(ii) The support enforcement agency seeking the order is located ~~in another~~ outside this state.

20-4-172. Administrative enforcement of orders.

(a) A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued ~~by a tribunal of~~ in another

state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to ~~the Uniform Interstate Family Support Act~~ this act.

20-4-173. Registration of order for enforcement.

A support order or income withholding order issued ~~by a tribunal of~~ in another state or a foreign support order may be registered in this state for enforcement.

20-4-174. Procedure to register order for enforcement.

(a) Except as otherwise provided in W.S. 20-4-206, a support order or an income withholding order of another state or a foreign support order may be registered in this state by sending the following records ~~and information~~ to the appropriate tribunal in this state:

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as ~~a foreign judgment~~ an order of a tribunal of another state or a foreign support order, together with one (1) copy of the documents and information, regardless of their form.

20-4-175. Effect of registration for enforcement.

(a) A support order or income withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

(b) A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

(c) Except as otherwise provided in ~~W.S. 20-4-173 through 20-4-184~~ this act, a tribunal of this state shall recognize and enforce, but shall not modify, a registered support order if the issuing tribunal had jurisdiction.

20-4-176. Choice of law.

(a) Except as otherwise provided in subsection (d) of this section, the law of the issuing state or foreign country governs:

(b) In a proceeding for arrearages under a registered support order, the statute of limitation of this state or of the issuing state or foreign country, whichever is longer, applies.

(c) A responding tribunal of this state shall apply the procedures and rem-

edies of this state to enforce current support and collect arrearages and interest due on a support order of another state or foreign country registered in this state.

(d) After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrearages, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrearages, on current and future support, and on consolidated arrearages.

20-4-177. Notice of registration of order.

(a) When a support order or income withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) A notice shall inform the nonregistering party:

(ii) That a hearing to contest the validity or enforcement of the registered order shall be requested within twenty (20) days after ~~the date of mailing or personal service of the~~ notice unless the registered order is under W.S. 20-4-207;

(c) If the registering party asserts that two (2) or more orders are in effect, a notice shall also:

(i) Identify the two (2) or more orders and the order alleged by the registering ~~person~~ party to be the controlling order and the consolidated arrearages, if any;

(d) Upon registration of an income withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to W.S. 20-6-201 through 20-6-222.

20-4-178. Procedure to contest validity or enforcement of registered order.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within ~~twenty (20) days after the date of mailing or personal service of notice of the registration~~ the time required by W.S. 20-4-177. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to W.S. 20-4-179.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time and place of the hearing.

20-4-179. Contest of registration or enforcement.

(a) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one (1) or more of the following defenses:

(vii) The statute of limitations under W.S. 20-4-176 precludes enforcement of some or all of the alleged arrearages; or

(b) If a party presents evidence establishing a full or partial defense under subsection (a) of this section, a tribunal may stay enforcement of ~~the~~ a registered support order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the laws of this state.

(c) If the contesting party does not establish a defense under subsection (a) of this section to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

20-4-180. Confirmed order.

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

20-4-181. Procedure to register child support order of another state or foreign country for modification.

(a) A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in W.S. 20-4-173 through ~~20-4-176~~ 20-4-180 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The ~~pleading~~ petition shall specify the grounds for modification.

(b) A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order under W.S. 20-4-173 through 20-4-180 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition shall specify the grounds for modification.

20-4-182. Effect of registration for modification.

A tribunal of this state may enforce a child support order of another state regis-

tered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of W.S. 20-4-183~~,~~ or 20-4-193 ~~or 20-4-197~~ have been met.

20-4-183. Modification of child support order of another state.

(a) If W.S. 20-4-193 does not apply, ~~except as otherwise provided in W.S. 20-4-197,~~ upon petition a tribunal of this state may modify a child support order issued in another state which is registered in this state if, after notice and hearing, the tribunal finds that:

(ii) The following requirements are met:

(C) The respondent is subject to the personal jurisdiction of the tribunal of this state;~~.~~ or

(c) ~~Except as otherwise provided in W.S. 20-4-197,~~ A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation for support. If two (2) or more tribunals have issued child support orders for the same obligor and same child, the order that controls and shall be so recognized under W.S. 20-4-148 establishes the aspects of the support order which are nonmodifiable.

(f) Notwithstanding subsections (a) through (e) of this section and W.S. 20-4-142(b), a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if:

(i) One (1) party resides in another state; and

(ii) The other party resides outside the United States.

20-4-185. Proceeding to determine parentage.

(a) A ~~court~~ tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under ~~the Uniform Interstate Family Support Act~~ this act or a law or procedure substantially similar to this act.

20-4-186. Grounds for rendition.

(a) For purposes of W.S. 20-4-186 and 20-4-187, "governor" includes an individual performing the functions of the governor or the executive authority of a state covered by ~~the Uniform Interstate Family Support Act~~ this act.

20-4-187. Conditions of rendition.

(a) Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty (60) days previously the obligee had initiated proceedings for support pursuant to ~~the Interstate Family Support Act~~ this act or that the proceeding would be of no avail.

(b) If, under ~~the Uniform Interstate Family Support Act~~ this act or a law substantially similar to this act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a` proceeding.

20-4-188. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

20-4-190. Immunity from civil liability.

An employer ~~who~~ that complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

20-4-191. Penalties for noncompliance.

An employer ~~who~~ that willfully fails to comply with an income withholding order issued ~~by~~ in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

20-4-192. Contest by obligor.

(a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in W.S. 20-4-173 through 20-4-184, 20-4-193, 20-4-194 and 20-4-197, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.

20-4-193. Jurisdiction to modify child support order of another state when individual parties reside in this state.

(b) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of W.S. 20-4-139 through ~~20-4-143~~ 20-4-150, 20-4-173 through 20-4-184, 20-4-193~~, 20-4-194,~~ through 20-4-198 and the procedural and substantive law of this state to the proceeding for enforcement or modification. W.S. 20-4-151 through 20-4-172, 20-4-185 through 20-4-187, ~~and~~ 20-4-190 through 20-4-192, 20-4-198 and 20-4-201 through 20-4-213 do not apply.

20-4-195. Application of act to nonresident subject to personal jurisdic-

tion.

A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this act, under other law of this state relating to a support order, or recognizing a foreign support order ~~of a foreign country or political subdivision on the basis of comity~~ may receive evidence from ~~another~~ outside this state pursuant to W.S. 20-4-166, communicate with a tribunal of ~~another~~ outside this state pursuant to W.S. 20-4-167, and obtain discovery through a tribunal ~~of another~~ outside this state pursuant to W.S. 20-4-168. In all other respects, W.S. 20-4-151 through 20-4-185, 20-4-190, 20-4-194 and 20-4-197 do not apply and the tribunal shall apply the procedural and substantive law of this state.

20-4-196. Continuing exclusive jurisdiction to modify spousal support order.

(b) A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

20-4-197. Jurisdiction to modify child support order of foreign country.

(a) Except as provided in W.S. 20-4-211, if a foreign country ~~or political subdivision that is a state will not or may not modify its order~~ lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether ~~or not~~ the consent to modification of a child support order otherwise required of the individual pursuant to W.S. 20-4-183 has been given or whether the individual seeking modification is a resident of this state or of the foreign country. ~~or political subdivision.~~

(b) An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Section 3. W.S. 20-4-140(a)(vii) and (xviii)(A) and (B) is repealed.

Section 4. The amendments to the Uniform Interstate Family Support Act contained in this act apply to proceedings begun on or after July 1, 2015 to establish a support order or determine parentage of a child, or to register, recognize, enforce or modify a prior support order, determination or agreement, whenever issued or entered.

Section 5. If any provision of this act or its application to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are severable.

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 2, 2015.

Chapter 76

ELECTION CODE-REVISIONS

Original Senate File No. 54

AN ACT relating to elections; providing definitions; clarifying and amending campaign reporting requirements; amending term limit provisions to comply with decisions of the Wyoming supreme court; conforming language to prior statutory changes; limiting distribution of the election code; requiring oaths as specified; amending notice of appointment provisions; amending time limits applicable to the acceptance of nominations; amending time limits for the delivery of absentee ballots; amending absentee ballot formatting; altering obligations to initial ballots; acknowledging a canvassing board's ability to validate noninitialed ballots; amending provisions related to write-in candidates; making grammatical changes; specifying the official who prints names on ballots; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a) by creating a new paragraph (xlvii), 22-2-109(a)and(b),22-2-113(c),22-2-120,22-3-103(c),22-5-103(a)(i),22-5-214, 22-8-111, 22-9-107, 22-9-111(b)(intro), (i) and (ii), 22-9-121(c)(i) and (ii), 22-14-103, 22-16-106(b), 22-16-122(g), 22-23-302, 22-23-303, 22-23-307(b), 22-24-107(b), 22-24-201(a)(ii) and (iii), 22-25-102(g), 22-25-105(a), 22-25-106(a)(i) through (iv), (b)(intro), (i), (ii), (iv), (c) through (e), (f)(intro) and (g), 22-25-107(a)(vi), 22-25-108(a) and (b), 22-26-112(a)(x) and 22-29-501(d) and (e) are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xlvii) "Unsuccessful candidate" means a person who did not win the election but whose name was printed on the ballot and who received one (1) or more votes in the primary election.

22-2-109. County clerk to publish proclamation.

(a) Between one hundred one (101) and ninety-one (91) days before each primary election the county clerk in each county shall publish at least once in a newspaper of general circulation in the county and post in the county clerk's office and at the place where each municipality within the county regularly holds its council meetings a proclamation setting forth the 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 filing deadline for the offices and the requirements for filing statements of campaign ~~receipts~~ contributions and expenditures. The proclamation shall also include the aforementioned information regarding offices to be filled at the general election and any other pertinent primary election information. In addition, the description of any ballot proposition submitted to the voters of the state, a political subdivision thereof, county or other district shall be included.

(b) Between forty-five (45) and thirty-five (35) days before each general election the county clerk in each county shall publish at least once in a newspaper of general circulation in the county and post in the county clerk's office and at the place where each municipality within the county regularly holds its council meetings a proclamation setting forth the 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~~ contributions and expenditures, and any other pertinent general election information. In addition, the legislative description of each proposed constitutional amendment, or other ballot proposition submitted to the voters of the state, a political subdivision thereof, county or other district shall be included.

22-2-113. Availability and form of registry lists; use of copies; election record; purging.

(c) Information copied from campaign ~~receipts~~ contribution and expenditure reports filed by state and local candidates may be used for political purposes but shall not be used for commercial purposes.

22-2-120. Distribution of copies of Election Code.

The secretary of state, not later than the first of July in general election years, shall distribute copies of the Election Code to county and municipal clerks. ~~The county clerk shall furnish copies of the Election Code to municipal clerks and election officials.~~

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

(c) Persons in the uniformed services and overseas citizens, as specified in W.S. 22-3-117, ~~may~~ shall swear or affirm to the oath under the penalty of perjury. The oath does not require the signature of an oath-taking officer.

22-5-103. Limits on ballot access; state offices.

(a) Notwithstanding any other provision of Wyoming law, the secretary of state or other authorized official shall not certify the name of any person as the nominee or candidate for the office sought, nor shall that person be elected nor serve in that office if the following will occur:

(i) The person, by the end of the current term of office will have served, or but for resignation, would have served eight (8) or more years in any sixteen

(16) year period in the office for which the candidate is seeking nomination or election, except, that any time served in that particular office prior to January 1, 1993, shall not be counted for purposes of this term limit. This provision shall apply to the ~~offices~~ office of governor.~~, secretary of state, state auditor, state treasurer, and state superintendent of public instruction.~~

22-5-214. Change in party affiliation.

An elector may change his party affiliation by completing an application signed before a notarial officer or election official, and filing it with the county clerk not ~~later~~ less than fourteen (14) days before the primary election or at the polls on the day of the primary or general election, or when requesting an absentee ballot.

22-8-111. Acceptance of appointment.

With each notice of appointment ~~mailed~~ delivered by the county clerk there shall be a form for acceptance of the appointment~~. Each appointee shall file his acceptance with the county clerk within twelve (12) days after the acceptance form is mailed by the county clerk.~~ or notice that each appointee shall be required to notify the county clerk of acceptance. The county clerk shall state the date by which the appointee shall be required to notify the clerk of acceptance. Failure of an appointee to ~~file an~~ notify the county clerk of acceptance within ~~twelve (12) days~~ the time allotted by the county clerk results in a vacancy.

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 shall, ~~not less than forty (40) days nor~~ not 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.

22-9-111. Affidavit to be printed on inner envelope; attestation.

(b) For all voters, as specified in W.S. 22-9-105, an oath containing the following information and meeting the following requirements shall be printed on the reverse side of the inner ballot envelope:

(i) The ~~elector shall print his~~ elector's full name;

(ii) The ~~elector shall provide his~~ elector's current residence address or if living temporarily in another state or nation, his last residence address in Wyoming;

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 en-

tered in the pollbook, the inner ballot envelope shall be opened by a judge of election and the ballots therein shall be removed. ~~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~~, 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.

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

Unless otherwise validated by a canvassing board pursuant to W.S. 22-13-105, ballots not initialed by a judge of election 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.

22-16-106. Write-in candidates.

(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. 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 after delivery, attempted delivery or service under the Wyoming Rules of Civil Procedure, 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.

22-16-122. Election declared null and void; special election.

(g) 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~~ contributions and expenditures, and any other pertinent information.

22-23-302. Filing fee; application form.

Not more than ninety-six (96) days and not later than eighty-one (81) days preceding the municipal primary election, each candidate for a municipal office shall pay a nonrefundable filing fee of twenty-five dollars ($25.00) and sign and file with the municipal clerk ~~a petition~~ an application in substantially the following form:

State of Wyoming)
) ss
County of ....)

I, ..., the undersigned, swear or affirm that I was born on ...., ...(year), and that I have been a resident of the State of Wyoming since ...., residing at ...., and that I am a registered voter of Election District No. ...., Precinct No. ...., in Ward No. ...., in the City of ...., and the State of Wyoming as of the closing of the municipal clerk's office on the day this ~~petition~~ application is filed, do hereby petition and request that my name be printed upon the Official Municipal Primary Ballot at the next primary election as a candidate for the office of ..... I hereby declare that if nominated and elected I will qualify for the office.

Dated: .....

.....(Signature of Candidate)

22-23-303. Certification of candidates; names on ballots.

Not later than sixty-eight (68) days prior to the primary election, the municipal clerk shall certify to the county clerk the names of all qualified candidates for nomination at the municipal primary election and the office they seek. ~~and shall print the names on the primary election ballot.~~ The number of municipal candidates the voters are entitled to vote for at the primary election is the number of candidates to be elected to municipal offices at the general election.

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

(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 after delivery, attempted delivery or service under the Wyoming Rules of Civil Procedure, as computed pursuant to W.S. 22-2-110, ~~of proof of service or attempted delivery~~ results in the successful write-in candidate not appear-

ing 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.

22-24-107. Sponsors.

(b) The committee of sponsors shall file ~~receipt~~ contribution and expenditure reports as required by W.S. 22-25-106.

22-24-201. Paid advertising; penalty.

(a) Any group of persons who are associated for the purpose of raising, collecting or spending money for paid advertising in any communication media or for printed literature to support, oppose or otherwise influence legislation by the legislature of the state of Wyoming, which is or was the subject of a statewide initiative or referendum within the past four (4) years, shall:

(ii) File with the secretary of state a statement of ~~receipts~~ contributions and expenditures setting forth the full and complete record of ~~receipts~~ contributions including cash, goods or services and actual and promised expenditures, on a form prescribed by the secretary of state, on the last Friday in December of each calendar year. In addition to the annual report, while the legislature is in session, there shall be filed an interim monthly statement for each month or portion thereof that the legislature is in session, within ten (10) days of the first day of the month for the previous month;

(iii) If the total ~~receipts~~ contributions and expenditures reported under paragraph (a)(ii) of this section lists any contribution in excess of one thousand dollars ($1,000.00) from any source or sources other than an individual, the report shall include a full and complete disclosure of the funding source or sources of any nonindividual contributor which funded the advertising.

22-25-102. Contribution of funds or election assistance restricted; limitation on contributions; right to communicate; civil penalty.

(g) The prohibitions in this section do not apply to contributions of funds or other items of value to political parties for the purpose of supporting multistate or national political party conferences or conventions. Any contribution made pursuant to this subsection shall also comply with all applicable federal election commission regulations governing contributions to political parties. Any political party which receives funds to sponsor such conferences or conventions shall file an itemized statement of ~~receipts~~ contributions and expenditures with the secretary of state within ten (10) days after the conference or convention.

22-25-105. Campaign reporting forms; instructions and warning.

(a) The secretary of state shall prescribe the forms for reporting ~~receipts~~ contributions and expenditures for primary, general and special election cam-

paigns, together with written instructions for completing the form and a warning that violators are subject to criminal charges and that a vacancy will exist if the forms are not completed and filed pursuant to law. Until January 1, 2010, the forms along with instructions and warning shall be distributed to the county clerk and shall be given by the county clerk to each person filing an application for nomination in his office and to each political action committee and candidate's campaign committee required to file with the county clerk. Until January 1, 2010, the county clerk shall also distribute the reporting forms to the chairmen of the county party central committees.

22-25-106. Filing of campaign reports.

(a) Except as otherwise provided in subsection (g) of this section and in addition to other statements required by this subsection:

(i) Every candidate shall file a fully itemized statement of ~~receipts~~ contributions at least seven (7) days before any primary, general or special election with information required by this subsection current to any day from the eighth day up to the fourteenth day before the election;

(ii) Every candidate, whether successful or not, shall file a fully itemized statement of ~~receipts~~ contributions and expenditures within ten (10) days after any general or special election;

(iii) Every candidate in any primary election shall file a fully itemized statement of ~~receipts~~ contributions and expenditures within ten (10) days after the primary election;

(iv) Statements under this subsection shall set forth the full and complete record of ~~receipts~~ contributions including cash, goods or services and except for statements of ~~receipts~~ contributions required under paragraph (i) of this subsection, of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. For purposes of this section, a ~~receipt~~ contribution is reportable when it is known and in the possession of, or the service has been furnished to, the person or organization required to submit a statement of ~~receipts~~ contributions or a statement of ~~receipts~~ contributions and expenditures. The date of each ~~receipt~~ contribution of twenty-five dollars ($25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All ~~receipts~~ contributions under twenty-five dollars ($25.00) shall be reported but need not be itemized. Should the accumulation of ~~receipts~~ contributions from an individual exceed the twenty-five dollar ($25.00) threshold, all ~~receipts~~ contributions from that individual shall be itemized. ~~Receipts~~ Contributions, expenditures and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement except by total with a reference to the statement;

(b) Reports of itemized statements of ~~receipt~~ contributions and statements of ~~receipts~~ contributions 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~~ contributions 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~~ contributions and expenditures within ten (10) days after a primary, general or special election;

(ii) A committee formed after an election to defray campaign expenses incurred during a previous election and any political action or candidate's campaign committee which ~~has previously filed a statement of receipts and expenditures and~~ has not filed a statement of termination shall file an itemized statement of ~~receipts~~ contributions and expenditures on December 31 of each odd-numbered year;

(iv) In addition to the reports required under paragraphs (i) through (iii) of this subsection, a political action committee formed for the support of or opposition to any initiative or referendum petition drive or any organization supporting or opposing a petition drive shall file an itemized statement of ~~receipts~~ contributions and expenditures within ten (10) days after the petition is submitted to the secretary of state pursuant to W.S. 22-24-115.

(c) All statements required by subsection (b) of this section shall be signed by both the chairman and treasurer. The statements shall set forth the full and complete record of ~~receipts~~ contributions including cash, goods or services and except for statements of ~~receipts~~ contributions required under paragraph (i) of this subsection, of actual and promised expenditures. The date of each ~~receipt~~ contribution of twenty-five dollars ($25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. Nothing in this subsection shall be construed to require the disclosure of the names of individuals paid to circulate an initiative or referendum petition. All ~~receipts~~ contributions under twenty-five dollars ($25.00) shall be reported but need not be itemized. Should the accumulation of ~~receipts~~ contributions from an individual exceed the twenty-five dollar ($25.00) threshold, all ~~receipts~~ contributions from that individual shall be itemized. If the ~~receipts~~ contributions, expenditures or obligations were for more than one (1) candidate, the amounts attributable to each

shall be itemized separately.

(d) The chairman of each political party central committee for the state or county, or an officer of the party designated by him, shall file an itemized statement of ~~receipts~~ contributions of twenty-five dollars ($25.00) or more, and any expenditures and obligations. The statement shall be filed within ten (10) days after a general or special election. The statement shall report all ~~receipts~~ contributions, expenditures and obligations relating to campaign expenses, including normal operating expenses. All ~~receipts~~ contributions under twenty-five dollars ($25.00) shall be reported but need not be itemized. Should the accumulation of ~~receipts~~ contributions from an individual exceed the twenty-five dollar ($25.00) threshold, all ~~receipts~~ contributions from that individual shall be itemized. It shall attribute all campaign ~~receipts~~ contributions, expenses and obligations to a specific candidate only if the campaign ~~receipts~~ contributions, expenses and obligations can be specifically identified to that specific candidate to the exclusion of other candidates on the ticket. A copy of the statement shall be furnished to each candidate identified in the statement within ten (10) days after the general or special election.

(e) Amendments to the statements required by this section may be filed at any time. If inaccuracies are found in the statements filed or additional ~~receipts~~ contributions or expenditures occur or become known after the statements are filed, amendments to the original statements or additional statements shall be filed within a reasonable time not to exceed ninety (90) days from the time the inaccuracies or additional ~~receipts~~ contributions or expenditures became known. Any net change less than fifty dollars ($50.00) need not be reported.

(f) In addition to the statement of ~~receipts~~ contributions and expenditures required by subsection (b) of this section, any political action committee formed for the support of any initiative or referendum petition drive or any organization supporting an initiative or referendum petition drive shall file with the secretary of state, at least thirty (30) days but no more than forty-five (45) days before the election at which the initiative or referendum proposition will be voted on, a statement signed by both the chairman and treasurer showing:

(g) Candidates for federal office, campaign committees for candidates for federal office and federal political action committees shall not be required to file ~~receipt~~ contribution and expenditure reports under this section if the candidate or the committee is required to comply with federal election law reporting requirements.

22-25-107. Where statements to be filed.

(a) All statements required under this chapter shall be filed as follows:

(vi) Precinct committeemen and precinct committeewomen elected at the primary election shall not be required to file a statement of ~~receipts~~ contributions and expenditures;

22-25-108. Failure of candidate or committee to file statement.

(a) Candidates shall be given notice prior to an election that failure to file, within the time required, a full and complete itemized statement of ~~receipts~~ contributions if required pursuant to W.S. 22-25-107 and a statement of ~~receipts~~ contributions and expenditures shall subject the candidate to civil penalties as provided in subsection (e) of this section.

(b) A candidate who fails to file the statement of ~~receipts~~ contributions required by the seventh day before the election shall have his name printed on a list drafted by the appropriate filing office specified under W.S. 22-25-107. The list shall immediately be posted in the filing office and made available to the public.

22-26-112. Misdemeanor offenses generally.

(a) Unless a different penalty is specifically provided in this code, the following acts, if knowingly and willfully committed, are misdemeanor offenses punishable by not more than six (6) months in a county jail or a fine of not more than one thousand dollars ($1,000.00), or both:

(x) Filing or signing a false statement of ~~receipts~~ contributions and expenditures required by W.S. 22-25-106.

22-29-501. Political action committees.

(d) The secretary of state shall prescribe and furnish the forms for reporting ~~receipts~~ contributions and expenditures for special district ballot proposition elections together with written instructions for completing the form and a warning that violators are subject to civil and criminal charges. The forms along with instructions and warning shall be distributed to the county clerk and shall be given by the county clerk to each political action committee upon formation.

(e) Every political action committee shall file a fully itemized statement of ~~receipts~~ contributions and expenditures within ten (10) days after any special district ballot proposition election. The statement shall set forth the full and complete record of ~~receipts~~ contributions including cash, goods or services and of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. The date of each ~~receipt~~ contribution of twenty-five dollars ($25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All ~~receipts~~ contributions under twenty-five dollars ($25.00) shall be reported but need not be itemized. Should the accumulation of ~~receipts~~ contributions from an individual exceed the twenty-five dollar ($25.00) threshold, all ~~receipts~~ contributions from that individual shall be itemized.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 77

NOTICE REQUIREMENTS SPECIAL DISTRICT ELECTIONS

Original House Bill No. 128

AN ACT relating to special district elections; amending specified time requirements for issuance of notice to business days; creating a definition; and providing for an effective date.

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

Section 1. W.S. 22-29-102(a) by creating a new paragraph (iii) and by renumbering (iii) as (iv), 22-29-103(e)(i), 22-29-107(b), 22-29-109(a)(ii)(intro) and (d), 22-29-110(c), 22-29-111(h), 22-29-112(e), 22-29-114(e)(intro), 22-29-118, 22-29-401(a)(iv), 22-29-404(a) and 22-29-501(b) and (e) are amended to read:

22-29-102. Definitions.

(a) As used in this act:

(iii) "Business day" means any day other than Saturday, Sunday or a legal holiday in this state as designated in W.S. 8-4-101;

~~(iii)~~(iv) "This act" means W.S. 22-29-101 through 22-29-601.

22-29-103. Applicability to special districts; general provisions.

(e) All special districts shall file a copy of the document authorizing formation or modification of boundaries, a citation to the law under which it is formed and a copy of an official map or legal description designating the geographical boundaries of the district or the changes to its geographical boundaries with the department of revenue, the county assessor and the county clerk in the county or counties within which the entity is located in accordance with the department's rules adopted pursuant to W.S. 39-11-102(c)(xxiv) regarding tax districts and as follows:

(i) Within ten (10) business days after the effective date of formation; and

22-29-107. Requirements of filing petition; validity and certification of signatures.

(b) Within ten (10) business days after the date a petition is offered for filing, the county clerk or district secretary, as the case may be, shall examine the petition and determine whether it is signed by the requisite number of qualified signers. If the requisite number of qualified signers have signed the petition, the county clerk or district secretary shall file the petition. If the requisite number have not signed, the county clerk or district secretary shall so notify the chief petitioners and may return the petition to the petitioners.

22-29-109. County commissioners' action on formation petition.

(a) A petition for formation of a district shall be filed with the county commissioners. Before the petition is filed, the county assessor and the depart-

ment of revenue shall review, within sixty (60) days of receiving notice of the petition, the boundaries of the proposed district for any conflict, overlap, gap or other boundary issue and make written comments thereon to be submitted with the petition. Further, the petition shall be approved by any agency required by the principal act to approve the petition. If the petition satisfies all requirements of the principal act, the county commissioners shall:

(ii) The county commissioners shall cause notice of the hearing to be posted in at least three (3) public places and published by two (2) insertions in a newspaper of general circulation in that county or counties in which all or any part of the district is proposed to be located. The last of the notices shall be published at least ten (10) business days prior to the hearing. The notice shall state:

(d) If the county commissioners determine, after consultation with the county assessor, that any land has been improperly omitted from the proposed district and that the owner has not appeared at the hearing, the commissioners shall continue the hearing and shall order notice given to the nonappearing owner requiring the owner to appear before it and show cause, if any, why the land of the owner should not be included in the proposed district. The notice shall be given either by posting and publication, in the same manner as notice of the original hearing and for the same period, or by personal service on each nonappearing owner. If notice is given by personal service, service shall be made at least ten (10) business days prior to the date fixed for the further hearing.

22-29-110. County clerk to publish proclamation; filing period.

(c) The county clerk shall publish a sample ballot with the question of formation and candidates for directors together with any other ballot proposition at least once in a newspaper of general circulation in each county in which all or part of the proposed district is located, at least ten (10) business days prior to the election.

22-29-111. Formation and initial director election.

(h) If the formation question is approved, the county clerk shall send written notice of the formation to the public funds division of the department of audit within ten (10) business days of the canvass.

22-29-112. Subsequent director elections.

(e) The name of all qualified candidates shall be published in a newspaper of general circulation in each county in which the district is located not later than ten (10) business days prior to the date of such election.

22-29-114. Election procedures for elections other than mail ballot elections; canvass, recount and contests.

(e) Any special district election conducted by the county clerk shall be can-

vassed by the county canvassing board or a canvassing board appointed by the county clerk, consisting of two (2) electors and the county clerk. If more than one (1) county is involved, the election shall be canvassed in accordance with chapter 16 of the Wyoming Election Code of 1973, as amended, by a canvassing board drawn from the membership of the appropriate county canvassing boards appointed by the appropriate county commissioners. The commissioners shall notify the county clerks of the canvassing board appointments. Any special district election not conducted by a county clerk shall be canvassed by a special district canvassing board. The special district canvassing board shall consist of the district secretary and two (2) electors appointed by the district board. Any canvass shall be conducted in accordance with chapter 16 of the Wyoming Election Code of 1973, as amended. The canvass shall be conducted within seven (7) business days of the election. The canvassing board shall have the authority to call for a special election in accordance with W.S. 22-16-122. The canvassing board shall:

22-29-118. Directors; oath of office.

All directors, whether elected or appointed, shall, within ten (10) business days after notification of election or appointment, take the oath of office provided in Wyoming constitution, article VI, section 20, before an officer authorized to administer oaths. The director shall also complete the written oath and without delay transmit a copy of the oath in writing to the respective county clerks for the first election and to the secretary of the district thereafter.

22-29-401. Dissolution procedure.

(a) Dissolution of a district may be initiated:

(iv) Within five (5) business days after a petition is filed or a resolution of a county commission is adopted under this section, a copy shall be filed with the district secretary, if any, or with any other district officer who can with reasonable diligence be located;

22-29-404. Election on dissolution; consent of creditors; content of notice.

(a) Within ten (10) business days after the district directors file the plan of dissolution and liquidation required by W.S. 22-29-402, the district directors shall call an election to be held not less than ninety (90) days nor more than one hundred twenty (120) days after the filing of the plan of dissolution or liquidation for the purpose of submitting to the voters of the district the question of whether the district shall be dissolved, its indebtedness liquidated and its assets disposed of in accordance with the plan proposed. No election shall be called until the consent of all known holders of valid indebtedness against the district is obtained or provision is made in the plan for payment of the nonconsenting holders. The notice of the election shall contain a brief summary of the plan of dissolution and liquidation and state that the plan of dissolution is

available for examination at the office of the county clerk.

22-29-501. Political action committees.

(b) A political action committee shall file a statement of formation within ten (10) business days after formation. The chairman and treasurer of a committee shall be separate individuals. The statement of formation shall list the name and mailing address of the committee, name and address of the committee chairman and treasurer, date the committee was formed and the purpose of the committee. The statement of formation shall be filed in the office of the county clerk of the county or counties in which the district is located or is to be located.

(e) Every political action committee shall file a fully itemized statement of receipts and expenditures within ten (10) business days after any special district ballot proposition election. The statement shall set forth the full and complete record of receipts including cash, goods or services and of actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. The date of each receipt of twenty-five dollars ($25.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All receipts under twenty-five dollars ($25.00) shall be reported but need not be itemized. Should the accumulation of receipts from an individual exceed the twenty-five dollar ($25.00) threshold, all receipts from that individual shall be itemized.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 78

BRANCH BANK LICENSE EXPIRATION

Original House Bill No. 233

AN ACT relating to banks and banking; amending provisions related to the expiration and renewal of branch bank licenses; and providing for an effective date.

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

Section 1. W.S. 13-2-702(g) is amended to read:

13-2-702. Authorization; application; fee; activities; examination; criteria.

(g) Every branch bank in this state shall be licensed by the commissioner before operating, engaging in or conducting a banking business. Each branch bank license shall expire on June 30 of each year. The license shall be renewed annually, not ~~more than sixty (60) nor~~ less than thirty (30) days before ~~the an-~~

~~niversary date upon which the initial license is issued~~ the license's expiration date.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 79

PRINCIPAL AND INCOME ACT AMENDMENTS

Original House Bill No. 145

AN ACT relating to fiduciaries; providing authority for a trustee to include capital gains in income as specified; authorizing certain distributions from income and principal; authorizing adjustments between income and principal; repealing provisions; and providing for an effective date.

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

Section 1. W.S. 2-3-835 is created to read:

2-3-835. Trustee discretion to include capital gains in income.

(a) To the extent a trustee is given the power to make mandatory or discretionary distributions of income, the trustee may, on an annual basis, include realized capital gains in trust income and in determining section 643(a) of the Internal Revenue Code distributable net income, if the allocation is reasonable and impartial.

(b) To the extent a trustee is given the power to make mandatory or discretionary distributions of principal, the trustee may, on an annual basis, include realized capital gains in determining Section 643(a) Internal Revenue Code distributable net income, if the allocation is reasonable and impartial.

Section 2. W.S. 2-3-804 by creating a new subsection (h), 2-3-826(a), 2-3-827(a)(i), (ii) and (iv), 2-3-831(a)(intro) and 2-3-909(a)(i) are amended to read:

2-3-804. Trustee's power to adjust; liability of trustee.

(h) If a trustee elects to exercise the power to adjust under this statute, the trustee may, on an annual basis, include net realized capital gains in determining trust income and section 643(a) of the Internal Revenue Code distributable net income, if the allocation is reasonable and impartial.

2-3-826. Disbursements from income.

(a) A trustee shall make the following disbursements from income to the extent that they are not disbursements to which W.S. 2-3-806(a)(ii)(B) or (C) applies:

(i) ~~One-half (1/2) of the regular compensation of the trustee and of any person providing investment advisory or custodial services to the trustee~~ Inter-

est, except interest on taxes as provided in W.S. 2-3-827(a)(vi);

(ii) ~~One-half (1/2) of all expenses for accountings, judicial proceedings or other matters that involve both the income and remainder interests~~ Ordinary repairs and maintenance of real estate;

(iii) ~~All of the other ordinary expenses incurred in connection with the administration, management or preservation of trust property and the distribution of income, including interest, ordinary repairs,~~ Real estate taxes and other regularly recurring taxes assessed against principal; and ~~expenses of a proceeding or other matter that concerns primarily the income interest; and~~

2-3-827. Disbursements from principal.

(a) A trustee shall make the following disbursements from principal:

(i) ~~The remaining one-half (1/2) of the disbursements described in W.S. 2-3-826(a)(i) and (ii)~~ Extraordinary expenses incurred in connection with the administration, management or preservation of trust property and the distribution of income;

(ii) ~~All of the trustee's compensation calculated on principal as a fee for acceptance, distribution, or termination, and disbursements made to prepare property for sale~~ Extraordinary repairs;

(iv) Expenses ~~of a proceeding that concerns primarily principal, including a proceeding to construe~~ in connection with accountings and judicial or other proceedings to construe, modify or reform the trust or to protect the trust or its property;

2-3-831. Adjustments between principal and income.

(a) ~~A fiduciary may make adjustments between principal and income to offset the shifting of economic interests or tax benefits between income beneficiaries and remainder beneficiaries which arise from:~~ Subject to W.S. 2-3-826 and 2-3-827, a trustee may, in the discretion of the trustee, allocate to income, principal or partly to each, the ordinary expenses incurred in connection with the administration, management or preservation of trust property and the distribution of income including the compensation of the trustee and of agents hired by the trustee including investment advisors, custodians or income tax preparation services.

2-3-909. Treatment and allocation of income.

(a) Following the conversion of an income trust to a total return unitrust or upon creation of a total return unitrust by a settlor, the trustee:

(i) Shall treat the unitrust amount as ~~if it were~~ net income of the trust for purposes of determining the amount available, from time to time, for distribution from the trust; and

Section 3. W.S. 2-3-827(a)(iii) and 2-3-831(a)(i) through (iii) are repealed.

Section 4. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 80

AGGREGATE CAMPAIGN CONTRIBUTION LIMITS-REPEAL

Original House Bill No. 39

AN ACT relating to elections; repealing Wyoming's aggregate campaign contribution limit; and providing for an effective date.

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

Section 1. W.S. 22-25-102(c)(iii) 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 March 2, 2015.

Chapter 81

WATER AND SEWER DISTRICT CONTRACTS

Original House Bill No. 237

AN ACT relating to water and sewer districts; increasing contract bid threshold dollar amounts; and providing for an effective date.

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

Section 1. W.S. 41-10-113(a)(xi) is amended to read:

41-10-113. Powers of district board.

(a) For and on behalf of the district the board of any district shall have the following powers:

(xi) Except as otherwise provided in this act, to enter into contracts and agreements affecting the affairs of the district, including but not limited to contracts with the United States of America and any of its agencies or instrumentalities, and contracts with any municipality or district for the operation of a common or jointly owned project. Any improvement or improvements of any nature made in any district where the entire cost, value or amount of such work including labor and materials shall exceed ~~seven thousand five hundred dollars ($7,500.00)~~ thirty thousand dollars ($30,000.00), except such work done by employees of the district with supplies and materials purchased by it as hereinafter provided or except by labor or supplies and materials, or all of such,

supplied under agreement with the United States of America, the state of Wyoming, or any federal or state agency, instrumentality or corporation, or other political subdivision, shall be done only under independent contract to be entered into by the district with the lowest responsible bidder submitting the lowest and best bid upon proper terms after due public notice by publication has been given asking for competitive bids. The district shall have the right to reject any and all bids and to waive any irregularity in any bid. Any contract may be let on a lump sum or unit basis. No contract shall be entered into for such work unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the board and in an amount fixed by the board for the faithful performance of the contract. Upon default in the performance of any contract, the proper official may advertise and relet the remainder of the work without further resolution and deduct the cost from the original contract price and recover any excess cost by suit on the original bond, or otherwise. The district shall have the power to make any improvement, or portion thereof, in any district, directly by the officers, agents and employees of the district, with supplies and materials purchased or otherwise acquired therefor. All supplies, materials, equipment, machinery and apparatus purchased by the board for any district (but not by a contractor) costing ~~seven thousand five hundred dollars ($7,500.00)~~ thirty thousand dollars ($30,000.00) or more shall be purchased only after notice by publication for competitive bids. The district shall accept the lowest bid, kind, quality and material being equal, but the district shall have the right to reject any and all bids, to waive any irregularity in any bid, and to select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer;

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 82

OFFENSES AGAINST PUBLIC ADMINISTRATION

Original House Bill No. 16

AN ACT relating to crimes and offenses; clarifying, modifying and reorganizing specified offenses against public administration; amending 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. 6-5-101(a)(iv)(intro) and (vi), 6-5-105(d), 6-5-107(a)(intro) and (i), 6-5-110 by creating a new subsection (c), 6-5-116, 6-5-117 and 6-5-118(a)(intro) are amended to read:

6-5-101. Definitions.

(a) As used in this article:

(iv) "Pecuniary benefit" is benefit in the form of property~~;, but does not include:~~

(vi) "Public servant" means any public officer, ~~or~~ employee of government, ~~including legislators and judges, and~~ or any person participating, as juror, witness, advisor, consultant or otherwise, in performing a governmental function;

6-5-105. Unlawful designation of provider of services or goods; penalties; affirmative defense.

(d) ~~Designating a supplier~~ A violation of this section is 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.

6-5-107. Official misconduct; penalties.

(a) A public servant ~~or public officer~~ commits a misdemeanor punishable by a fine of not more than five thousand dollars ($5,000.00), if, with intent to obtain a pecuniary benefit or maliciously to cause harm to another, he knowingly:

(i) Commits an ~~unauthorized~~ act relating to his official duties that the public servant does not have the authority to undertake;

6-5-110. Wrongful appropriation of public property; penalties.

(c) This section shall not apply to limited use of government property or resources for personal purposes if the use does not interfere with the performance of a governmental function and either the cost or value related to the use is de minimis or the public servant reimburses the government for the cost of the use.

6-5-116. Public officer acting before qualifying; penalty.

An elected or appointed public officer or his deputy commits a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) if he performs any duty of his office without taking and subscribing the oath prescribed by law or before giving and filing the bond required by law. This section shall not apply to training and similar minor preparation for taking office.

6-5-117. Public officer demanding kickback from deputy; penalties.

A public officer who requires a deputy appointed by him to divide or pay back to the officer a part of the ~~legal fees of the deputy~~ deputy's salary or requires any type of compensation of any form in return for the deputy's continued employment is guilty of a felony punishable by imprisonment for not more than three (3) years, a fine of not more than five thousand dollars ($5,000.00), or both.

6-5-118. Conflict of interest; public investments; disclosure required; penalty; definitions.

(a) No ~~public officer or~~ public servant who invests public funds for a unit of government, or who has authority to decide how public funds are invested, shall transact any personal business with, receive any pecuniary benefit from or have any financial interest in any entity, other than a governmental entity, unless he has disclosed the benefit or interest in writing to the body of which he is a member or entity for which he is working. Disclosures shall be made annually in a public meeting and shall be made part of the record of proceedings. The ~~public officer or~~ public servant shall make the written disclosure prior to investing any public funds in any entity, other than a governmental entity, which:

Section 2. W.S. 6-5-101(a)(iv)(A) through (C) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 83

DISABILITY PLACARD-DESIGNATION

Original House Bill No. 172

AN ACT relating to motor vehicles and placards for vehicles driven by persons with disabilities; authorizing certification of disability by advanced practice registered nurses; and providing for an effective date.

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

Section 1. W.S. 31-2-213(c) and (d)(ii)(intro) is amended to read:

31-2-213. Department to supply registration certificates, plates and stickers; removable windshield placards.

(c) The department shall issue a special tamper resistant removable windshield placard to an applicant submitting a letter from his physician <u>or advanced practice registered nurse</u> stating the applicant has a disability that is expected to last a minimum of twelve (12) months which limits or impairs the ability to walk, or to any person responsible for the regular transportation of eligible persons with a disability that is expected to last a minimum of twelve (12) months which limits or impairs the ability to walk who submits such a letter on behalf of an eligible person. The placard shall display the international symbol of access. When a vehicle is parked in an area reserved for the handicapped, the placard shall be suspended from the rearview mirror inside the vehicle, so as to be in plain view of any person looking through the front windshield of the vehicle from the sidewalk or roadside. For motor vehicles which do not have rearview mirrors, the placard shall be displayed on the dashboard of the parked vehicle, on the side nearest the curb or roadside. Upon request, one (1) additional placard shall be issued to applicants who have not been is-

sued special license plates.

(d) As used in this section:

(ii) "Eligible person" means a person with disabilities which limit or impair the ability to walk as determined by a licensed physician or advanced practice registered nurse, including:

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 84

WYOMING CHARTERED FAMILY TRUST COMPANY ACT

Original House Bill No. 61

AN ACT relating to banks, banking and finance; creating the Wyoming Chartered Family Trust Company Act; creating requirements for chartered family trust companies; providing for fees; establishing a statute of limitations for legal actions; requiring the posting of bonds with the state banking commissioner; providing for inspection of the records of a chartered family trust company; providing for the conversion of a trust company to a chartered family trust company; requiring reports to the state banking commissioner; creating a resolution fund account; providing contributions to the resolution fund account; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 13-5-201 through 13-5-219 are created to read:

ARTICLE 2
CHARTERED FAMILY TRUST COMPANY ACT

13-5-201. Short title.

This act may be cited as the "Wyoming Chartered Family Trust Company Act."

13-5-202. Purpose.

(a) The purpose of this act is to:

(i) Encourage family trust companies to charter with the commissioner;

(ii) Define those persons who are engaged in or who desire to provide fiduciary services to a single family and its related interests as a chartered family trust company, and who are not doing trust company business with the public or offering services to the general public; and

(iii) Bring under public supervision the benefits of being chartered pursuant to the provisions of this act.

13-5-203. Applicability.

Except as otherwise provided in this article, a chartered family trust company is subject to the provisions of Wyoming statutes, title 13, chapter 5.

13-5-204. Definitions.

(a) As used in this article:

(i) "Board member" means:

(A) In the case of a corporation, a director of the corporation;

(B) In the case of a limited liability company, the manager of the limited liability company.

(ii) "Chartered family trust company" means a family trust company chartered by the state of Wyoming pursuant to this act;

(iii) "Collateral kinship" means a relationship that is not lineal, but stems from a common ancestor;

(iv) "Designated relative" means the common ancestor of the family, who may be either living or deceased. With regard to a chartered family trust company or a family trust company applying to be chartered pursuant to this act, the designated relative is the person who is designated in the application for a charter under this act;

(v) "Family affiliate" means a company or other entity, including charitable nonprofit organizations, charitable foundations, charitable trusts, or other charitable organizations, with respect to which one (1) or more family members or affiliates own, directly or indirectly, one hundred percent (100%) of the company or entity or possess, directly or indirectly, the power to direct or cause the direction of the management and policies of that company or entity, whether through the ownership of voting securities, by contract, power of direction or otherwise;

(vi) "Family member" means, without limitation, a designated relative and:

(A) Any person within the tenth degree of lineal kinship of the designated relative;

(B) Any person within the ninth degree of collateral kinship to the designated relative;

(C) The spouse and any former spouse of the designated relative or of any person qualifying as a family member pursuant to subparagraph (A) or (B) of this paragraph;

(D) A person who is a relative of a spouse or former spouse specified in subparagraph (C) of this paragraph who is within the fifth degree of lineal kinship of the spouse or former spouse;

(E) A family affiliate;

(F) A trust established by a family member either individually or jointly with a spouse and any trustee, advisor or other person assisting with administration of that trust, if funded by one (1) or more family members;

(G) A trust of which each trustee or other person authorized to make decisions with respect to the trust and each settlor is a family member;

(H) Does not include a member of the public;

(J) For purposes of this definition:

(I) A legally adopted person shall be treated as a natural child of the adoptive parents;

(II) A stepchild shall be treated as a natural child of the family member who is or was the stepparent of that child;

(III) A foster child or an individual who was a minor when a family member became his or her legal guardian shall be treated as a natural child of the family member appointed as foster parent or guardian;

(IV) Children of a spouse of a family member shall be treated as a natural child of that family member; and

(V) Degrees are calculated by adding the number of steps from the designated relative through each person to the family member either directly, in case of lineal kinship, or through the common ancestor, in the case of collateral kinship.

(vii) "Family trust company" means a corporation or limited liability company that:

(A) Acts or proposes to act as a fiduciary;

(B) Is organized or qualified to do business in this state to serve family members;

(C) Does not transact trust company business with, propose to act as a fiduciary for or solicit trust company business with the general public; and

(D) Whose officers execute and deliver a signed waiver to the commissioner acknowledging that the family trust company is not regulated under this act and its members are not afforded any of the protections or privileges of this act.

(viii) "Governing board" means:

(A) In the case of a corporation, the board of directors of the corporation;

(B) In the case of a limited liability company, the manager of the limited liability company.

(ix) "Lineal kinship" means a family member who is in the direct line of ascent or descent from the designated kinship;

(x) "Officers, managers and directors of a family affiliate" means a natural person, including any officer, manager or director's spouse who holds a joint, community property or other similar shared ownership interest with that of-

ficer, manager or director, who is an executive officer, director, trustee, general partner or person serving in a similar capacity who, in connection with his or her regular functions or duties, participates in the investment activities of the company, provided that the employee has been performing functions and duties for or on behalf of the chartered family trust company for at least twelve (12) months;

(xi) "Organizational instrument" means the articles of incorporation for a corporation or the articles of organization for a limited liability company;

(xii) "Transact business with the general public" means engaging in any advertising, solicitations, arrangements, agreements or transactions to provide, accept and undertake to perform the duties as an executor, administrator, guardian, conservator or trustee in this state in the regular course of business;

(xiii) "Trust service office" means any office, agency or other place of business at which the powers granted to chartered family trust companies are exercised by the chartered family trust company other than the place of business specified in the chartered family trust company's charter.

13-5-205. Organization of a chartered family trust company.

(a) One (1) or more persons may subscribe to an organizational instrument in writing for the purpose of forming a chartered family trust company, subject to the conditions prescribed by law.

(b) The articles of incorporation for a chartered family trust company organized as a corporation shall set forth all of the information required by W.S. 17-16-202 and the following:

(i) The corporate name, which shall comply with W.S. 13-5-207 and 17-16-401; and

(ii) A statement that the articles of incorporation are made to enable the shareholders to avail themselves of the advantages of this act.

(c) The articles of organization for a chartered family trust company organized as a limited liability company shall include the following information:

(i) The name of the limited liability company, which must comply with W.S. 13-5-207 and 17-29-108;

(ii) A statement that the articles of organization are made to enable the members to avail themselves of the advantage of this act.

(d) A chartered family trust company organized as a limited liability company shall be subject to all of the same laws and regulations that relate to a chartered family trust company organized as a corporation. All managers and employees of a chartered family trust company organized as a limited liability company shall be subject to the same duties and liabilities as pertain to directors, trustees and employees of a chartered family trust company organized as a corporation.

13-5-206. Requirements for chartered family trust company.

(a) A chartered family trust company shall maintain:

(i) A physical office in this state where original or true copies, including electronic copies, of all material business records and accounts of the chartered family trust company may be accessed and readily available for examination by the commissioner; and

(ii) A bank account with a state or nationally chartered bank or savings and loan association having a principal or branch office in this state.

13-5-207. Naming convention; advertisement of family trust company.

(a) No person or entity shall advertise, issue or circulate any paper or exhibit any sign, using the term "trust company" unless they have fully complied with this act or W.S. 13-5-101 through 13-5-113.

(b) No person or entity wishing to organize as a private family trust shall use the term "trust company" in its name without further specifying in its name that the company is a "private single family trust company" unless they have fully complied with this act or W.S. 13-5-101 through 13-5-113.

(c) Neither a family trust company nor a chartered family trust company formed and doing business under the laws of this state or any other state shall advertise its services to the public.

13-5-208. Minimum capital requirements; investment of capital.

The initial capital required to organize a chartered family trust company shall be not less than five hundred thousand dollars ($500,000.00). The full amount of the initial capital must be paid in cash to the governing body of the chartered family trust company, exclusive of all organization expenses, before the chartered family trust company is authorized to commence business as a chartered family trust company. Once organized, a chartered family trust company shall maintain a minimum level of capital required by the commissioner to operate in a safe and sound manner based upon the commissioner's examination of the company, provided that the level of capital in a chartered family trust company shall not be less than five hundred thousand dollars ($500,000.00).

13-5-209. Procedures upon filing of organizational instruments, application and other information; application fee; approval or disapproval of application; criteria for approval; action upon application.

(a) An applicant for a chartered family trust company charter must file an application with the commissioner on forms prescribed by the commissioner. The application must contain or be accompanied by such information as required pursuant to rules and regulations of the commissioner.

(b) The application filed with the commissioner shall be accompanied by a fee of ten thousand dollars ($10,000.00) to cover the expense of the investiga-

tion by the commissioner. If an application to become a chartered family trust company is withdrawn by the applicant at any time prior to the granting of the charter, the statutory application filing fee, less the amount of any expense authorized above and actually incurred, shall be refunded to the applicant.

(c) The failure of the applicant to furnish required information, data, other material or the required fee within thirty (30) days after a written request from the commissioner may be considered a withdrawal of the application.

(d) Within forty-five (45) days after receipt of a completed application, the commissioner shall, in his discretion, approve, conditionally approve or disapprove the application. Prior to taking action on an application, the commissioner shall determine that:

(i) The chartered family trust company is being formed for no other purpose than the legitimate objects contemplated by the laws of this state;

(ii) The proposed capital and surplus are not less than the required minimum amount in W.S. 13-5-208 and are adequate in light of current and prospective conditions as determined by the commissioner;

(iii) The applicants, proposed officers and directors have sufficient character, reputation, experience, ability and financial standing to afford reasonable promise of successful operation;

(iv) The name of the proposed chartered family trust company does not resemble the name of any other chartered family trust company or financial institution transacting business in the state so closely as to cause confusion;

(v) The applicants have complied with all applicable provisions of law and such other facts and circumstances bearing on the proposed family trust company as the commissioner may reasonably deem relevant.

(e) The commissioner shall take action upon the application by stating findings of fact and conclusions of law.

(f) Upon approval of an application, the commissioner shall endorse upon the articles of organization or incorporation his approval and shall file one (1) copy of the application with the secretary of state, retain one (1) copy in his files and return one (1) copy to the applicant within twenty (20) days after the date of the decision of the commissioner approving the application. If the commissioner conditionally approves an application and the applicant complies with the conditions imposed by the commissioner, the commissioner shall approve the application and proceed in accordance with this section.

(g) Notice of the entry of an order refusing a charter or imposing conditions upon approval of the charter to a family trust company must be given in writing, served personally or sent by certified mail, return receipt requested, to the applicant. If the commissioner disapproves or imposes conditions upon the application, the commissioner shall mail notice of the action to the applicants

within twenty (20) days after the commissioner's negative action. The company, upon appeal, is entitled to a hearing before the board pursuant to the Wyoming Administrative Procedure Act. If no such appeal is made within thirty (30) days after the entry of an order refusing a charter or imposing conditions upon the charter to any applicant, the commissioner shall enter a final order.

13-5-210. Powers of chartered family trust company and family trust company; banking business prohibited.

(a) A chartered family trust company or a family trust company may, but only for family members:

(i) Act or be appointed by any court within and outside this state to act as executor, administrator, guardian or conservator of estates of family members, assignee, receiver, depositary, trustee, custodian or in any other fiduciary or representative capacity for family members for any purpose permitted by law;

(ii) Act as transfer agent or registrar of corporate stocks and bonds of family affiliates;

(iii) Purchase, invest in and sell stocks, bonds, mutual funds, mortgages and other securities for the account of the family trusts;

(iv) Accept and execute any trust business of family members or family affiliates permitted by any law of this or any other state or of the United States to be taken, accepted or executed by an individual;

(v) Take oaths and execute affidavits by the oath or affidavit of its president, vice president, secretary, assistant secretary, manager, trust officer or assistant trust officer;

(vi) Make any lawful fiduciary investment as permitted by Wyoming Uniform Prudent Investor Act;

(vii) Perform all acts necessary to exercise the powers enumerated in this section.

(b) A chartered family trust company organized under this act or a family trust company shall not engage in:

(i) Any banking business by accepting general deposits or issuing demand instruments; or

(ii) Engage in trust company business with the public.

13-5-211. Authorized actions and transactions; conflicts of interest.

(a) In addition to the actions authorized by W.S. 13-5-210 and notwithstanding the provisions of any other law, while acting as a fiduciary of a trust, a chartered family trust company may:

(i) Invest in a security of an investment company or investment trust for which the chartered family trust company, or a family affiliate, provides ser-

vices in a capacity other than as a fiduciary;

(ii) Place a security transaction using a broker that is a family affiliate;

(iii) Invest in an investment contract that is purchased from an insurance company or carrier owned by or affiliated with the chartered family trust company or a family affiliate;

(iv) Enter into an agreement with a beneficiary or grantor of a trust with respect to the appointment or compensation of the fiduciary or a family affiliate;

(v) Transact business with another trust, estate, guardianship or conservatorship for which the chartered family trust company is a fiduciary or in which a beneficiary has an interest;

(vi) Make an equity investment in a closely held entity that may or may not be marketable and that is owned or controlled, either directly or indirectly, by one (1) or more beneficiaries, family members or family affiliates;

(vii) Deposit trust money in a financial institution that is owned or operated by a family affiliate;

(viii) Delegate the authority to conduct any transaction or action pursuant to this section to an agent of the chartered family trust company or a family affiliate;

(ix) Purchase, sell, hold or invest in any security, bond, real or personal property, stock or other asset of a family affiliate;

(x) Loan money to or borrow money from:

(A) A family member of the trust or his or her legal representative;

(B) Another trust managed by the chartered family trust company; or

(C) A family affiliate.

(xi) Act as proxy in voting any shares of stock which are assets of the trust;

(xii) Exercise any powers of control with respect to any interest in a company that is an asset of the trust, including, without limitation, the appointment of officers or directors who are family affiliates; and

(xiii) Receive reasonable compensation for its services or the services of a family affiliate.

(b) A transaction or action authorized pursuant to subsection (a) of this section must:

(i) Be for a fair price, if applicable;

(ii) Be in the interest of the beneficiaries; and

(iii) Comply with:

(A) The terms of the trust instrument establishing the fiduciary rela-

tionship;

(B) A judgment, decree or court order;

(C) The written consent of each interested person.

(c) Except as otherwise provided in subsection (b) of this section, nothing in this section prohibits a chartered family trust company from transacting business with or investing in any asset of:

(i) A trust, estate, guardianship or conservatorship for which the chartered family trust company is a fiduciary;

(ii) A family affiliate; or

(iii) Any other company, agent, entity or person for which a conflict of interest may exist.

(d) A conflict of interest between the fiduciary duty and personal interest of a chartered family trust company does not void a transaction or action that:

(i) Complies with the provisions of this section; or

(ii) Occurred before the chartered family trust company entered into a fiduciary relationship pursuant to a trust instrument.

(e) A transaction by or action of a chartered family trust company authorized by this section is not voidable if:

(i) The transaction or action was authorized by the terms of the trust;

(ii) The transaction or action was approved by a court or pursuant to a court order;

(iii) No interested person commenced a legal action relating to the transaction or action pursuant to subparagraph (b)(iii)(B) of this section;

(iv) The transaction or action was authorized by a valid consent agreement, release or pursuant to the issuance of a notice of proposed action issued pursuant to subparagraph (b)(iii)(C) of this section; or

(v) The transaction or action occurred before the chartered family trust company entered into a fiduciary relationship pursuant to a trust instrument.

(f) A legal action by an interested person alleging that a transaction or action by a chartered family trust company is voidable because of the existence of a conflict of interest must be commenced within one (1) year of the date on which the interested person discovered, or by the exercise of reasonable diligence should have discovered, the facts in support of his or her claim.

(g) Notwithstanding the provisions of any other law to the contrary, a chartered family trust company is not required to obtain court approval for any transaction that otherwise complies with the provisions of this section.

13-5-212. Financial transactions.

(a) Every chartered family trust company shall keep all trust funds and investments separate and apart from the assets of the company and all investments made by the company as a fiduciary shall be designated so that the trust or estate to which the investments belong may be clearly identified.

(b) Every chartered family trust company holding trust funds awaiting investment or distribution may deposit or leave on deposit the funds with a state or nationally chartered bank or savings and loan association or invest in other cash equivalent investments, including but not limited to uninsured money market funds or United States treasury bills with a duration of twelve (12) months or less. The funds shall not be deposited or left with the same corporation depositing or leaving on deposit such funds, nor with the corporation or association holding or owning a majority of the capital stock of the chartered family trust company making or leaving the deposit, unless the corporation or association shall first pledge, as security for the deposit, securities eligible for investment in state banks that have a market value equal to that of the deposited funds. No security shall be required with respect to any portion of such deposits which are insured under the provisions of any law of the United States.

(c) Every chartered family trust company acting in any capacity under a trust, unless the instrument creating the trust provides otherwise, may cause any securities or other property held by it in its representative capacity to be registered in the name of a nominee or nominees of the company.

(d) Every chartered family trust company when acting as depository or custodian for the fiduciary of a trust, unless the instrument creating the trust provides otherwise may with the consent of the fiduciary of the trust cause any securities or other property held by it to be registered in the name of the nominee or nominees of the company.

(e) Every chartered family trust company shall be liable for any loss occasioned by the acts of any of its nominees with respect to securities or other property registered under subsections (c) and (d) of this section.

(f) No corporation, or the registrar or transfer agent thereof, shall be liable for registering or causing to be registered on the books of the corporation any securities in the name of any nominee of a chartered family trust company or transferring or causing to be transferred on the books of the corporation any securities therefore registered by the corporation in the name of any nominee of a trust company, as provided in this section, when the transfer is made on the authorization of the nominee.

13-5-213. Powers of commissioner; rulemaking authority.

(a) In addition to other powers conferred by this act, the commissioner shall:

(i) Supervise and examine all chartered family trust companies organized under the provisions of this act. Chartered family trust companies shall also be subject to the laws of this state governing banks and other financial institutions

in all cases where the laws do not conflict with the provisions of this act. In addition to the reports required under W.S. 13-5-110, all chartered family trust companies shall file with the commissioner an annual certificate of compliance with this act in a form prescribed by the commissioner;

(ii) Adopt reasonable rules and regulations and issue orders to implement the provisions of this act. In exercising the authority granted in this paragraph, the commissioner shall act in the interests of promoting and maintaining a sound trust company system, the security of assets and trust accounts and the protection of other customers;

(iii) Collect from each chartered family trust company subject to this section an amount equal to the total direct and indirect costs of the examination conducted. The fees and expenses collected shall be remitted to the state treasurer and credited to the financial institutions administration account. Expenditures from the account shall be made by warrants drawn by the state auditor, upon vouchers issued and signed by the director or the commissioner. Funds from the account shall be expended to carry out the duties of the commissioner or the board;

(iv) Determine and collect from each family trust company a fee in an amount equal to the total direct and indirect costs of providing any certificate, letter of assurance or other document requested by a family trust company stating that the family trust company has complied with W.S. 13-5-204(a)(vii)(D) and is not regulated under this act or any other law of the state of Wyoming.

13-5-214. Reports to commissioner.

(a) The commissioner may call for special reports verified under oath from any chartered family trust company at any time as necessary to inform the commissioner of the condition of the chartered family trust company.

(b) All reports required of chartered family trust companies by the commissioner under this act and all materials relating to examinations of chartered family trust companies under this act shall be subject to the provisions of W.S. 9-1-512.

13-5-215. Inspection of chartered family trust company; fees; resolution fund account; confidentiality.

(a) Every chartered family trust company is subject to inspection by the commissioner. The commissioner or a duly appointed examiner shall visit and examine each chartered family trust company as often as the commissioner deems necessary and at least once every three (3) years, with or without previous notice to the officers of or anyone interested in the chartered family trust company. The commissioner or a duly appointed examiner shall make a complete and careful examination of the condition and resources of the chartered family trust company, the mode of managing the company's affairs and conducting its business, all records, transactions and other data or documents

pertaining to the actions of the family trust company, the action of its officers and directors in the investment and disposition of trust funds, the safety and prudence of the company's management, the security afforded to those by whom trust company engagements are held, whether the requirements of this act are being complied with and such other matters as the commissioner may prescribe.

(b) On or before January 31 of each year, a chartered family trust company shall compute and pay supervisory fees to the commissioner based on the total asset base of the chartered family trust company as of the preceding December 31. The supervisory fees shall be set by rule and regulation at an amount to provide for the supervision of the chartered family trust company as required by this act. Such fees shall be established by rules of the commissioner to assure consistency with the cost of supervision and the fees paid by chartered family trust companies. Other fees assessed for administrative services caused by applications or activities attributable to a specific family trust company shall be used to defray the cost of the special services and, to the extent possible, shall be recovered from the chartered family trust company that requires the special service.

(c) A portion of each chartered family trust company's supervisory fee shall be designated to the trust company resolution fund account created pursuant to subsection (e) of this section to be used by the commissioner in the event of involuntary dissolution of a chartered family trust company. Expenditures to cover the expenses incurred by the commissioner as a result of the involuntary dissolution of a chartered family trust company shall be made from the fund account by warrants drawn from the state auditor and signed by the commissioner or the director. The portion of the supervisory fee designated to the account shall be:

(i) Established and adjusted by rule and regulation of the commissioner; and

(ii) Remitted to the state treasurer for deposit to the trust company resolution fund account.

(d) All information, reports or applications obtained by the commissioner from an applicant or chartered family trust company are confidential.

(e) There is created the trust company resolution fund account. Funds in the account shall be expended as provided in subsection (c) of this section. Funds in the account are continuously appropriated to be expended for the purposes of this section.

13-5-216. Fidelity bonds; insurance.

(a) The directors or managers of a chartered family trust company shall obtain fidelity bonds of not less than one million dollars ($1,000,000.00) providing coverage for any active officers, managers, members acting in a managerial

capacity and employees, whether or not they receive a salary or other compensation from the chartered family trust company, to indemnify the chartered family trust company against loss because of any dishonest, fraudulent or criminal act or omission by any of the persons bonded, acting alone or in combination with any other person. The bonds may be in any form and may be paid for by the chartered family trust company.

(b) A chartered family trust company may also procure property and casualty insurance of a nature and with such coverage amounts as the chartered family trust company deems advisable.

13-5-217. Conversion from trust company to chartered family trust company.

(a) A trust company that meets the requirements of W.S. 13-5-204(a)(vii), 13-5-206 and 13-5-208 may merge with, convert into or reorganize as a chartered family trust company upon application to the commissioner on forms approved by the commissioner.

(b) For trust companies established after July 1, 2015, seeking to convert from a trust company to a chartered family trust company, the application filed with the commissioner shall be accompanied by a fee of ten thousand dollars ($10,000.00).

(c) Within thirty (30) days after receipt of a completed application, a trust company that meets the requirements of this section and is in good standing with the commissioner, shall be issued a charter as a chartered family trust company.

(d) The applicant shall be notified when the application is approved. Within twenty (20) days after notification, the applicant shall furnish the bonds required by W.S. 13-5-216(a).

13-5-218. Conversion from chartered family trust company to trust company.

A chartered family trust company following the procedure outlined in W.S. 13-5-102 through W.S. 13-5-105, and upon approval of the new charter and surrender of the family trust company charter, may be granted a charter as a trust company.

13-5-219. Establishment of trust service offices; application.

(a) After first applying for and obtaining the approval of the commissioner, one (1) or more trust service offices may be established and operated by a chartered family trust company organized under the laws of this state. An application to establish and operate a trust service office or to relocate an existing trust service office shall be submitted and approved by way of the procedure set forth in W.S. 13-5-209.

(b) A chartered family trust company may establish a trust service office in

another state, territory or district and may conduct any activities at that office that are permissible for a trust company under the laws of that state, territory or district, subject to the laws of this state and subject to the rules and regulations of the commissioner.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 85

ARRESTS FOR VIOLATION OF PROBATION

Original House Bill No. 150

AN ACT relating to peace officers; expanding the arrest authority of peace officers for probation or parole violations as specified; and providing for an effective date.

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

Section 1. W.S. 7-13-411(b) is amended to read:

7-13-411. Apprehension of violators.

(b) A peace officer may arrest without warrant an alleged probation or parole violator after receiving a written statement from a probation and parole agent setting forth that the probationer or parolee has, in the judgment of the probation and parole agent, violated the conditions of his probation or parole. A peace officer may also arrest without warrant an alleged probation or parole violator at any time the peace officer has probable cause to believe the probationer or parolee has violated the conditions of his probation or parole. A person arrested under this subsection 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.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 86

CANDIDATE FILING REQUIREMENTS

Original House Bill No. 126

AN ACT relating to elections; providing that a candidate's campaign committee may file reports for the candidate 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. 22-25-106(a)(intro) and by creating a new subsection (j) is amended to read:

22-25-106. Filing of campaign reports.

(a) Except as otherwise provided in ~~subsection (g)~~ subsections (g) and (j) of this section and in addition to other statements required by this subsection:

(j) If a candidate has formed a candidate's campaign committee, the committee may file reports required by this section on behalf of the candidate if the candidate provides a signed document one (1) time each election cycle authorizing the committee to file reports on behalf of the candidate and attesting that the facts provided in the report are accurate. If a committee has filed a required report on behalf of a candidate under this subsection, the candidate shall not be required to separately file the report provided that the candidate shall remain individually responsible for any deficiencies in a report filed by the committee.

Section 2. There is appropriated from the general fund to the secretary of state's office fifty-six thousand dollars ($56,000.00) for the purposes of this act. The secretary of state's office shall not include this appropriation in its 2017-2018 standard budget request.

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, 2015.

Chapter 87

UNEMPLOYMENT COMPENSATION PROTESTS-TIME LIMIT

Original House Bill No. 139

AN ACT relating to unemployment compensation; increasing the time limit for review and redetermination of benefit claims and charges as specified; and providing for an effective date.

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

Section 1. W.S. 27-3-402(a) and (e), 27-3-404(a)(intro) and 27-3-506(c) and (d) are amended to read:

27-3-402. Determination; generally; referral to special examiner; redetermination; notice; appeal.

(a) Determination of a claim filed pursuant to W.S. 27-3-401(a) shall be made promptly by a deputy designated by the department. If a claim is denied, the determination shall state the reasons for denial. Except as provided by subsection (c) of this section, a determination is final unless a party entitled to notice applies for redetermination or appeals the determination within ~~fifteen (15)~~ twenty-eight (28) days after notice is mailed to his last known address of record.

(e) The claimant or any other party entitled to notice of a determination may appeal the determination to an appeal tribunal. The appeal shall be filed with the tribunal within ~~fifteen (15)~~ twenty-eight (28) days after notice is mailed to the last known address of record of the interested party.

27-3-404. Determination; review by commission; disposition; notice; reconsideration.

(a) The commission may within ~~fifteen (15)~~ twenty-eight (28) days after notice is mailed or delivered:

27-3-506. Notice of rates and charges; relief, review or redetermination.

(c) An employer may apply in writing to the department within ~~fifteen (15) days~~ twenty-eight (28) days after the mailing or delivery of notice of benefits charged to his account for relief of benefit charges under W.S. 27-3-504(e)(i), (ii), (iv) or (viii). The application shall state the reasons for relief. Determinations of benefits not charged to an employer's account and which are paid from the trust fund shall be recorded and shall specify the reasons therefor. The records are open to inspection by an employer or his legal representative.

(d) An employer may apply to the department for review of a decision or determination involving contribution liability, contribution rates or the charging of benefit payments under W.S. 27-3-509. The application shall be in writing and shall state the reasons for review. The department, on behalf of the commission, shall notify the employer of its acceptance or denial of the application for review or of a redetermination by the commission. If the commission grants review, the employer shall be given opportunity for hearing in accordance with W.S. 27-3-401 through 27-3-409 to the extent not inconsistent with this article. An employer in any proceeding involving contribution rates or liability may not contest benefits paid and charged to his account in accordance with a determination, redetermination or decision pursuant to W.S. 27-3-401 through 27-3-409 unless he was not a party to the proceeding. A denial or redetermination is final unless within thirty (30) days after notice is mailed a petition for judicial review is filed in accordance with W.S. 27-3-407.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 88

UNIFORM TRUST CODE

Original House Bill No. 146

AN ACT relating to the Uniform Trust Code; providing protection against liability for a trustee who consents to a modification or termination of a trust in good faith; providing that a distribution from a discretionary trust to a beneficiary does not create an interest in property; amending creditor's claims against settlor as specified; amending powers of the trustee as specified; and providing for an effective date.

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

Section 1. W.S. 4-10-504 by creating a new subsection (g), 4-10-506(c), 4-10-816(a) by creating new paragraphs (xxix) through (xxxii), by creating a new subsection (b) and by renumbering (b) as (c) are amended to read:

4-10-504. Discretionary trusts; effect of standard.

(g) Terms of a trust providing a trustee may make discretionary distributions to a beneficiary, whether or not the discretionary distributions are pursuant to a standard of distribution, create no property interest in the beneficiary.

4-10-506. Creditor's claim against settlor.

(c) With respect to irrevocable trusts providing that the trustee may only make discretionary distributions to the settlor, a creditor or assignee of the right of a settlor are limited by W.S. 4-10-504(b) if:

(i) The transfer of property to the trust by the settlor was not in violation of the Uniform Fraudulent Transfers Act ~~and the trustee is a regulated financial institution qualified trustee.~~ by applying the same standard of proof as provided in W.S. 4-10-517;

(ii) At least one (1) trustee of the irrevocable trust is a qualified trustee; and

(iii) The trustee with authority to make distributions to the settlor is not a trust beneficiary, related to the settlor or subordinate to the settlor under Internal Revenue Code section 672(c).

4-10-816. Specific powers of trustee.

(a) Without limiting the authority conferred by W.S. 4-10-815, a trustee may:

(xxix) Make a distribution of trust income to or for the benefit of a beneficiary or pay trust expenses from a trust with two (2) or more subtrusts or shares for the beneficiary from any subtrust or share requiring or permitting income distributions to the beneficiary;

(xxx) Separate a trust for the benefit of more than one (1) beneficiary into separate trusts or shares for each beneficiary, unless the trust instrument requires the trust property to be held in one (1) trust for the beneficiaries;

(xxxi) Exercise elections with respect to federal, state and local taxes; and

(xxxii) Decide each trust taxable year whether principal distributions made from a trust to a beneficiary include net realized capital gains and losses in section 643(a) of the Internal Revenue Code distributable net income.

(b) The power provided in paragraph (a)(xxviii) of this section shall not be exercised in any manner that would prevent qualification for a federal estate or gift tax marital deduction, federal estate or gift tax charitable deduction, or other federal income, estate, gift or generation-skipping transfer tax benefit

claimed for the trust from which the distribution in further trust is made. A trustee shall not be liable for exercising the power permitted under paragraph (a)(xxviii) of this section if the power is exercised in good faith.

~~(b)~~(c) This section may be cited as the Uniform Trustee Powers Act.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 89

HEALTH PROVIDER RECRUITING PROGRAMS

Original House Bill No. 88

AN ACT relating to public health and safety; increasing authorized payments under the allied health care provider loan repayment program; amending the physician recruitment grant program to also allow recruitment of other health care providers; amending grant requirements as specified; providing a definition; and providing for an effective date.

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

Section 1. W.S. 9-2-119(a)(ii), 35-1-1101(a) through (c), (d)(ii), (e)(i) through (iv), (vi), (vii), (viii)(A), (f)(iv) and by creating a new paragraph (vi) are amended to read:

9-2-119. Allied health care provider loan repayment program.

(a) The department is authorized to enter into agreements with health care providers licensed or certified to provide health care services in this state including, but not limited to, hospital, medical, surgical, dental, vision, nursing, radiology, mental health, speech language pathology and pharmaceutical services. The agreements shall:

(ii) Provide that the health care provider shall be repaid up to one hundred percent (100%) of the amount of outstanding educational loans the provider has acquired as a direct result of undergraduate or postgraduate educational training directly related to providing medical services, not to exceed ~~ten thousand dollars ($10,000.00)~~ twenty thousand dollars ($20,000.00) per year, in exchange for practicing under the terms of this section;

ARTICLE 11
PROVIDER RECRUITMENT GRANT PROGRAM

35-1-1101. Provider recruitment grant program.

(a) There is created the Wyoming ~~physician~~ provider recruitment program administered by the department.

(b) There is created the Wyoming ~~physician~~ provider recruitment account. Funds in the account are continuously appropriated to the department to provide grants for ~~physician~~ provider recruitment. Up to ten percent (10%) of the

funds may be used to advertise the ~~physician~~ provider recruitment program.

(c) ~~In July of each year,~~ T~~he~~ department shall solicit ~~physician~~ provider recruitment applications from hospitals, physicians and others seeking to recruit ~~physicians~~ providers. The applications shall be prioritized by need based on geographic area, then by medical need within the geographic area. ~~A~~ Priority shall be given to recruitment ~~to~~ of private ~~physician~~ practice providers. ~~In September of each year,~~ T~~he~~ department shall issue award letters to the persons or entities receiving grant authorizations within sixty (60) days after the close of an application period. The grant authorizations shall authorize the person or entity receiving it, for a period of one (1) year, to make a firm offer of recruitment incorporating the benefits authorized by this section ~~and W.S. 9-2-118~~ to a candidate, conditioned upon Wyoming licensure and the candidate's signed written agreement to the conditions of this section. ~~and W.S. 9-2-118.~~

(d) The department shall promulgate rules and regulations to administer the program, including provisions for:

(ii) Termination of grants and full or partial repayment if a ~~physician~~ provider fails to comply with the conditions of this section, rules and regulations of the department adopted pursuant to this section or the terms of the written incentive agreement;

(e) Grants provided under this section shall be subject to the following:

(i) The ~~physician~~ provider shall be recruited to a stipulated geographic area;

(ii) A ~~practitioner~~ provider shall relocate his practice to the state of Wyoming from outside of the state to be eligible for a grant. ~~Practitioners~~ Providers relocating to the state of Wyoming to become employed by the state or by the United States shall not be eligible for grants. The requirement to relocate pursuant to this paragraph shall not apply to ~~physicians taking~~ providers recruited from a family practice residency in the state or ~~physicians~~ recruitment of providers employed by the United States department of defense;

(iii) The recruitment conditions between ~~the~~ a hospital and ~~the~~ a physician shall meet the conditions set forth in 42 C.F.R. 411.357(e), as amended; ~~September 5, 2007;~~

(iv) Recruitment of new ~~physicians~~ providers shall be based on demonstrable need. Those recruiting persons or entities demonstrating the greatest need, in the discretion of the department shall be given the highest priority in receiving grants pursuant to this section;

(vi) The recruited ~~physician~~ provider shall agree to provide medical services in the community to which he was recruited for a period of not less than two (2) years or ~~he~~ the recruiting entity shall repay any monies granted under subparagraphs (e)(viii)(B) through (D) of this section to the state of Wyoming plus interest at the rate of ten percent (10%) per annum;

(vii) The recruited ~~physician~~ provider shall agree to provide medical care for not less than two (2) years in underserved areas of the state and shall accept 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 or ~~he~~ the recruiting entity shall repay any monies granted under this section to the state of Wyoming plus interest at the rate of ten percent (10%) per annum;

(viii) Costs reimbursed through grants under the program shall be documented by the provider as required by the department and may include:

(A) As incentive to the ~~physician~~ provider recruitment process, recruitment actual costs, up to ten thousand dollars ($10,000.00) per recruited ~~physician~~ provider, may be ~~reimbursed~~ awarded to the successful recruiting person or entity paying those costs;

(f) As used in this section:

(iv) "Program" means the Wyoming ~~physician~~ provider recruitment grant program;

(vi) "Provider" means an individual licensed or eligible to be licensed in a health care profession under title 33 of the Wyoming statutes.

Section 2. W.S. 35-1-1101(e)(ix) and (x) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 90

EMERGENCY 911 FEES-PREPAID WIRELESS

Original House Bill No. 44

AN ACT relating to taxation; imposing a tax on prepaid wireless communications access; providing for collection and distribution of the tax; granting rulemaking authority; requiring reporting; amending reporting provisions; updating obsolete language; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 16-9-109 is created to read:

16-9-109. State-wide imposition of tax; prepaid wireless; collection; distribution; immunity.

(a) Except as otherwise provided in this section, on and after July 1, 2016, there is imposed a 911 emergency tax of one and five-tenths percent (1.5%) on every retail sale of prepaid wireless communications access in Wyoming. The tax shall not be imposed on sales of prepaid wireless communications access intended for resale or upon any state or local governmental entity.

(b) A service supplier who sells prepaid wireless communications access shall collect the tax imposed by subsection (a) of this section from each purchaser of prepaid wireless communications access, which purchaser shall be considered a service user. The amount of the tax shall be either separately stated on an invoice, receipt or other similar document that is provided to the service user by the service supplier or shall be otherwise disclosed to the service user.

(c) For purposes of this section, a retail sale of prepaid wireless communications access occurs in Wyoming if the transaction would be sourced to Wyoming under W.S. 39-15-104(f)(xi)(C).

(d) The tax imposed by subsection (a) of this section is the liability of the service user and the service supplier. The service supplier shall be liable to remit all taxes due or collected as provided in subsection (g) of this section.

(e) If the tax collected pursuant to this section is separately stated on an invoice, receipt or similar document provided to the service user by the service supplier, the tax shall not be included in the base for calculating any other tax, fee, surcharge or other charge imposed by this state, any political subdivision of the state or any intergovernmental agency.

(f) When prepaid wireless communication access is sold with one (1) or more other products or services for a single, nonitemized price, the tax authorized by subsection (a) of this section shall not be applied to a retail sale of prepaid wireless communications access of ten (10) or fewer minutes or which has a value of five dollars ($5.00) or less.

(g) All taxes collected under subsection (a) of this section shall be remitted by the service supplier who collected them to the department of revenue as follows:

(i) A service supplier shall remit to the department of revenue all monies collected at the times and in the manner provided by W.S. 39-15-107(a). The department of revenue may establish by rule procedures reasonably necessary to facilitate the transfer of these monies. The service supplier shall be subject to the penalty and enforcement provisions provided by W.S. 39-15-108 for any failure to collect or remit funds;

(ii) A service supplier remitting collected taxes may deduct and retain three percent (3%) of the taxes collected as the cost of administration for collecting the taxes;

(iii) The audit and appeal procedures applicable to the collection of state sales taxes shall apply to the collection and remittance of taxes authorized by this section;

(iv) Pursuant to rules adopted for this purpose, the department of revenue shall establish a procedure by which service suppliers shall document that a transaction is not a retail sale subject to the tax imposed by this section. The

procedure shall be substantially similar to the procedure used to document a sale for resale transaction for purposes of sales tax.

(h) The monies collected by the department of revenue under this section shall not be general revenues of the state and shall be held by the department in a separate account for distribution as follows:

(i) The department shall deduct one percent (1%) of the total monies collected to cover its administrative expenses and costs, which amount shall be remitted to the treasurer for credit to the general fund;

(ii) After deduction of the amount authorized by paragraph (i) of this subsection, the department shall pay all remaining amounts collected to each county that imposes and collects the 911 emergency tax authorized by W.S. 16-9-103;

(iii) The payment authorized by paragraph (ii) of this subsection shall be remitted to the county no later than fifteen (15) days after the close of the calendar quarter and is subject to the requirements of paragraph (iv) of this subsection;

(iv) Each county receiving payment pursuant to paragraph (ii) of this subsection shall receive three percent (3%) of the total amount distributed pursuant to paragraph (ii) of this subsection. Each county shall receive the remaining balance of the amount distributed under paragraph (ii) of this subsection in proportion to the percentage that the county's total population relates to the state's total population;

(v) If a governing body other than a county imposes a 911 emergency tax pursuant to W.S. 16-9-103, the county in which that governing body is located shall divide all monies received by the county pursuant to paragraph (iv) of this subsection equally between the county and the governing body;

(vi) All funds received by any governing body pursuant to this subsection shall be expended only for the purposes authorized by W.S. 16-9-105;

(vii) Amounts collected by any governing body pursuant to this subsection in excess of necessary expenditures within any fiscal year shall be carried forward to subsequent years and shall be used only for the purposes authorized by W.S. 16-9-105;

(viii) The department of revenue may promulgate rules necessary to implement this subsection.

(j) The department of revenue and the Wyoming public service commission shall jointly report to the joint corporations, elections and political subdivisions committee on or before July 1, 2019 and every four (4) years thereafter. The report required by this subsection shall contain an analysis of the tax rate imposed by subsection (a) of this section and shall determine whether that tax rate places a tax burden on purchasers of prepaid wireless communica-

tion access which is substantially equivalent to the tax burden imposed by W.S. 16-9-103(b). If the tax burden imposed by this section is not substantially equivalent to the tax burden imposed by W.S. 16-9-103(b), the department and the commission shall advise the committee on the tax rate that would make the burden imposed by the two (2) taxes equivalent. The department of revenue and the Wyoming public service commission may adopt rules requiring the reporting of sales data or other information necessary to complete the analysis required by this subsection.

Section 2. W.S. 16-9-102(a)(iv), (v), (viii), (x) and by creating a new paragraph (xvii), 16-9-103(b), (d), (e), (g) and by creating new subsections (k) and (m), 16-9-104 and 16-9-105(a), (b)(intro) and (c) are amended to read:

16-9-102. Definitions.

(a) As used in this act:

(iv) "911 emergency reporting system" or "911 system" means a telephone system consisting of network, database, services and equipment, including operating and personnel costs as specified in W.S. 16-9-105, using the single three-digit number 911 for reporting police, fire, medical or other emergency situations and enabling the users of a public telephone system, other technology or wireless telecommunications system to reach a public safety answering point to report emergencies by dialing 911. 911 emergency reporting systems may include systems consisting of network, database, services and equipment, including operating and personnel costs as specified in W.S. 16-9-105, using 911 databases and public safety answering points to disseminate warnings to the public of impending hazards, including storms, floods, hazardous materials incidents or other emergencies that could compromise the public safety. For any 911 emergency reporting system that operates a reverse 911 warning system, a quarterly test on the warning system will be conducted by calling random numbers. The level of technology for provision of the 911 emergency reporting system is to be determined by the governing body and may include enhanced wireless 911 services, however, the 911 system shall include a device for telecommunications for the deaf;~~. Effective January 1, 2009, the governing body shall file with the Wyoming public service commission a certified statement of its annual gross receipts and detailed and itemized annual expenditures of any taxes collected pursuant to this act from 2004 through and including the most recent calendar year;~~

(v) "911 emergency tax" is the state-wide tax authorized by W.S. 16-9-109 and a tax on service users within the governing body's designated 911 service area set by the governing body in accordance with this act and assessed on each service user's local exchange access lines and wireless communications access to pay the directly related costs of a 911 system as authorized in accordance with W.S. 16-9-105;

(viii) "Service supplier" means any utility, person or entity providing or offering to provide 911 system equipment, database installation, maintenance or local exchange access, wireless communication access or other technological device that under normal operation is designed or routinely used to access 911 services within the 911 service access area, including, for purposes of W.S. 16-9-108 and 16-9-109, a seller of prepaid wireless communications access;

(x) "This act" means W.S. 16-9-101 through ~~16-9-108~~ 16-9-109;

(xvii) "Prepaid wireless communications access" means wireless communications access which requires advance payment that is sold in predetermined units or dollars of which the number declines with use in a known amount.

16-9-103. Imposition of tax; liability of user for tax; collection; uncollected amounts; discontinuing service prohibited.

(b) In accordance with the provisions of this subsection, and after a public hearing the governing body may, by ordinance in the case of cities and by resolution in the case of counties or special districts, impose a monthly uniform tax on service users within its designated 911 service area in an amount not to exceed seventy-five cents ($.75) per month on each local exchange access line, per wireless communications access or other technological device that under normal operation is designed or routinely used to access 911. Only one (1) governing body may impose a 911 emergency tax for each 911 system. Except as provided by W.S. 16-9-109 for prepaid wireless communication access and regardless of the level at which the tax is set, if an assessment is made on both local exchange access facilities and wireless communications access, the amount of the tax imposed per local exchange access facility and the amount of the tax imposed per wireless communications access or access by other technological device that under normal operation is designed or routinely used to access 911, shall be equal. Except as provided by W.S. 16-9-109, the proceeds of the 911 emergency tax shall be set aside in an enterprise fund or other separate accounts from which the receipts shall be used to pay for the 911 system costs authorized in W.S. 16-9-105, and may be imposed at any time following the execution of an agreement with the provider of the service at the discretion of the governing body.

(d) Collection of any 911 emergency tax from a service user pursuant to this ~~chapter~~ act shall commence at the time specified by the governing body in accordance with this act. Taxes imposed under this ~~chapter~~ act and required to be collected by the service supplier shall be added to and stated separately in the billings to the service user.

(e) Every billed service user shall be liable for any 911 emergency tax imposed under this ~~chapter~~ act until it has been paid to the service supplier or governing body.

(g) Any 911 emergency tax imposed under this ~~chapter~~ act shall be collected

at the time charges for the telecommunications are collected under the regular billing practice of the service supplier.

(k) Effective January 1, 2015, and every fiscal year through June 30, 2019, the governing body primarily responsible for the expenditure of revenues collected pursuant to this act shall file with the Wyoming public service commission a statement of its gross receipts and expenditures authorized by this act for the prior fiscal year. The Wyoming public service commission is authorized to promulgate rules in consultation with the governing bodies to develop a statement of revenues and expenditures that, to the maximum extent possible, is uniform across governing bodies.

(m) Except as provided in subsection (k) of this section, this section shall not apply to the 911 emergency tax imposed on prepaid wireless communication access by W.S. 16-9-109.

16-9-104. Remittance of tax to the governing body; administrative fee; establishment of rate of tax.

(a) Except as provided in W.S. 16-9-109, any tax imposed under this ~~chapter~~ act and the amounts collected are to be remitted quarterly to the governing body. The amount of the tax collected in one (1) calendar quarter by the service supplier shall be remitted to the governing body no later than fifteen (15) days after the close of the calendar quarter. On or before the sixteenth day of each month following the preceding calendar quarter, a return for the preceding quarter shall be filed with the governing body in a form the governing body and service supplier agree upon. The service supplier required to file the return shall deliver the return together with the remittance of the amount of the tax payable to the governing body. The service supplier shall maintain a record of the amount of each tax collected pursuant to this ~~chapter~~ act. The record shall be maintained for a period of one (1) year after the time the tax was collected.

(b) Except as provided by W.S. 16-9-109, the service supplier remitting the taxes collected under this ~~chapter~~ act may deduct and retain one percent (1%) of the taxes collected as the cost of administration for collecting the taxes.

(c) At least once each calendar year, the governing body shall establish a rate of tax not to exceed the amount authorized. Amounts collected in excess of necessary expenditures within any fiscal year shall be carried forward to subsequent years and shall only be used for the purposes set forth in W.S. 16-9-105. The governing body shall fix the rate, publish notice of its new rate and notify by mail every local exchange access company at least ninety (90) days before the new rate becomes effective. The governing body may at its own expense require an annual audit of the service supplier's books and records concerning the collection and remittance of the ~~tax~~ taxes authorized by this ~~chapter~~ act.

(d) This section does not apply to the taxes authorized and collected for prepaid wireless communication access under W.S. 16-9-109.

16-9-105. Agreements or contract for 911 emergency reporting systems; use of funds collected.

(a) Any governing body imposing the tax authorized by this ~~chapter~~ act may enter into an agreement directly with any service supplier to the 911 system or may contract and cooperate with any public agency or any other state for the administration of a 911 system in accordance with law.

(b) Funds collected from the 911 emergency tax imposed pursuant to this ~~chapter~~ act shall be spent solely to pay for public safety answering point and service suppliers' equipment and service costs, installation costs, maintenance costs, monthly recurring charges and other costs directly related to the continued operation of a 911 system including enhanced wireless 911 service. Funds may also be expended for personnel expenses necessarily incurred by a public safety answering point. "Personnel expenses necessarily incurred" means expenses incurred for persons employed to:

(c) Funds collected from the charge pursuant to this ~~chapter~~ act shall be credited to a cash account separate from the general fund of the public agency, for payments for public safety answering points and service supplier costs pursuant to subsection (b) of this section. Any monies remaining in the cash account at the end of any fiscal year shall remain in the account for payments during any succeeding year. If any 911 system is discontinued, monies remaining in the account shall, after all payments to the service supplier pursuant to subsection (b) of this section, be transferred to the general fund of the public agency or proportionately to the general fund of each participating public agency.

Section 3. There is appropriated two hundred eighty-two thousand dollars ($282,000.00) from the general fund to the department of revenue. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2017. This appropriation shall only be expended for the purpose of preparing for, administering and enforcing the tax authorized by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2017.

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, 2015.

Chapter 91

HIGHWAY PATROL SECURITY DUTIES

Original House Bill No. 225

AN ACT relating to law enforcement; amending duties of the state highway patrol in providing security for state officials and buildings as specified; assigning duties for security during the capitol building renovation and restoration project; requiring a report; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 24-12-102(b) is amended to read:

24-12-102. Duties generally; emergencies.

(b) The administrator of the state highway patrol shall provide state troopers for ~~law enforcement services for state personnel and state property in Laramie county, Wyoming.~~ security ~~for personnel~~ in the capitol building, Herschler state office building as provided in this subsection and governor's residence~~,~~ ~~other state buildings~~ and security ~~which may require travel outside Laramie county shall be provided as directed.~~ for the governor. Security provided pursuant to this section is intended to provide protection for the statewide elected officials while in offices in the capitol building or Herschler state office building and members of the legislature during the legislative session or at the request of legislative staff when an interim committee meeting open to the public is held in the capitol building or Herschler state office building.

Section 2. During the capitol building rehabilitation and restoration project conducted pursuant to W.S. 9-5-110 through 9-5-113, when all officials and personnel are relocated from the capitol building to other buildings, the state highway patrol shall provide security to any building in which the governor's official office is located and to the building in which the legislative session is held, but only during the legislative session or at the request of legislative staff when an interim committee meeting open to the public is held in that building. Security shall be provided in the building or buildings housing the offices of the remaining statewide elected officials relocated from the capitol building, during the pendency of the capitol building rehabilitation and restoration project by competent and capable personnel contracted to provide such service.

Section 3. There is appropriated from the capitol building rehabilitation and restoration account to the Wyoming department of transportation two hundred thousand dollars ($200,000.00) to provide, from the effective date of this act through June 30, 2016, contract security services for statewide elected officials as provided in this act. All unexpended, unobligated funds remaining from this appropriation shall revert to the capitol building rehabilitation and restoration account on July 1, 2016. The Wyoming department of transportation shall report to the joint appropriations committee on the expenditure of funds under this section and shall include a separate unit for funds to provide

contract security services pursuant to this act in its 2017-2018 standard budget request.

Section 4. This act is effective immediately upon the 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, 2015.

Chapter 92

WYOMING RETIREMENT SYSTEM-VETERAN'S SERVICE CREDIT

Original House Bill No. 77

AN ACT relating to the Wyoming retirement system; authorizing purchase of credits for prior military service as specified; providing purchase conditions and requirements; granting rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 9-3-415 by creating a new subsection (m) is amended to read:

9-3-415. When retirement permitted; service credit.

(m) Any vested member who was honorably discharged from the military service of the United States may elect to purchase service credit in the retirement system, subject to the following:

(i) Purchase of service credit shall be as authorized and limited by section 415(c) and 415(n) of the Internal Revenue Code and rules promulgated by the board;

(ii) One (1) year of service credit may be purchased for each year of military service, up to a maximum of eight (8) years;

(iii) Cumulative purchases of service credit under this section and as otherwise authorized under the Wyoming Retirement Act shall not exceed eight (8) years;

(iv) An employee electing to purchase service credit shall pay into the account a single lump-sum amount equal to the actuarial equivalent of the benefits to be derived from the service credit computed on the basis of actuarial assumptions approved by the board and the individual's attained age;

(v) The lump sum may be paid with funds from any source, including rollover contributions, subject to rules and regulations established by the board. Unless received by the retirement system in the form of a direct rollover, the rollover contribution shall be paid to the program not more than sixty (60) days after the date it was received by the member;

(vi) Service credit purchased under this subsection shall not be used to determine vested eligibility to receive benefits under this article;

(vii) Service credit purchased under this subsection shall qualify as service credit defined in W.S. 9-3-402(a)(xxi), 9-3-602(a)(iii), 9-3-702(a)(iii) and 15-5-402(a)(iv) but shall not be used to determine whether a member is a general member initially employed after August 31, 2012.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 93

DISABLED VETERAN LICENSE PLATES

Original House Bill No. 22

AN ACT relating to motor vehicle registration; amending eligibility for disabled veteran's license plates; and providing for an effective date.

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

Section 1. W.S. 31-2-215(a) and (c) and 31-3-101(a)(xv) are amended to read:

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

(a) A disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of veteran's affairs and who is a resident at the time of initial application and renewal application under subsection (b) of this section, may apply for distinctive license plates for a ~~motor vehicle, other than a commercial vehicle, motorcycle, multipurpose vehicle, bus or motor home,~~ passenger car, pickup truck, motorcycle or multipurpose vehicle owned or leased by him upon registration of the vehicle. These license plates shall be displayed upon the vehicle for which they are issued. A disabled veteran may purchase one (1) additional pair of license plates as provided in this section for either a motorcycle or a multipurpose vehicle upon payment of regular fees provided in this article. The license plates shall bear a distinctive symbol or letters identifying the registrant as a disabled veteran. The department shall prescribe the symbol or letters which shall not include arabic numerals designating the county.

(c) The county treasurer shall only issue one (1) pair of license plates annually that are exempt as provided by W.S. 31-3-101(a)(xv) to each applicant under this section.

31-3-101. Registration fees; exemptions.

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a vehicle:

(xv) A disabled veteran who receives fifty percent (50%) or more service connected disability compensation from the United States department of vet-

eran's affairs is exempt from the fees imposed under subsection (a) of this section for one (1) vehicle~~, other than a bus or motor home,~~ owned by the claimant~~. Application for the exemption under this paragraph shall be~~ for which the claimant qualifies for a license plate in accordance with W.S. 31-2-215. County treasurers shall file notice with the department of revenue of the number of exemptions granted and the fiscal impact on revenues.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 94

ORAL CHEMOTHERAPY PARITY

Original Senate File No. 62

AN ACT relating to health insurance; requiring that insurers provide coverage for oral chemotherapy in the same manner as injectable and intravenous chemotherapy; providing applicability; and providing for an effective date.

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

Section 1. W.S. 26-20-501 is created to read:

ARTICLE 5
ORAL CHEMOTHERAPY PARITY

26-20-501. Oral chemotherapy parity with injectable and intravenous.

(a) No individual or group health insurance policy providing coverage on an expense incurred basis, individual and group service or indemnity type contract issued by any insurer including any nonprofit corporation and individual and no group service contract issued by a health maintenance organization, shall require a higher copayment, deductible or coinsurance amount for oral chemotherapy than required for injected or intravenous chemotherapy, regardless of the formulation or benefit category determination by the policy or contract issuer.

(b) No issuer of a health insurance policy or contract shall comply with subsection (a) of this section by increasing the copayment, deductible or coinsurance amount required for covered injected or intravenous chemotherapy or by reclassifying benefits with respect to cancer treatment medications.

(c) This section shall apply to all policies and contracts, as described in subsection (a) of this section, issued or renewed after July 1, 2015.

(d) For purposes of this section, "chemotherapy" means administration of drugs and biologics to kill, slow or prevent the growth of cancerous cells.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 95

ENHANCED RECOVERY-CARBON DIOXIDE CERTIFICATION

Original Senate File No. 84

AN ACT relating to geologic sequestration; providing a voluntary procedure for certification of quantities of carbon dioxide incidentally stored through enhanced recovery of oil and gas; providing for rulemaking; and providing for an effective date.

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

Section 1. W.S. 30-5-502 is created to read:

30-5-502. Certification of carbon dioxide incidentally stored during enhanced recovery operations.

(a) If there is production of oil, gas or both from enhanced recovery operations under a commission order entered pursuant to W.S. 30-5-110 utilizing the injection of carbon dioxide, the commission upon voluntary application by the unit operator, and after review of the operator's plan for accounting for the incidentally stored carbon dioxide, may enter an order recognizing the incidental storage of carbon dioxide occurring through the enhanced recovery operation and certifying the quantity of carbon dioxide being stored. An application or certification under this section does not subject the enhanced recovery operation to the requirements of W.S. 35-11-313 through 35-11-318 or require the operator to obtain a permit under those sections.

(b) Prior to the commission entering an order pursuant to subsection (a) of this section, the commission shall, in consultation with the department of environmental quality, promulgate rules establishing standards and procedures for the certification of incidental storage of carbon dioxide and the certification of quantities of carbon dioxide incidentally stored.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 96

WYOMING TELECOMMUNICATIONS ACT REVISIONS

Original Senate File No. 43

AN ACT relating to telecommunications; amending the Wyoming Telecommunications Act as specified; extending the Wyoming Telecommunications Act's sunset date; amending the authority of the public service commission; amending regulatory authority over telecommunications companies deemed to be competitive; amending the operation of the Wyoming universal service fund; providing an alternative distribution option for the Wyoming universal service fund; establishing a benchmark price for essential local exchange services; providing standards for the review and alteration of the benchmark price; establishing a cap on additional expenditures related to the Wyoming universal service fund; repealing and amending obsolete standards and language; amending language related to competitive carrier regulation; amending deadlines related to certificates of public convenience; and providing for an effective date.

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

Section 1. W.S. 37-15-101(b), 37-15-103(a)(xvi)(A)(I), 37-15-201(a), 37-15-202(a)(intro) and (i), (c), (d)(i) and by creating new subsections (h) and (j), 37-15-203(j), 37-15-204(a) and 37-15-501(b) through (e) and by creating new subsections (g) and (h) are amended to read:

37-15-101. Short title; sunset.

(b) This chapter is repealed effective July 1, ~~2015~~ 2019.

37-15-103. Definitions.

(a) As used in this chapter:

(xvi) "Supported services" means the services or functionalities which shall be supported by the state universal service fund pursuant to W.S. 37-15-502, as described in subparagraphs (A) and (B) of this paragraph:

(A) The services designated for support are:

(I) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call;~~. For the purposes of this subparagraph, bandwidth for voice grade access shall be, at a minimum, three hundred (300) to three thousand (3,000) Hertz;~~

37-15-201. Regulation of local exchange services; certificates of public convenience and necessity; concurrent certificates.

(a) Except for those telecommunications companies that as of July 1, ~~2007~~ 2015, have a valid certificate of public convenience and necessity previously issued by the commission to provide local exchange services in the state, all telecommunications companies seeking to offer and provide local exchange service shall obtain a certificate of public convenience and necessity from the commission prior to providing that service in this state.

37-15-202. Determination of competitive services.

(a) Upon petition by any telecommunications company or pursuant to the commission's own motion, the commission may, after notice and opportunity for hearing, find and conclude that a telecommunications service is subject to competition. Any service found to be effectively competitive pursuant to this section shall not be subject to regulation ~~of prices~~ by the commission. The commission shall consider only the following factors in determining whether a telecommunications service is subject to effective competition:

(i) The extent to which telecommunications services are available from alternative providers including, but not limited to, wireless providers, satellite providers, cable providers offering voice services, voice over internet protocol

or any other providers utilizing telephone numbers to provide voice services in the relevant market;

(c) Telecommunications service provided by new entrants, local exchange services provided by resale, telecommunications services provided by interexchange telecommunications companies, interexchange telecommunications services and telecommunications services other than local exchange service and switched access provided by a local exchange company shall be considered subject to competition for purpose of regulation under this title. Notwithstanding the foregoing, local exchange service may be determined to be competitive pursuant to subsection (a) of this section.

(d) Notwithstanding subsection (a) of this section the commission shall, in an area defined by an applicant, find retail telecommunications services other than switched access are competitive provided:

(i) At least seventy-five percent (75%) of the class of customers in the area have access to at least one (1) landline carrier unaffiliated with the applicant providing ~~telecommunications service that includes~~ local voice ~~telecommunications~~ service. The local voice ~~telecommunications~~ service may be provided in combination with other services. If a company does not differentiate between residential and business classes of service in its application, the requirement shall be that at least sixty percent (60%), considering residential and business customers as one (1) class of customers, have access to at least one (1) landline carrier unaffiliated with the applicant;

(h) Nothing in this section affects or modifies:

(i) Any applicable wholesale tariff or any commission authority to implement or enforce any rights, duties or obligations of any party related to wholesale services;

(ii) Any entity's obligations or rights or commission authority under the Federal Communications Act of 1934, 47 U.S.C. 251 and 252;

(iii) Any commission jurisdiction over intrastate switched access rates, terms and conditions, including the implementation of federal law with respect to intercarrier compensation;

(iv) Any commission jurisdiction or authority pursuant to W.S. 37-15-401(a)(vii), including commission jurisdiction or authority to address federal high cost fund or federal universal service fund issues.

(j) Services found to be competitive under subsection (a), (c) or (d) of this section shall be subject to the following:

(i) Any required assessments under W.S. 37-15-501 and 37-15-502;

(ii) Any required assessment of 911 or E911 emergency service taxes as provided in title 16, chapter 9, article 1 of the Wyoming statutes;

(iii) Any required special fee under W.S. 16-9-209;

(iv) Any required assessment levied under W.S. 37-2-106 through 37-2-109;

(v) Certification as applicable under W.S. 37-15-201.

37-15-203. Price regulation of noncompetitive essential services.

(j) Unless as otherwise directed under federal law, noncompetitive switched access shall not be priced above three cents ($.03) per minute after January 1, 2010. ~~Prices for noncompetitive switched access which exceed three cents ($.03) per originating and terminating minute shall be reduced to three cents ($.03) per minute on or before January 1, 2010. Any telecommunications company which must reduce noncompetitive switched access prices under this subsection shall, on or before January 1, 2010, submit a proposed plan to the commission, identifying the amount of intrastate switched access revenues and access lines in the years until the date of filing, to reduce switched access prices in annual increments to meet the requirements of this subsection, and a request for corresponding annual revenue neutral incremental increases to noncompetitive essential service prices to offset the anticipated loss in revenue from a reduction in switched access prices. The commission shall review the proposal and the facts set forth in the proposed plan to ensure that it is accurate and consistent with this section. The telecommunications company shall satisfy any requests for information by the commission, and shall modify the plan as necessary to conform to the facts the commission finds after investigation to be accurate. Once the commission approves the proposed plan, the noncompetitive switched access and noncompetitive essential service prices proposed in the plan shall go into effect after compliance with W.S. 37-15-204. The commission may authorize noncompetitive switched access prices above three cents ($.03) per minute for an additional transition period not to exceed two (2) years ending January 1, 2012, only upon a showing that access prices are supported by a current total long-run incremental cost study as defined by W.S. 37-15-103(a)(xiii) based upon data after January 1, 2008. A telecommunications company increasing rates pursuant to this subsection may utilize the universal service fund for eligible access lines as provided in W.S. 37-15-501 and 37-15-502 and commission rule and regulation.~~

37-15-204. Price schedules.

(a) A local exchange company shall file with the commission, in such form and detail as the commission may require, schedules showing all noncompetitive telecommunications services terms, conditions and prices currently in effect and charged to customers by the company in this state. All prices for new noncompetitive telecommunications services, and any increase in prices for noncompetitive telecommunications services as authorized by the commission pursuant to W.S. 37-15-203, shall be filed thirty (30) days prior to the proposed

effective date. No price increase for a noncompetitive service shall be effective unless the customer has been given notice by the provider at least one (1) full billing cycle prior to the proposed increase and the increase has been approved by the commission as required by W.S. 37-15-203. No price or price change is effective until filed in accordance with this section. ~~Prices charged for competitive services shall be in accordance with its price schedule unless a separate contract is negotiated. Prices for generally offered competitive services shall be publicly available on a company's website through the internet, the world wide web or a similar proprietary or common carrier or provided to the commission. Price schedules may be filed in electronic format at the option of the company.~~ For purposes of this subsection, the rules, regulations, policies, practices and other requirements relating to services shall be filed with the commission in such form and detail as the commission may require. Rules, regulations, policies, practices and other requirements ~~relating to competitive services shall be subject to the same requirements under this chapter as the prices of competitive services. Those~~ relating to noncompetitive services shall be subject to the same requirements under this chapter as the prices of noncompetitive services.

37-15-501. Universal service fund created; contributions; administration.

(b) The commission shall after notice and opportunity for hearing, designate the method by which the contributions shall be calculated, collected and distributed. The commission shall authorize ~~an additional~~ a monthly charge to customers, in the amount specified by the commission, to recover each contributor's required payment to the universal service fund. Any charge related to mobile telecommunications service shall only apply if the customer's place of primary use is in this state as provided by the Mobile Telecommunications Sourcing Act, 4 U.S.C. §§ 116 to 126. The provisions of the Mobile Telecommunications Sourcing Act shall apply to this subsection.

(c) The commission shall administer the monies in the universal service fund to assist only those customers of telecommunications companies located in areas of this state with relatively high rates for noncompetitive essential local exchange services. Services deemed competitive under W.S. 37-15-202(a), (c) or (d) shall not be eligible for universal service fund support under this article. The commission, after notice and opportunity for hearing, shall determine a reasonable amount and a fair method of distributing monies. The commission may authorize a credit to customer bills, in the amount specified by the commission, to reflect distributions received by the local exchange company from the universal service fund. The commission shall ensure that the method shall promote the emergence of competition in providing local exchange service.

(d) In accordance with the method of distribution determined by the commission, a telecommunications company shall, unless it elects to receive Wyoming universal service funds pursuant to the method set forth in subsection (g) of this section, receive funds under this section to the extent that its noncom-

petitive essential local exchange service prices, after consideration of any contributions from the federal universal service fund, exceed ~~one hundred thirty percent (130%) of the weighted statewide average essential local exchange service prices~~ the price benchmark established in subsection (h) of this section.

(e) The following limitations shall be applied to operation of the universal service fund:

(i) The operation of the universal service fund may be suspended by the commission, based upon a public interest finding, after notice and an opportunity for a hearing, that the fund is not then serving its intended purpose;~~.~~

(ii) In the event that distributions made pursuant to subsection (g) of this section cause total distributions from the universal service fund in any fiscal year to exceed one hundred twenty-five percent (125%) of the amount distributed in fiscal year 2013-2014, the commission shall reduce payments among those electing distributions under subsection (g) of this section, pro rata, so as to reduce the total distribution to one hundred twenty-five (125%) of the fiscal year 2013-2014 distribution amount.

(g) A telecommunications company that undertakes the requirements set forth in this subsection may make a one-time, irrevocable before July 1, 2019, election in writing to the commission to receive Wyoming universal service funds pursuant to this subsection rather than pursuant to subsection (d) of this section. In order to receive funds pursuant to this subsection, the company shall provide essential local exchange service, or its functional equivalent, upon reasonable request throughout the local exchange area of a rural incumbent local exchange carrier, as defined by the federal communications commission on January 1, 2015, at a price not exceeding the price benchmark established in subsection (h) of this section. A telecommunications company which elects to receive Wyoming universal service funds pursuant to this subsection shall receive funds to the extent that its loop costs, as reflected in the company's most recent annual filing of unseparated loop costs filed with the Universal Service Administration Company, exceed the company's most recent annual federal universal service funds receipts and annual local revenues. In calculating annual local revenues the commission shall utilize the imputed price benchmark established in subsection (h) of this section. If an otherwise qualified company elects to receive Wyoming universal service funds pursuant to this subsection, but does not file an annual unseparated loop cost report with the Universal Service Administration Company, it shall file the equivalent information with the commission.

(h) The price benchmark shall be thirty dollars ($30.00) until July 1, 2019 unless otherwise adjusted by the commission pursuant to this subsection. On and after July 1, 2019, the commission shall review the price benchmark one (1) time every four (4) years and, after review, shall adjust the benchmark as necessary to assure that it approximates one hundred thirty percent (130%)

of the weighted statewide average essential local exchange service price. The commission may change the price benchmark at any time if, after notice and opportunity for a hearing, the commission determines that the price benchmark does not approximate one hundred thirty percent (130%) of the weighted statewide average essential local exchange service price and that the price benchmark should be adjusted by ten percent (10%) or more.

Section 2. W.S. 37-15-103(a)(xiii) and (xv), 37-15-104(a)(vi)(A) and 37-15-204(d) are repealed.

Section 3. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 97

NEXT GENERATION SCIENCE STANDARDS-2

Original House Bill No. 23

AN ACT relating to the next generation science standards; allowing the state board to expend funds in consideration of the next generation science standards in adoption of uniform student content and performance standards; and providing for an effective date.

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

Section 1. 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 206, Footnote 3 is repealed.

Section 2. The state board of education shall independently examine and scrutinize any science standards proposed or reviewed as a template in order to ensure that final standards adopted for Wyoming schools promote excellence.

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

Approved March 2, 2015.

Chapter 98

HATHAWAY SCHOLARSHIPS-EXCEPTIONS FROM REQUIREMENTS

Original House Bill No. 231

AN ACT relating to Hathaway scholarship program; modifying eligibility requirements as specified; and providing for an effective date.

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

Section 1. W.S. 21-16-1308(b)(iv)(A) is amended to read:

21-16-1308. Administration; rules and regulations.

(b) The department shall, in consultation with University of Wyoming and community college admissions officers, the Wyoming community college commission and financial aid officers and school districts, promulgate rules and regulations necessary to implement this article, including:

(iv) Criteria and procedures under which students who receive a high school equivalency certificate can qualify for scholarships under this article. A student receiving a high school equivalency certificate shall:

(A) Receive the certificate and make application for the initial scholarship no later than two (2) years after and no sooner than the graduation date of the student's high school class, unless ordered by a court to complete the requirements for the certificate prior to that graduation date or for other good cause shown as determined by the department. For purposes of making application prior to the graduation date of the student's class, "other good cause" shall include, but is not limited to, a showing by the student that the student has been emancipated under W.S. 14-1-201 through 14-1-206 or that the student is a parent or a legal guardian of a minor. The student shall have attended an eligible high school prior to receiving his certificate and shall have received his certificate while residing in Wyoming;

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 99

EDUCATION-WRITING ASSESSMENT

Original House Bill No. 159

AN ACT relating to the separate statewide writing assessment; eliminating the writing assessment; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 21-2-204(c)(ii)(intro) and 21-2-304(a)(v)(B) and (E) are amended to read:

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(c) School level performance shall be determined by measurement of performance indicators and attainment of student performance as specified by this section. To the extent applicable, each measure shall be aggregated to the school level based upon those grades served inclusive to each school as reported by the respective school district to the department of education. The indicators of school level performance shall be:

(ii) Student academic achievement in reading, mathematics~~,~~ and science ~~and writing and language~~ as measured by:

21-2-304. Duties of the state board of education.

(a) The state board of education shall:

(v) Through the director 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 performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(B) Effective school year 2012-2013, and each school year thereafter, be administered in specified grades aligned to the student content and performance standards, specifically assessing student performance in reading and mathematics at grades three (3) through eight (8). In addition, the statewide assessment system shall assess student performance in science in grades four (4) and eight (8);~~. As a component of the statewide assessment system but separately administered, the statewide writing and language assessment shall be a valid, reliable and robust measure of student writing and language according to the writing and language content and performance standards promulgated under paragraph (iii) of this subsection implementing the common core of knowledge and skills as required by W.S. 21-9-101, and shall allow for monitoring and evaluation of annual trends in student and school level writing and language performance. Effective school year 2013-2014 and each school year thereafter, the statewide writing and language assessment shall be administered to grades three (3), five (5) and seven (7). The structure and design of the assessment system shall allow for the comprehensive measurement of student performance through assessments that are administered each school year simultaneously on a statewide basis, with the writing and language assessment administered separately statewide;~~

(E) Use only multiple choice items to ensure alignment to the statewide content and performance standards;~~. For the writing and language assessment only, include multiple measures and item types to ensure alignment, which may include grade appropriate open response tasks, constructed and extended response items as appropriate;~~

Section 2. W.S. 21-2-204(c)(ii)(A)(III) is repealed.

Section 3. Notwithstanding any other provision of law, the state board, the state superintendent and the department of education shall cease any development or administration of a separate writing assessment as a part of the statewide assessment system required under W.S. 21-2-304.

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, 2015.

Chapter 100

MOTOR VEHICLE DRIVER'S LICENSE EXEMPTIONS

Original Senate File No. 29

AN ACT relating to motor vehicles; providing exemptions from commercial drivers' licensing requirements as specified; amending commercial drivers' license exemptions; providing a commercial drivers' license exemption for recreational vehicles; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 31-7-109(d)(iii) and (h) by creating a new paragraph (viii), 31-7-302(b)(intro) and 31-7-303(a)(intro), (i)(A) through (C), (ii) and (iii) are amended to read:

31-7-109. Classes of licenses.

(d) Licensing classification plan:

(iii) Class "C" consists of any single vehicle or combination of vehicles, except motorcycles, that does not ~~meet the definition of class "A" or class "B" vehicles under this subsection, but that is not designed to transport sixteen (16) or more passengers including the driver or is not placarded for transportation of hazardous materials~~ require a commercial driver's license. Any person under the age of eighteen (18) is prohibited from operating a vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more;

(h) The following driver's license endorsements are special authorizations permitting the driver to operate certain types of motor vehicles or transport certain types of cargo if the endorsement is displayed on the driver license:

(viii) "Z" authorizes the holder of a class C license under subsection (d) of this section to operate a vehicle or combination of vehicles which have a gross vehicle weight rating of thirty-nine thousand one (39,001) pounds or more. An endorsement under this paragraph shall be issued only if the driver held a class A or class B license under this article prior to July 1, 2015 or the driver, as required by rule and regulation of the department, has completed a written test and:

(A) Has taken a skills test; or

(B) Has submitted an affidavit of competency signed by a person currently licensed to operate a vehicle of this weight.

31-7-302. Employer responsibilities.

(b) No employer may knowingly allow, permit or authorize a driver to drive a commercial motor vehicle, unless exempted pursuant to the terms of this chapter, during any period in which the driver has:

31-7-303. Exemptions.

(a) Notwithstanding any other provision of this act, the department shall by rule and regulation grant an exemption from the licensing requirements of this article or ~~with~~ from the requirements of any rule or regulation adopted pursuant to ~~the licensing requirements of~~ this article to a class of persons or class of commercial motor vehicles exempted by the secretary of the United States department of transportation pursuant to title 49 of the United States Code including:

(i) A farm or ranch vehicle when:

(A) Controlled and operated by a farmer or rancher, including operation by employees or family members;

(B) Used in agricultural operations as defined in W.S. 31-18-801(a)(i) and used to transport either agricultural products, farm or ranch machinery, farm or ranch supplies, or any combination of these items, to or from a farm or ranch; and

(C) Not used in the operations of a contract or common motor carrier.

(ii) ~~Firefighting equipment~~ Firefighters and other persons who operate commercial motor vehicles which are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police special weapons and tactics team vehicles, ambulances or other vehicles that are used in response to emergencies;

(iii) Individuals who operate commercial motor vehicles for military ~~equipment operated by the department of defense, including the national guard, when operated by noncivilian personnel~~ purposes. This exception is applicable to active duty military personnel, members of the military reserves, members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, civilian national guard military technicians who are required to wear military uniforms and active duty United States coast guard personnel.

Section 2. W.S. 31-7-109(d)(i), (ii), (h)(ii), (iv) and (vi) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 101

CATERING PERMIT LIMITATION

Original House Bill No. 96

AN ACT relating to alcohol and catering permits; exempting certain locations from an annual limitation on catering permits as specified; and providing for an effective date.

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

Section 1. W.S. 12-4-502(c) is amended to read:

12-4-502. Twenty-four hour malt beverage permit and catering permit; restrictions; application procedure; fees.

(c) The permits authorized by this section shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours provided by W.S. 12-5-101. No person or organization shall receive more than a total of twelve (12) malt beverage and twenty-four (24) catering permits for sales at the same premises in any one (1) year, except that this limitation shall not be applicable to malt beverage permits issued for sales at any fair, rodeo, pari-mutuel event or other similar public event conducted by a public entity upon public premises, or to catering permits for events at the facilities of the University of Wyoming in Laramie, including the Marian H. Rochelle Gateway Center.

Section 2. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 102

HEMP EXTRACT REGULATION

Original House Bill No. 32

AN ACT relating to public health; allowing supervised medical use of hemp extract; providing an exemption from prosecution for possession or use of hemp extract; providing for doctor supervision; creating a registration program as specified; authorizing a fee for registration; providing definitions; and providing for an effective date.

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

Section 1. W.S. 35-7-1063 and 35-7-1801 through 35-7-1803 are created to read:

35-7-1063. Exception to provisions.

The provisions and penalties of this chapter shall not apply to the medical use of hemp extract when used in accordance with the provisions of W.S. 35-7-1801 through 35-7-1803.

ARTICLE 18
SUPERVISED MEDICAL USE OF HEMP EXTRACTS

35-7-1801. Definitions.

(a) As used in this article:

(i) "Department" means the state department of health;

(ii) "Hemp extract" means an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

(A) Is composed of less than three-tenths of a percent (0.3%) tetrahydrocannabinol by weight;

(B) Is composed of at least five percent (5%) cannabidiol by weight;

(C) Contains no other psychoactive substance; and

(D) Complies with federal definitions of industrial hemp, including the definition under section 7606 of the federal Agricultural Act of 2014, which shall apply to all samples, products, derivatives and oils.

(iii) "Hemp extract registration card" means a card issued by the department under W.S. 35-7-1802;

(iv) "Intractable epilepsy" means epilepsy or seizure disorders that, as determined by a neurologist, does not respond to other treatment options overseen by the neurologist;

(v) "Neurologist" means a person who is licensed to practice medicine pursuant to W.S. 33-26-301 et seq. and who is certified in neurology by a nationally recognized neurological physician organization designated by the Wyoming state board of medicine;

(vi) "Parent" means a parent or legal guardian of a minor who is responsible for the minor's medical care;

(vii) "Registrant" means the person who holds a hemp extract registration card issued by the department pursuant to this article.

35-7-1802. Hemp extract registration cards.

(a) The department shall issue a hemp extract registration card to a person who:

(i) Is at least eighteen (18) years of age;

(ii) Is a resident of Wyoming;

(iii) Provides a statement to the department which is signed by a neurologist and specifies that the person suffers from intractable epilepsy or seizure

disorders and may benefit from treatment with hemp extract;

(iv) Pays a fee to the department as specified in subsection (e) of this section; and

(v) Submits an application to the department on a form created by the department that contains:

(A) The individual's name and address;

(B) A copy of the individual's valid photo identification; and

(C) Any other information the department considers necessary to implement this article.

(b) The department shall issue a hemp extract registration card to a parent who:

(i) Is at least eighteen (18) years of age;

(ii) Is a Wyoming resident;

(iii) Provides the department with a statement signed by a neurologist that the minor in the parent's care suffers from intractable epilepsy or seizure disorders and may benefit from treatment with hemp extract;

(iv) Pays the department a fee as provided in subsection (e) of this section; and

(v) Submits an application to the department on a form created by the department, which contains:

(A) The parent's name and address;

(B) The minor's name;

(C) A copy of the parent's valid photo identification; and

(D) Any other information the department considers necessary to implement this article.

(c) The department shall maintain a registry of:

(i) The names of each applicant to whom the department issues a hemp extract registration card under subsection (a) of this section; and

(ii) The names of each minor receiving care from a parent who is issued a hemp registration card under subsection (b) of this section.

(d) The department shall promulgate rules and regulations to establish:

(i) The information an applicant is required to provide to the department under this article; and

(ii) The form of the hemp extract registration card issued under this article.

(e) The department shall establish a fee for maintaining the registry in an

amount to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the direct and indirect costs of administering the registry. All fees received shall be deposited in the general fund.

(f) A registration card issued under subsection (a) or (b) of this section is valid for one (1) year and is renewable if, at the time of renewal, the registrant meets the requirements of subsection (a) or (b) of this section. A card issued pursuant to subsection (b) of this section remains valid after the minor reaches the age of majority until the card expires or is replaced by a card issued pursuant to subsection (a) of this section.

(g) The neurologist who signs a statement as provided in this section shall:

(i) Keep a record of the neurologist's evaluation and observation of a patient who is a registrant or a minor under a registrant's care including the patient's response to hemp extract; and

(ii) Transmit a copy of the records to the department.

(h) The department shall maintain a database of records received under subsection (g) of this section. The department shall treat the records as confidential, provided that the department, with the consent of the registrant or the registrant's parent, may share the records with a higher education institution for the purpose of studying hemp extract if the records are redacted so that the patient cannot be identified individually.

35-7-1803. Exemption from criminal and civil penalties for the medical use of hemp extract.

(a) Notwithstanding any other provision of this chapter, an individual who possesses or uses hemp extract is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:

(i) Possesses or uses the hemp extract only for the treatment of the individual's or the individual's minor child's intractable epilepsy or seizure disorders;

(ii) Is a holder of a valid hemp extract registration card issued by the department under W.S. 35-7-1802; and

(iii) Can provide, through a certificate of analysis or otherwise, evidence that the hemp extract meets the percentages for tetrahydrocannabinol and cannabidiol provided in W.S. 35-7-1801(a)(ii).

(b) Notwithstanding any other provision of this chapter, an individual who possesses hemp extract lawfully under subsection (a) of this section and administers the hemp extract to a minor is not subject to the penalties described in this chapter for administering the hemp extract to the minor if:

(i) The individual is the minor's parent or legal guardian;

(ii) The individual is a holder of a valid hemp extract registration card issued by the department under W.S. 35-7-1802(b); and

(iii) The individual administers the hemp extract only to the minor on whose behalf the hemp registration card was issued.

Section 2. W.S. 35-7-1002(a)(xxviii) is amended to read:

35-7-1002. Definitions.

(a) As used in this act:

(xxviii) "This act" means W.S. 35-7-1001 through ~~35-7-1060~~ 35-7-1063.

Section 3. This act is effective July 1, 2015.

Approved March 2, 2015.

Chapter 103

QUEBEC #1 HISTORIC SITE-3

Original Senate File No. 5

AN ACT relating to state historic sites; accepting transfer of land for Quebec 1 missile alert facility state historic site; providing for administration of the historic site as a seasonal facility; requiring public hearings; requiring a report; providing appropriations; and providing for an effective date.

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

ARTICLE 16
QUEBEC 1 MISSILE ALERT FACILITY

Section 1. W.S. 36-8-1601 and 36-8-1602 are created to read:

36-8-1601. Authorizing lease or use of Quebec 1 missile alert facility; declaration of Quebec 1 missile alert facility state historic site.

(a) The legislature authorizes the department of state parks and cultural resources, in consultation with the governor and the attorney general, to negotiate a lease or use agreement for the Quebec 1 missile alert facility from the United States department of the air force to allow the department of state parks and cultural resources to operate the facility as a historic site. Any lease or use agreement may include a provision that provides facilities for volunteer firemen to store equipment and vehicles.

(b) Before entering into any lease or use agreement under subsection (a) of this section:

(i) The department of state parks and cultural resources shall hold a public hearing to receive input on how operating the facility as a historic site may affect adjacent landowners and on the advisability of proceeding with the lease or use agreement;

(ii) An environmental baseline survey pursuant to Air Force Instruction 32-7066 shall be completed. The survey shall identify the nature and magnitude of environmental contamination of the property. The survey shall include a search of all available historic and operational records and survey reports, collection of samples as appropriate and inspections;

(iii) Upon completion of the hearing and the survey, the department of state parks and cultural resources shall report the findings of the hearing and the results of the survey to the joint travel, recreation, wildlife and cultural resources interim committee and the governor. After receiving the findings of the hearing and the report under this subsection, the governor may authorize the execution of the lease or use agreement negotiated under subsection (a) of this section.

(c) If the governor determines that it is in the best interests of the state to take ownership of the Quebec 1 missile alert facility, the governor is authorized to negotiate the terms of the transfer. Negotiations shall include, but not be limited to, consideration of whether the state may acquire by way of donation equipment and accessories from the United States department of the air force used when the Quebec 1 missile alert facility was in full operation or used in other related or nonrelated military operations to enhance the experience of the historic site, including retired missile shells and retired military aircraft, vehicles and arms. Prior to any transfer under this subsection:

(i) The department of state parks and cultural resources shall hold a public hearing to receive input on how operating the facility as a historic site may affect adjacent landowners and on the advisability of proceeding with the transfer. Upon completion of the hearing, the department of state parks and cultural resources shall report the findings of the hearing to the governor;

(ii) The legislature shall authorize the terms of the transfer which shall include a provision requiring the United States department of the air force or other appropriate agency to retain liability for all environmental, closure and reclamation obligations that exist as of the date of the potential transfer.

(d) Upon transfer of land, the Quebec 1 missile alert facility is declared to be a state historic site and shall be known as the "Quebec 1 missile alert facility state historic site".

36-8-1602. Administration.

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

Section 2.

(a) There is appropriated one hundred sixty-five thousand dollars ($165,000.00) from the general fund to the department of state parks and cultural resources. This appropriation shall only be expended for site interpretation, plans and exhibits at the Quebec 1 missile alert facility state historic site and for capital improvements such as landscaping, roads, parking areas and other similar and necessary improvements. This appropriation shall not be included in the department's 2017-2018 standard biennial budget request.

(b) There is appropriated ten thousand dollars ($10,000.00) from the general fund to the department of state parks and cultural resources. This appropriation shall only be expended for equipment necessary to maintain and operate the Quebec 1 missile alert facility state historic site. This appropriation shall not be included in the department's 2017-2018 standard biennial budget request.

(c) Notwithstanding any other provision of law, funds appropriated in subsections (a) and (b) of this section, 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, 2019.

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, 2015.

Chapter 104

PUBLIC LIBRARY ENDOWMENT CHALLENGE PROGRAM AMENDMENTS

Original House Bill No. 76

AN ACT relating to the Wyoming public library endowment challenge program; extending time for gifting to program; providing that matching funds may be distributed to or encumbered by a public library foundation in excess of the amount within that library's challenge fund account under specified circumstances; modifying reversion dates; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 18-7-202(a)(ii)(A) and (B) and 18-7-204(e), (h) and by creating a new subsection (j) are amended to read:

18-7-202. Definitions.

(a) As used in this article:

(ii) "Endowment gift" means an irrevocable gift or transfer to a Wyoming public library foundation of money or other property, whether real, personal,

tangible or intangible, and whether or not the donor or transferor retains an interest in the property, where the gift of the foundation's interest in the property is required to be used by the foundation exclusively for endowment purposes, where:

(A) The gift was received or the transfer occurred during the period July 1, 2008, through June 30, ~~2017~~ 2022; or

(B) A commitment to make the gift or transfer was made in writing to the respective public library foundation, which commitment was received during the period July 1, 2008, through June 30, ~~2017~~ 2022, and the gift was received or the transfer occurred not later than December 31, ~~2018~~ 2023.

18-7-204. Endowment challenge fund matching program; matching payments; agreements with foundations; annual reports.

(e) Except as provided under subsection (j) of this section, matching funds transferred under this article shall not be distributed to or encumbered by any public library foundation in excess of the amount in the challenge fund account for that library. Except to the extent authorized under subsection (j) of this section, matching funds shall not be transferred to any public library by the state treasurer except to match gifts actually received by its foundation.

(h) Each public library shall on or before October 1 of each year, submit a report to the state treasurer from its foundation on the endowment matching program under this section for the preceding fiscal year. The report shall include a summary of funds raised under this program and the expenditure of endowment earnings. The report required under this subsection shall be for each applicable fiscal year through June 30, ~~2019~~ 2024.

(j) Notwithstanding subsection (e) of this section, matching funds may be distributed to or encumbered by a public library foundation in excess of the amount within the challenge fund account of that public library if:

(i) Endowment gifts for that public library exceed the amount within its challenge fund account;

(ii) The public library enters into a written agreement with another public library having unencumbered amounts remaining within its challenge fund account;

(iii) The public library with unencumbered amounts within its account agrees to transfer any portion of its unencumbered amount to that public library;

(iv) Matching funds transferred by the state treasurer for amounts transferred between public libraries pursuant to this subsection shall be divided equally between the public libraries participating in the agreement.

Section 2. 2008 Wyoming Session Laws, Chapter 72, Section 2(c), is amended to read:

Section 2.

(c) Notwithstanding any other provision of law, any unexpended funds from the amounts deposited under this section shall revert to the budget reserve account on July 1, ~~2015~~ 2024.

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, 2015.

Chapter 105

PUBLIC SERVICE COMMISSION-AUTHORITY

Original House Bill No. 93

AN ACT relating to public utilities; specifying the authority of the public service commission to approve utility reorganizations; and providing for an effective date.

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

Section 1. W.S. 37-1-104(b) is amended to read:

37-1-104. Reorganization of public utility; definition; approval.

(b) For purposes of this section, "reorganization" means any transaction which, regardless of the means by which it is accomplished, results in a change in the majority ownership interest or control of ~~a majority of the voting capital stock of~~ a public utility, or the majority ownership interest or control of any entity which owns a majority interest in or controls a ~~majority of the voting capital stock of a~~ public utility. "Reorganization" as used in this section shall not include a mortgage or pledge transaction entered into to secure a bona fide borrowing by the party granting the mortgage or making the pledge.

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, 2015.

Chapter 106

SPECIAL WARRANTY DEEDS

Original House Bill No. 160

AN ACT relating to property, conveyances and security transactions; providing for special warranty deeds; providing for the effect of a special warranty deed; and providing for an effective date.

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

Section 1. W.S. 34-2-136 and 34-2-137 are created to read:

34-2-136. Form of special warranty deed.

Conveyances of land may be substantially in the following form:

Special Warranty Deed

A. B., grantor, (here insert name or names and place of residence), for and in consideration of (here insert consideration) in hand paid, conveys and specially warrants against all who claim by, through, or under the grantor, but against none other, to C. D., grantee, (here insert grantee's name or names and place of residence) the following described real estate (here insert description) situate in the county of ...., state of Wyoming.

Dated this .... day of .... A.D. .....

.....A.B.

34-2-137. Form of special warranty deed; effect.

(a) Every deed in substance in the form prescribed in W.S. 34-2-136, when otherwise duly executed, shall have the effect of:

(i) A conveyance in fee simple to the grantee, the grantee's heirs, and assigns, of the property named in the special warranty deed, together with all the appurtenances, rights and privileges belonging to the property; and

(ii) A covenant from the grantor that:

(A) The granted property is free from all encumbrances made by that grantor; and

(B) The grantor will forever warrant and defend the title of the property in the grantee, the grantee's heirs and assigns against any lawful claim and demand of the grantor and any person claiming or to claim by, through, or under the grantor, but against none other.

(b) Any exceptions to a covenant described in paragraph (a)(ii) of this section, may be inserted in the deed following the description of the land.

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 107

INDUSTRIAL SITING IMPACT PAYMENTS

Original House Bill No. 152

AN ACT relating to impact assistance payments; revising duties of the department of environmental quality and industrial siting division as specified; revising how impact assistance payment amounts are calculated; providing rulemaking authority; repealing conflicting provisions; providing applicability; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 35-12-105(c), 39-15-111(c) and (d)(i) and 39-16-111(d) and (e)(i) are amended to read:

35-12-105. Appointment and duties of administrator; staff; rules and regulations.

(c) The director, administrator and the staff of the division are authorized to the extent possible, at the request of local governments, to provide technical assistance to local governments in the preparation of anticipated impacts related to a proposed project consistent with W.S. 39-15-111(c) and (d) and 39-16-111(d) and (e) and negotiation of agreements with applicants as provided for in W.S. 35-12-107. ~~and 35-12-113(a)(vi).~~

39-15-111. Distribution.

(c) If any person commences after the effective date of this act to construct an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the ~~state treasurer~~ department of revenue shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to ~~the excess of each monthly payment made under paragraph (b)(iii) of this section during the period of construction over the base period amount~~ an amount determined by the industrial siting council under this subsection and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the ~~state treasurer~~ department of revenue shall discontinue payments under this section ~~and establish a new base period~~ when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The person constructing the industrial facility and the counties affected by the construction of the industrial facility shall provide evidence at the public hearing held pursuant to W.S. 35-12-110(f)(i) of the mitigated and unmitigated impacts that the construction will have on the counties, cities and towns determined by the industrial siting council to be affected by the construction of the industrial facility. The industrial siting council shall review the evidence of the impacts and determine, applying a preponderance of evidence standard, the dollar amount of the unmitigated impacts. The council shall state, in the order issued under W.S. 35-12-113(a), the total dollar amount of the impact assistance payment and the reasons for determining that amount. The impact assistance payment shall be distributed by the department of revenue in an amount and on a schedule determined by the council, based

on evidence presented at the hearing. Under no circumstances shall the impact assistance payment exceed two and seventy-six hundredths percent (2.76%) of the total estimated material costs of the facility, as those costs are determined by the council. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. ~~35-12-110~~ 35-12-110(f)(i). The industrial siting council shall review the distribution ratio for construction projects on a regular basis and make appropriate adjustments. A governing body which is primarily affected by the facility, or any person issued a permit pursuant to W.S. 35-12-106, may petition the industrial siting council for review and adjustment of the distribution ratio or the amount of the impact assistance payment upon a showing of good cause. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the county or counties are not imposing at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of any adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the ~~state treasurer~~ department of revenue who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio. The industrial siting council shall adopt rules as necessary to implement this subsection.

(d) As used in subsection (c) of this section:

(i) "Period of construction" begins at the commencement of construction and ends when the physical components of the industrial facility or federal or state government project are ninety percent (90%) complete, provided, if payments are already being made under this act, commencement of construction of another industrial facility or federal or state government project will not be considered for purposes of establishing a new ~~base period~~ impact assistance payment amount or determining when payments will commence under this act, but will only be considered for determining when the period of construction ends;

39-16-111. Distribution.

(d) If any person commences after the effective date of this act to construct

an industrial facility, as that term is defined in W.S. 35-12-102, under a permit issued pursuant to W.S. 35-12-106, or if the federal or state government commences to construct any project within this state with an estimated construction cost as specified in the definition of industrial facility in W.S. 35-12-102 the ~~state treasurer~~ department of revenue shall thereafter pay to the county treasurer and the county treasurer will distribute to the county, cities and towns of that county in which the industrial facility or project is located, impact assistance payments from the monies available under paragraph (b)(i) of this section. Each payment to the county treasurer shall be equal to ~~the excess of each monthly payment made under paragraph (b)(iii) of this section during the period of construction over the base period amount~~ an amount determined by the industrial siting council under this subsection and shall continue during the period of construction except that in the case of an industrial facility or a federal or state government project which is expected to continue in phases for an indefinite period of time, the ~~state treasurer~~ department of revenue shall discontinue payments under this section ~~and establish a new base period~~ when construction of any phase has ceased or been substantially completed for twelve (12) consecutive months. The person constructing the industrial facility and the counties affected by the construction of the industrial facility shall provide evidence at the public hearing held pursuant to W.S. 35-12-110(f)(i) of the mitigated and unmitigated impacts that the construction will have on the counties, cities and towns determined by the industrial siting council to be affected by the construction of the industrial facility. The industrial siting council shall review the evidence of the impacts and determine, applying a preponderance of evidence standard, the dollar amount of the unmitigated impacts. The council shall state, in the order issued under W.S. 35-12-113(a), the total dollar amount of the impact assistance payment and the reasons for determining that amount. The impact assistance payment shall be distributed by the department of revenue in an amount and on a schedule determined by the council, based on evidence presented at the hearing. Under no circumstances shall the impact assistance payment exceed two and seventy-six hundredths percent (2.76%) of the total estimated material costs of the facility, as those costs are determined by the council. The impact assistance payments shall be distributed to the county treasurer and the county treasurer will distribute to the county and to the cities and towns therein based on a ratio established by the industrial siting council during a public hearing held in accordance with W.S. ~~35-12-110~~ 35-12-110(f)(i). The industrial siting council shall review the distribution ratio for construction projects on a regular basis and make appropriate adjustments. A governing body which is primarily affected by the facility, or any person issued a permit pursuant to W.S. 35-12-106, may petition the industrial siting council for review and adjustment of the distribution ratio or the amount of the impact assistance payment upon a showing of good cause. The impact assistance payment shall be in addition to all other distributions under this section, but no impact assistance payment shall be made for any period in which the

county or counties are not imposing at least a one percent (1%) tax authorized by W.S. 39-15-204(a)(i) and 39-16-204(a)(i) or at least a total of a two percent (2%) sales tax authorized under W.S. 39-15-204(a)(i), (iii) and (vi) and at least a total of a two percent (2%) use tax authorized under W.S. 39-16-204(a)(i), (ii) and (v). For purposes of this subsection, the industrial facility or federal or state government project will be deemed to be located in the county in which a majority of the construction costs will be expended, provided that upon a request from the county commissioners of an adjoining county to the industrial siting council, the council may determine that the social and economic impacts from construction of the industrial facility or federal or state government project upon the adjoining county are significant and establish the ratio of impacts between the counties and certify that ratio to the ~~state treasurer~~ department of revenue who will thereafter distribute the impact assistance payment to the counties pursuant to that ratio. The industrial siting council shall adopt rules as necessary to implement this subsection.

(e) As used in subsection (d) of this section:

(i) "Period of construction" begins at the commencement of construction and ends when the physical components of the industrial facility or federal or state government project are ninety percent (90%) complete, and provided, if payments are already being made under this act, commencement of construction of another industrial facility or federal or state government project will not be considered for purposes of establishing a new ~~base period~~ impact assistance payment amount or determining when payments will commence under this act, but will only be considered for determining when the period of construction ends;

Section 2. W.S. 39-15-111(d)(ii) and 39-16-111(e)(ii) are repealed.

Section 3. This act shall only apply to permits submitted to the council on or after the effective date of this act. The impact assistance payment for industrial facilities which are not subject to this act shall be determined on the basis of the law as it existed prior to the adoption of this act.

Section 4. There is appropriated forty thousand dollars ($40,000.00) from the general fund to the department of environmental quality, industrial siting division to contract with a consultant for the purpose of assisting with the timely development of the criteria to be used by the industrial siting council in making impact assistance decisions pursuant to this act. This is a one-time appropriation and shall not be included in the department's 2017-2018 standard budget request.

Section 5. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 108

RETIREMENT ACCOUNT EXEMPTION FROM EXECUTION

Original House Bill No. 161

AN ACT relating to civil procedure; amending retirement accounts that are exempt from execution and attachment as specified; providing limitations; providing definitions; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 1-20-110(a)(intro), (i)(intro), (ii) through (iv), by creating a new paragraph (v) and by creating new subsections (b) through (d) is amended to read:

1-20-110. Exemption for retirement funds and accounts.

(a) The following are exempt from execution, attachment, garnishment or any other legal process~~: issued by any court:~~

(i) ~~Any person's~~ The interest of an individual or beneficiary in a retirement plan;~~, pension or annuity, whether by way of a gratuity or otherwise, granted, paid or payable:~~

(ii) ~~Any retirement or annuity fund of any person, to the extent of payments made to the fund while solvent, but not exceeding the amount actually excluded or deducted as retirement funding for federal income tax purposes, and the appreciation thereon, the income therefrom and the benefits or annuity~~ Money or other assets payable ~~thereunder~~ to an individual from a retirement plan;

(iii) ~~Any retirement or annuity fund of any person, including individual retirement accounts (IRAs) Roth individual retirement accounts (Roth IRAs) and simplified employee pension individual retirement accounts (SEP IRAs),~~ The interest of a beneficiary in a retirement plan if the beneficiary acquired the interest as the result of the death of an individual. The beneficiary's interest is exempt to the same extent ~~payments are made to the fund while solvent, provided the earnings on the fund are protected from federal income tax or subject to deferral of federal income tax, or are not subject to federal income tax upon withdrawal, and the appreciation thereon, the income therefrom and the benefits or annuity payable thereunder; and~~ that the individual's interest was exempt immediately before the death of the individual;

(iv) All property in this state of the judgment debtor where the judgment is in favor of any state or any political subdivision of any state for failure to pay that state's or political subdivision's income tax on benefits received from a pension or other retirement plan. This paragraph shall apply only to judgments obtained after the judgment debtor has established residency in Wyoming and has been domiciled in Wyoming for at least one hundred eighty (180) days;~~.~~ and

(v) Money or other assets payable to a beneficiary from a retirement plan if the beneficiary acquired the money or other assets as the result of the death of an individual. The beneficiary's interest is exempt to the same extent that the individual's interest in the money or other assets was exempt immediately before the death of the individual.

(b) The exemptions in subsection (a) of this section do not apply to a contribution made by an individual to a retirement plan within ninety (90) days before the individual files for bankruptcy.

(c) Any fund, plan or account specified in subsection (a) of this section is not exempt from the claim of an alternate payee under a qualified domestic relations order. However, the interest of an alternate payee under a qualified domestic relations order is exempt from all claims of any creditor of the alternate payee.

(d) As used in this section:

(i) "Alternate payee" means any spouse, former spouse, child or other dependent of an individual who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a retirement plan with respect to such individual;

(ii) "Beneficiary" includes a person, trust or trustee who has, before or after the death of an individual, a direct or indirect beneficial interest in a retirement plan;

(iii) "Beneficial interest" includes an interest that is acquired:

(A) As a designated beneficiary, survivor, co-annuitant, heir or legatee; or

(B) If excludable from gross income under the Internal Revenue Code as:

(I) A rollover under 26 U.S.C. section 408 or 408A;

(II) A distribution from one (1) retirement plan to another retirement plan;

(III) A distribution under 26 U.S.C section 402 if the distributed amount is contributed to another retirement plan within sixty (60) days of the distribution; or

(IV) A distribution that is legally similar to a distribution under subdivision (I), (II) or (III) of this subparagraph.

(iv) "Individual" means a participant in, owner of or alternative payee of a retirement plan;

(v) "Qualified domestic relations order" means as that term is defined by 26 U.S.C. section 414(p);

(vi) "Retirement plan" means a plan, account or annuity that is qualified under 26 U.S.C. section 401, 403, 408, 408A, 409, 414 or 457 as amended.

Section 2. W.S. 1-20-110(a)(i)(A) and (B) is repealed.

Section 3. The provisions of W.S. 1-2-110 as amended by this act shall apply to any action filed on or after the effective date of this act.

Section 4. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 109

SPEEDING PENALTIES IN 80 MILE PER HOUR ZONE

Original House Bill No. 181

AN ACT relating to speed limits; amending penalties for violations of speed limits on interstate highways as specified; and providing for an effective date.

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

Section 1. W.S. 31-5-301(b)(iii)(intro) and by creating a new paragraph (vi), 31-5-1201(d)(i), (iii), (v) and (g) and 31-18-704 are amended to read:

31-5-301. Maximum speed limits.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, subject to W.S. 31-5-203(b), the limits specified in this subsection or established as otherwise authorized shall be maximum lawful speeds and no person shall drive a vehicle on a highway at a speed in excess of maximum limits:

(iii) Except as provided under paragraph (vi) of this subsection, seventy-five (75) miles per hour on interstate highways. Nothing in this paragraph shall be construed to:

(vi) Notwithstanding paragraph (iii) of this subsection, eighty (80) miles per hour on interstate highways designated by the superintendent.

31-5-1201. Violation of provisions to constitute misdemeanor; penalties.

(d) Except as provided in subsection (g) of this section:

(i) Every person convicted of a violation of W.S. 31-5-301(b)(vi), for speeds of eighty-one (81) through eighty-five (85) miles per hour, W.S. 31-5-301(b)(iii), for speeds of seventy-six (76) through eighty (80) miles per hour, or W.S. 31-5-301(b)(iv), for speeds of sixty-six (66) through seventy (70) miles per hour, shall be fined five dollars ($5.00) for each mile per hour in excess of the legal speed limit not to exceed twenty-five dollars ($25.00);

(iii) Every person convicted of a violation of W.S. 31-5-301(b)(vi), for

speeds above eighty-five (85) miles per hour, or W.S. 31-5-301(b)(iii), for speeds above eighty (80) miles per hour, shall be fined at the discretion of the judge but not less than thirty-five dollars ($35.00) nor more than the maximum penalties provided by subsection (b) of this section, with assessed court costs which shall also apply to a violation of W.S. 31-5-301(b)(vi) for speeds above eighty-five (85) miles per hour or W.S. 31-5-301(b)(iii) for ~~a speed of~~ speeds above eighty (80) miles per hour;

(v) Notwithstanding W.S. ~~5-4-207 and~~ 5-9-107, court costs for violations of W.S. 31-5-301(b)(iii), ~~or~~ (iv) or (vi) shall not be assessed for speeds up to four (4) miles per hour over the speed limits authorized by W.S. 31-5-301(b)(iii), ~~or~~ (iv) or (vi).

(g) In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(iii), (iv), (vi) or (c) or 31-5-302 by exceeding the posted speed limit by six (6) or more miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds shall be fined three hundred dollars ($300.00).

31-18-704. Violation of speed limits; penalties.

In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(vi) by exceeding a speed of eighty-five (85) miles per hour, W.S. 31-5-301(b)(iii) by exceeding a speed of eighty (80) miles per hour, or W.S. 31-5-301(b)(iv) by exceeding a speed of seventy (70) miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds shall be fined one hundred dollars ($100.00).

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 110

EMERGENCY VEHICLES-TOW TRUCKS AND WRECKERS

Original House Bill No. 197

AN ACT relating to motor vehicles; expanding the definition of authorized emergency vehicles to include tow trucks and wreckers; providing exceptions; 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)(ii) by creating a new subparagraph (C), 31-5-106(a)(intro) and by creating a new subsection (c) are amended to read:

31-5-102. Definitions.

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

(ii) "Authorized emergency vehicles" means:

(C) A wrecker, tow truck or other vehicle equipped with a mechanical apparatus designed to hoist, pull or otherwise move wrecked, disabled or stalled motor vehicles:

(I) While at the scene where the wrecked, disabled or stalled motor vehicle is located; and

(II) When equipped with at least one (1) flashing red or red and blue lamp visible from five hundred (500) feet in front of and behind the vehicle, in addition to any other equipment or lights required or authorized by law.

31-5-106. Authorized emergency vehicles.

(a) Except as provided in subsection (c) of this section, the driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may:

(c) Paragraphs (a)(ii) and (iii) of this section do not apply to a driver of a wrecker, tow truck or other vehicle as defined in W.S. 31-5-102(a)(ii)(C).

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 111

FORCIBLE ENTRY AND DETAINER AMENDMENTS

Original Senate File No. 73

AN ACT relating to forcible entry and detainer actions; amending forcible entry and detainer statutes to allow a defendant to participate in an action whether or not the defendant has filed an answer to a complaint as specified; and providing for an effective date.

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

Section 1. W.S. 1-21-1004 and 1-21-1006 are amended to read:

1-21-1004. Summons; service and return.

The summons shall state the cause of the complaint against the defendant, the time and place of trial and shall be served and returned as in other cases. Such service shall be not less than three (3) nor more than twelve (12) days before the day of trial set by the judge. The defendant shall not be required to file a written answer to the complaint as a condition of being allowed to participate fully in the trial.

1-21-1006. Proceedings when defendant appears.

~~If the defendant appears, a like complaint shall be admitted or denied in the answer of the defendant. Both parties~~ The defendant may, but is not required to,

file a written answer to the plaintiff's complaint. Each party may be allowed to amend~~. If no answer is made by the defendant, he may not offer evidence upon his part, but shall only be allowed to cross-examine the plaintiff's witnesses~~ any complaint or answer the party files.

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 112

DIGITAL INFORMATION PRIVACY TASK FORCE-REAPPROPRIATION

Original Senate File No. 45

AN ACT relating to the administration of government and privacy; specifying staffing for the digital information privacy task force; designating the committees to receive task force report; reappropriating money; and providing for an effective date.

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

Section 1. 2014 Wyoming Session Laws, Chapter 123, Section 1(b) and (f) is amended to read:

Section 1.

(b) ~~For the 2014 interim period,~~ The task force shall be staffed by the legislative service office. The University of Wyoming shall serve in an advisory capacity to the task force and shall provide technical and other relevant information as requested. State agencies shall provide information and assistance to the task force as requested. The task force shall hold three (3) public meetings in three (3) different areas of the state.

(f) The task force shall submit its recommendations, including proposed legislation with respect to the issues specified in subsection (c) of this section, to a committee designated by the management council and the governor on an interim basis no later than October 1, 2014 and to the joint corporations, elections and political subdivisions interim committee, the joint appropriations committee and the governor no later than October 1, 2015 with a final report no later than October 1, 2016. The first interim report due October 1, 2014, shall contain recommendations addressing issues specified in subsection (c) of this section only on a broad statewide policy level, incorporating principles specified under subsection (d) of this section. The October 1, 2014 report shall also recommend task force staffing and support for the subsequent phases of

the study. The designated committee shall consider the recommendations and develop legislation it deems appropriate for consideration by the legislature.

Section 2.

(a) Any unexpended, unobligated amounts remaining on December 31, 2014, from the appropriation to the legislative service office under 2014 Wyoming Session Laws, Chapter 123, Section 1(h)(i) is reappropriated to the legislative service office and shall only be used for payment of salary, per diem and mileage for legislative task force members to carry out the purposes of 2014 Wyoming Session Laws, Chapter 123, as amended by this act.

(b) Any unexpended, unobligated amounts remaining on December 31, 2014, from the appropriation to the governor's office under 2014 Wyoming Session Laws, Chapter 123, Section 1(h)(ii) is reappropriated to the governor's office and shall only be used for payment of authorized per diem and mileage for nonlegislative task force members to carry out the purposes of 2014 Wyoming Session Laws, Chapter 123, as amended by this act.

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, or any other provision of law, funds reappropriated in this section shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from these reappropriations shall revert as provided by law on June 30, 2017.

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, 2015.

Chapter 113

CHILD SUPPORT ENFORCEMENT AMENDMENTS

Original Senate File No. 75

AN ACT relating to child support; requiring notice as specified to department of family services upon admission of a decedent's will to probate or issuance of letters of administration in an intestate decedent's estate; providing that a finding of physical placement in a child support order shall not be considered a disposition of custody; modifying procedures related to actions suspending driver's licenses for nonpayment of child support; and providing for an effective date.

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

Section 1. W.S. 2-7-205(a)(ii), (iii) and by creating a new paragraph (iv), 20-2-201 by creating a new subsection (h) and 20-6-111(f)(intro) are amended to read:

2-7-205. Parties entitled to receive.

(a) A true copy of the notice required in W.S. 2-7-201 shall be mailed by ordinary United States mail, first class, to:

(ii) Each creditor of the decedent whose identity is reasonably ascertainable by the personal representative within the time limited in the notice to creditors. The mailing shall be made not later than thirty (30) days prior to the expiration of three (3) months after the first publication of the notice in the newspaper; ~~and~~

(iii) The state department of health if the decedent received medical assistance pursuant to W.S. 42-4-101 through 42-4-114;~~.~~ and

(iv) The department of family services if the decedent or any heir at law of the decedent, if known, is the obligor on a child support order being enforced by the department.

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

(h) A court finding of physical placement of a child in a child support order shall not be considered a disposition of custody under this section.

20-6-111. Driver's license suspension; nonpayment of child support; administrative hearings.

(f) The department may determine that a driver's license suspension may be better achieved through an administrative suspension if the obligor owes more than ~~five thousand dollars ($5,000.00)~~ two thousand five hundred dollars ($2,500.00) in unpaid child support and the obligor has not made a full monthly child support payment either voluntarily or through income withholding for a period of at least ninety (90) consecutive days prior to the determination. The department shall notify the obligor by ~~certified~~ first class mail~~, with return receipt requested,~~ or by personal service if notification by ~~certified~~ first class mail was unsuccessful, that the obligor is in arrears in a child support obligation and that the obligor's driver's license as defined in W.S. 31-7-102(a)(xxv) shall be suspended by the department of transportation sixty (60) days after the date the obligor receives the notice unless the obligor:

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 114

COUNTY ROAD FUND-PAVEMENT MANAGEMENT

Original Senate File No. 93

AN ACT relating to gasoline taxes; providing for a distribution to the highway fund for the university technology transfer program as specified; and providing for an effective date.

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

Section 1. W.S. 39-17-111(d)(ii) is amended to read:

39-17-111. Distribution.

(d) After certifying the amounts provided by subsection (c) of this section, the department shall certify the balance of taxes collected under this article to the state treasurer who shall distribute the remainder into the accounts within the state highway fund created under this subsection as follows:

(ii) Fourteen percent (14%) shall be credited by the state treasurer to the counties' road construction account in the highway fund for distribution by the department to the county treasurers of the various counties for their road construction funds, except that an amount equal to the contribution required of the counties for the cost of the university's technology transfer program under W.S. 21-17-115(a)(ii) or thirty-one thousand two hundred fifty dollars ($31,250.00), whichever is less shall be first distributed to the highway fund, plus an amount not to exceed one hundred fifty thousand dollars ($150,000.00) per year shall first be distributed to the highway fund for the University of Wyoming technology transfer program's county road inventory program. Each county treasurer shall credit the revenues to the road construction fund in that county. The department shall allocate to each county a share based fifty percent (50%) upon the ratio which the rural population of each county including the population within the cities and towns with less than one thousand four hundred (1,400) bears to the total rural population of the state and fifty percent (50%) based on the ratio which the area of the county bears to the total area of the state. Any interest earned on invested funds allocated to counties shall be retained by each county and shall be used for project costs as provided by W.S. 24-2-110(a);

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 115

HOSPICE-RESPITE CARE

Original Senate File No. 119

AN ACT relating to health care facility licensing; authorizing hospice facilities to provide short term respite care as specified; and providing for an effective date.

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

Section 1. W.S. 35-2-901(a)(xii) is amended to read:

35-2-901. Definitions; applicability of provisions.

(a) As used in this act:

(xii) "Hospice" means a program of care for the terminally ill and their families given in a home or health facility which provides medical, palliative, psychological, spiritual and supportive care and treatment. Hospice care may include short-term respite care for non-hospice patients, if the primary activity of the hospice is the provision of hospice services to terminally ill individuals and provided that the respite care is paid by the patient or by a private third party payor and not through any governmental third party payment program;

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 116

FIRE MISDEMEANORS

Original Senate File No. 46

AN ACT relating to crimes and offenses; revising provisions related to negligently burning grounds and failing to extinguish a fire; and providing for an effective date.

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

Section 1. W.S. 6-3-105 and 6-3-106 are amended to read:

6-3-105. Negligently burning grounds; penalties.

(a) A person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if he, without permission of the owner and acting with criminal negligence:

(i) Sets fire to any ~~woods, prairie or~~ grounds or to anything on any ~~woods, prairie or~~ grounds which is the property of another; or

(ii) Allows a fire to pass from the owner's ~~woods, prairie~~ property or grounds to the injury or destruction of any property of another.

6-3-106. Failure to extinguish or contain fire outside; penalty.

A person is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars ($750.00) if he, outside of normal agronomic or forestry practices, lights a fire ~~in any woods or on any prairie~~ outdoors and leaves the vicinity of the fire without extinguishing it or containing it so it does not spread ~~and is not likely~~ or conditions are such that the fire is not reasonably likely to spread.

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 117

WORKER'S COMPENSATION FOR SPECIAL EDUCATION TEACHERS

Original House Bill No. 138

AN ACT relating to worker's compensation; including special education teachers as specified in the extrahazardous occupations category; and providing for an effective date.

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

Section 1. W.S. 27-14-108(d)(xvi) is amended to read:

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

(d) This act applies to governmental entities engaged in an industrial classification listed under subsection (a) of this section and to employees of governmental entities engaged in or employed as the following:

(xvi) Public school educational assistants who provide services to special education students and certified special education teachers and related services providers as defined by 34 C.F.R. 300.18 and 300.156 and W.S. 21-2-802 and 21-7-303 who provide services to eligible students with behavioral, emotional, cognitive, learning, physical or health disabilities that require educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot be achieved satisfactorily in the regular classroom;

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 118

VETERAN BURIAL TEAMS

Original House Bill No. 193

AN ACT relating to veterans; increasing allocations to veteran burial teams; and providing for an effective date.

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

Section 1. W.S. 19-14-109(a) is amended to read:

19-14-109. Veteran burial teams.

(a) The veteran burial team account is created. Subject to policies and procedures adopted by the veterans' commission, Wyoming veteran burial teams who have contracted with the commission may apply for payment for the performance of military funeral duties not to exceed ~~fifty dollars ($50.00)~~ one

hundred dollars ($100.00) per funeral. The commission shall also maintain a list of registered veteran burial teams and provide that list upon request.

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

Approved March 3, 2015.

Chapter 119

VIETNAM VETERANS WELCOME HOME HIGHWAY

Original Senate File No. 27

AN ACT relating to highways; designating the Wyoming Vietnam Veterans Welcome Home Highway, 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. 24-1-135 is created to read:

24-1-135. Vietnam veterans welcome home highway.

United States interstate highway 25 between the Colorado/Wyoming border and its terminus at Buffalo, Wyoming shall be known as the "Wyoming Vietnam Veterans Welcome Home Highway."

Section 2. The Wyoming department of transportation shall install appropriate signage, designed in consultation with the veterans' commission, in compliance with all federal and state law and regulation, identifying the Wyoming Vietnam Veterans Welcome Home Highway.

Section 3. There is appropriated from the general fund to the Wyoming department of transportation ten thousand dollars ($10,000.00). This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2016. This appropriation shall only be expended for the purpose of creating signage designed in consultation with the veterans' commission, and installing the signage required by section 2 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016. This appropriation shall not be included in the Wyoming department of transportation's 2015-2016 standard biennial budget request.

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

Approved March 3, 2015.

Chapter 120

RAILROAD ROLLING STOCK TAX EXEMPTION-SUNSET

Original House Bill No. 25

AN ACT relating to taxation; extending the sunset of the exemption on the imposition of state sales and use tax on the repair of rolling stock; specifying requirements for rolling stock to quality for exemption; 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)(Q) and (b)(intro) and 39-16-105(a)(viii)(F) and (b)(intro) 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:

(Q) Sales of tangible personal property or services performed for the repair, assembly, alteration or improvement of railroad rolling stock. This subparagraph is repealed effective July 1, ~~2015~~ 2021;

(b) The Wyoming business council, the department of workforce services and the department of revenue shall jointly report to the joint revenue interim committee on or before December 1 of each year that the exemption provided by subparagraph (a)(viii)(O), (Q), (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:

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:

(F) Purchases of tangible personal property or services performed for the repair, assembly, alteration or improvement of railroad rolling stock. This subparagraph is repealed effective July 1, ~~2015~~ 2021;

(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), (F), (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:

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, 2015.

Chapter 121

WYOMING FOOD FREEDOM ACT

Original House Bill No. 56

AN ACT relating to agriculture; creating the Wyoming Food Freedom Act; exempting certain sales from licensure, certification and inspection; 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. 11-49-101 through 11-49-103 are created to read:

CHAPTER 49
MARKETING HOMEMADE FOODS

11-49-101. Short title.

This article is known and may be cited as the "Wyoming Food Freedom Act."

11-49-102. Definitions.

(a) As used in this article:

(i) "Delivery" means the transfer of a product resulting from a transaction between a producer and an informed end consumer. The delivery may occur by the producer's designated agent at a farm, ranch, farmers market, home, office or any location agreed to between the producer and the informed end consumer;

(ii) "Farmers market" means as defined in W.S. 35-7-110(a)(xxviii);

(iii) "Home consumption" means consumed within a private home, or food from a private home that is only consumed by family members, employees or nonpaying guests;

(iv) "Homemade" means food that is prepared in a private home kitchen, that is not licensed, inspected or regulated;

(v) "Informed end consumer" means a person who is the last person to

purchase any product, who does not resell the product and who has been informed that the product is not licensed, regulated or inspected;

(vi) "Producer" means any person who harvests or produces any product which may be consumed as food or drink;

(vii) "Transaction" means the exchange of buying and selling.

11-49-103. Wyoming Food Freedom Act; purpose; exemptions; assumption of risk.

(a) The purpose of the Wyoming Food Freedom Act is to allow for the sale and consumption of homemade foods and to encourage the expansion of agricultural sales by farmers markets, ranches, farms and home based producers and accessibility of the same to informed end consumers by:

(i) Facilitating the purchase and consumption of fresh and local agricultural products;

(ii) Enhancing the agricultural economy;

(iii) Providing Wyoming citizens with unimpeded access to healthy food from known sources.

(b) 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 or food products under the Wyoming Food Freedom Act. Nothing in this article shall preclude an agency from providing assistance, consultation or inspection, when requested by the producer.

(c) Transactions under this section shall:

(i) Be directly between the producer and the informed end consumer;

(ii) Only be for home consumption;

(iii) Occur only in Wyoming;

(iv) Not involve interstate commerce;

(v) Not involve the sale of meat products, except:

(A) The sale of poultry and poultry products consistent with this article;

(B) The sale of live animals intended for slaughter;

(C) The sale of portions of animals for future delivery provided that the processing of the animals is done by the purchaser or by a Wyoming or federally licensed processing facility.

(d) Except for raw, unprocessed fruit and vegetables, food shall not be sold or used in any commercial food establishment unless the food has been labeled, licensed, packaged, regulated or inspected as required by law.

(e) The producer shall inform the end consumer that any food product or food sold at a farmers market or through ranch, farm or home based sales pursuant to this section is not certified, labeled, licensed, packaged, regulated or inspected.

(f) Not potentially hazardous food as defined by W.S. 35-7-110(a)(xxx) shall not be required to be labeled, licensed, regulated or inspected if it is sold at a farmers market or sold from a producer to an informed end consumer.

(g) Nothing in this article shall be construed to impede the Wyoming department of health in any investigation of food borne illness.

(h) Nothing in this article shall be construed to change the requirements for brand inspection or animal health inspections.

Section 2. W.S. 35-7-110(a) by creating a new paragraph (xxxi) and by renumbering (xxxi) as (xxxii) and 35-7-124 by creating a new subsection (h) are amended to read:

35-7-110. Definitions.

(a) As used in this act:

(xxxi) «Commercial food establishment» means and includes any place or any area of any establishment that is a wholesale or retail business where foods, drugs, devices and cosmetics are displayed for sale, manufactured, processed, packed, held or stored. «Commercial food establishment» shall not include:

(A) Any farmers market; or

(B) Any producer or informed consumer engaged in transactions pursuant to W.S. 11-49-103.

~~(xxxi)~~(xxxii) "This act" means W.S. 35-7-109 through 35-7-127.

35-7-124. License required; exemptions; electronic transmittals.

(h) The provisions of subsection (a) of this section shall not apply to a producer selling food directly to the informed end consumer at a farmers market or through ranch, farm or home based sales pursuant to W.S. 11-49-103. The definitions in W.S. 11-49-102 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, 2015.

Chapter 122

DEVELOPMENT OF EDUCATION STANDARDS

Original House Bill No. 73

AN ACT relating to adoption of education content and performance standards; modifying the process for adoption of standards; and providing for an effective date.

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

Section 1. W.S. 21-2-304(c) is amended to read:

21-2-304. Duties of the state board of education.

(c) The state board shall perform an ongoing review of state board duties prescribed by law and may make recommendations to the legislature on board duties. In addition and not less than once every ~~five (5)~~ nine (9) years, the board shall evaluate and review the uniformity and quality of the educational program standards imposed under W.S. 21-9-101 and 21-9-102 and the student content and performance standards promulgated under paragraph (a)(iii) of this section.~~, and~~ The state board, in consultation with the state superintendent, shall establish a process to receive input or concerns related to the student content and performance standards from stakeholders, including but not limited to parents, teachers, school and district administrators and members of the public at large, at any time prior to the formal review by the state board. The state board shall report findings and recommendations to the joint education interim committee of the legislature on or before December 1 of the year in which the formal review and evaluation of the student content and performance standards was undertaken. The joint education interim committee shall report its recommendations, based upon findings and recommendations of the state board, to the legislature during the immediately following legislative session.

Section 2. This act is effective July 1, 2015.

Approved March 3, 2015.

Chapter 123

HEALTH CARE SHARING MINISTRY

Original House Bill No. 45

AN ACT relating to the insurance code; excluding health care sharing ministries from the provisions of the insurance code; providing a definition; and providing for an effective date.

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

Section 1. W.S. 26-1-104(a) by creating a new paragraph (v) is amended to read:

26-1-104. Applicability of provisions.

(a) This code does not apply to:

(v) Health care sharing ministries. As used in this section, "health care sharing ministry" means a faith-based nonprofit organization that is tax exempt under the Internal Revenue Code and which:

(A) Coordinates financial sharing for medical expenses among willing participants in accordance with criteria established by the health care sharing ministry;

(B) Has annual audits performed by an independent certified public accountant that are available upon request; and

(C) Includes a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that reads in substance: "Notice: The organization facilitating the sharing of medical expenses is not an insurance company, and neither its guidelines nor plan of operation is an insurance policy. Any assistance with your medical bills is completely voluntary. No other participant is compelled by law or otherwise to contribute toward your medical bills. Participation in the organization or a subscription to any of its documents shall not be considered to be health insurance and is not subject to the regulatory requirements or consumer protections of the Wyoming insurance code. You are personally responsible for payment of your medical bills regardless of any financial sharing you may receive from the organization for medical expenses. You are also responsible for payment of your medical bills if the organization ceases to exist or ceases to facilitate the sharing of medical expenses."

Section 2. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 124

UCC-TITLE I AND VII REVISIONS

Original House Bill No. 64

AN ACT relating to the Uniform Commercial Code; adopting uniform revisions to the article relating to general provisions and the article relating to warehouse receipts, bills of lading and other documents; conforming related provisions; repealing nonconforming statutes; and providing for an effective date.

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

Section 1. W.S. 34.1-1-101 through 34.1-1-109 and 34.1-1-201 through 34.1-1-209 are repealed and recreated as 34.1-1-101 through 34.1-1-108, 34.1-1-201 through 34.1-1-206 and 34.1-1-301 through 34.1-1-310 to read:

REVISED ARTICLE 1
GENERAL PROVISIONS

PART 1. SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER OF THE ACT

34.1-1-101. Short titles.

(a) This act may be cited as the Uniform Commercial Code.

(b) This article may be cited as Uniform Commercial Code – General Provisions.

34.1-1-102. Scope of article.

This article applies to a transaction to the extent that it is governed by another article of this act.

34.1-1-103. Construction of this act to promote its purposes and policies; applicability to supplemental principles of law.

(a) This act shall be liberally construed and applied to promote its underlying purposes and policies, which are:

(i) To simplify, clarify, and modernize the law governing commercial transactions;

(ii) To permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and

(iii) To make uniform the law among the various jurisdictions.

(b) Unless displaced by the particular provisions of this act, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating cause supplement its provisions.

34.1-1-104. Construction against implied repeal.

This act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

34.1-1-105. Severability.

If any provision or clause of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

34.1-1-106. Use of singular and plural; gender.

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

(i) Words in the singular number include the plural, and those in the

plural include the singular; and

(ii) Words of any gender also refer to any other gender.

34.1-1-107. Section captions.

Section captions are part of this act.

34.1-1-108. Relation to electronic signatures in global and national commerce act.

This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., except that nothing in this article modifies, limits, or supersedes Section 7001(c) of that act or authorizes electronic delivery of any of the notices described in Section 7003(b) of that act.

PART 2. GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

34.1-1-201. General definitions.

(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of this act that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of this act that apply to particular articles or parts thereof:

(i) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined;

(ii) "Aggrieved party" means a party entitled to pursue a remedy;

(iii) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in W.S. 34.1-1-303;

(iv) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company;

(v) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or endorsed in blank;

(vi) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt;

(vii) "Branch" includes a separately incorporated foreign branch of a bank;

(viii) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence;

(ix) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under article 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt;

(x) "Conspicuous," with reference to a term, means so written, displayed, or presented that a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. Conspicuous terms include the following:

(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

(xi) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes;

(xii) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by this act as supplemented by any other applicable laws;

(xiii) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate;

(xiv) "Defendant" includes a person in the position of defendant in a

counterclaim, cross-claim, or third-party claim;

(xv) "Delivery," with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument, a tangible document of title, or chattel paper, means voluntary transfer of possession;

(xvi) "Document of title" means a record:

(A) That in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold and dispose of the record and the goods the record covers; and

(B) That purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(xvii) "Fault" means a default, breach, or wrongful act or omission;

(xviii) "Fungible goods" means:

(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) Goods that by agreement are treated as equivalent.

(xix) "Genuine" means free of forgery or counterfeiting;

(xx) "Good faith," except as otherwise provided in article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing;

(xxi) "Holder" means:

(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) The person in control of a negotiable electronic document of title.

(xxii) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved;

(xxiii) "Insolvent" means:

(A) Having generally ceased to pay debts in the ordinary course of busi-

ness other than as a result of a bona fide dispute;

(B) Being unable to pay debts as they become due; or

(C) Being insolvent within the meaning of federal bankruptcy law.

(xxiv) "Money" means a medium of exchange currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two (2) or more countries;

(xxv) "Organization" means a person other than an individual;

(xxvi) "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to this act;

(xxvii) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity;

(xxviii) "Present value" means the amount as of a date certain of one (1) or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into;

(xxix) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property;

(xxx) "Purchaser" means a person that takes by purchase;

(xxxi) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(xxxii) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal;

(xxxiii) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate;

(xxxiv) "Right" includes remedy;

(xxxv) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. Security interest includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible or a promissory note in a transaction that is subject to article 9. Security interest does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under W.S.

34.1-2-401, but a buyer may also acquire a security interest by complying with article 9. Except as otherwise provided in W.S. 34.1-2-505, the right of a seller or lessor of goods under article 2 or 2A to retain or acquire possession of the goods is not a security interest, but a seller or lessor may also acquire a security interest by complying with article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under W.S. 34.1-2-401 is limited in effect to a reservation of a security interest. Whether a transaction in the form of a lease creates a security interest is determined pursuant to W.S. 34.1-1-203;

(xxxvi) "Send" in connection with a writing, record, or notice means:

(A) 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 there be none, to any address reasonable under the circumstances; or

(B) In any other way to cause to be received any record or notice within the time it would have arrived if properly sent.

(xxxvii) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing;

(xxxviii) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(xxxix) "Surety" includes a guarantor or other secondary obligor;

(xl) "Term" means a portion of an agreement that relates to a particular matter;

(xli) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery;

(xlii) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire;

(xliii) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

34.1-1-202. Notice; knowledge.

(a) Subject to subsection (f) of this section, a person has "notice" of a fact if the person:

(i) Has actual knowledge of it;

(ii) Has received a notice or notification of it; or

(iii) From all the facts and circumstances known to the person at the time in question, has reason to know that it exists.

(b) "Knowledge" means actual knowledge. "Knows" has a corresponding meaning.

(c) "Discover," "learn," or words of similar import refer to knowledge rather than to reason to know.

(d) A person "notifies" or "gives" a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it.

(e) Subject to subsection (f) of this section, a person "receives" a notice or notification when:

(i) It comes to that person's attention; or

(ii) It is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

(f) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

34.1-1-203. Lease distinguished from security interest.

(a) Whether a transaction in the form of a lease creates a lease or security interest is determined by the facts of each case.

(b) A transaction in the form of a lease creates a security interest if the consideration that the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease and is not subject to termination by the lessee and:

(i) The original term of the lease is equal to or greater than the remaining economic life of the goods;

(ii) The lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

(iii) The lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement; or

(iv) The lessee has an option to become the owner of the goods for no ad-

ditional consideration or for nominal additional consideration upon compliance with the lease agreement.

(c) A transaction in the form of a lease does not create a security interest merely because:

(i) The present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

(ii) The lessee assumes risk of loss of the goods;

(iii) The lessee agrees to pay, with respect to the goods, taxes, insurance, filing, recording, or registration fees, or service or maintenance costs;

(iv) The lessee has an option to renew the lease or to become the owner of the goods;

(v) The lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

(vi) The lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

(d) Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised. Additional consideration is not nominal if:

(i) When the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed; or

(ii) When the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed.

(e) The "remaining economic life of the goods" and "reasonably predictable" fair market rent, fair market value, or cost of performing under the lease agreement shall be determined with reference to the facts and circumstances at the time the transaction is entered into.

34.1-1-204. Value.

(a) Except as otherwise provided in articles 3, 4 and 5 of this title, a person gives value for rights if the person acquires them:

(i) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(ii) As security for, or in total or partial satisfaction of, a preexisting claim;

(iii) By accepting delivery under a preexisting contract for purchase; or

(iv) In return for any consideration sufficient to support a simple contract.

34.1-1-205. Reasonable time; seasonableness.

(a) Whether a time for taking an action required by this act is reasonable depends on the nature, purpose, and circumstances of the action.

(b) An action is taken seasonably if it is taken at or within the time agreed or, if no time is agreed, at or within a reasonable time.

34.1-1-206. Presumptions.

Whenever this act creates a "presumption" with respect to a fact, or provides that a fact is "presumed," the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

PART 3. TERRITORIAL APPLICABILITY AND GENERAL RULES

34.1-1-301. Territorial applicability; parties' power to choose applicable law.

(a) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a) of this section, and except as provided in subsection (c) of this section, this act applies to transactions bearing an appropriate relation to this state.

(c) If one (1) of the following provisions of this act specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

(i) W.S. 34.1-2-402;

(ii) W.S. 34.1-2.A-105 and 34.1-2.A-106;

(iii) W.S. 34.1-4-102;

(iv) W.S 34.1-4.A-507;

(v) W.S. 34.1-5-116;

(vi) Reserved;

(vii) W.S. 34.1-8-110;

(viii) W.S. 34.1-9-301 through 34.1-9-307.

34.1-1-302. Variation by agreement.

(a) Except as otherwise provided in subsection (b) of this section or elsewhere in this act, the effect of provisions of this act may be varied by agreement.

(b) The obligations of good faith, diligence, reasonableness, and care prescribed by this act may not be disclaimed by agreement. The parties, by agreement, may determine the standards by which the performance of those obligations is to be measured if those standards are not manifestly unreasonable. Whenever this act requires an action to be taken within a reasonable time, a time that is not manifestly unreasonable may be fixed by agreement.

(c) The presence in certain provisions of this act of the phrase "unless otherwise agreed," or words of similar import, does not imply that the effect of other provisions may not be varied by agreement under this section.

34.1-1-303. Course of performance; course of dealing; usage of trade.

(a) A "course of performance" is a sequence of conduct between the parties to a particular transaction that exists if:

(i) The agreement of the parties with respect to the transaction involves repeated occasions for performance by a party; and

(ii) The other party, with knowledge of the nature of the performance and opportunity for objection to it, accepts the performance or acquiesces in it without objection.

(b) A "course of dealing" is a sequence of conduct concerning previous transactions between the parties to a particular transaction that is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(c) A "usage of trade" is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage shall be proved as facts. If it is established that such a usage is embodied in a trade code or similar record, the interpretation of the record is a question of law.

(d) A course of performance or course of dealing between the parties or usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware is relevant in ascertaining the meaning of the parties' agreement, may give particular meaning to specific terms of the agreement, and may supplement or qualify the terms of the agreement. A usage of trade applicable in the place in which part of the performance under the agreement is to occur may be so utilized as to that part of the performance.

(e) Except as otherwise provided in subsection (f) of this section, the express terms of an agreement and any applicable course of performance, course of dealing, or usage of trade shall be construed whenever reasonable as consistent with each other. If such a construction is unreasonable:

(i) Express terms prevail over course of performance, course of dealing, and usage of trade;

(ii) Course of performance prevails over course of dealing and usage of trade; and

(iii) Course of dealing prevails over usage of trade.

(f) Subject to W.S. 34.1-2-209, a course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.

(g) Evidence of a relevant usage of trade offered by one (1) party is not admissible unless that party has given the other party notice that the court finds sufficient to prevent unfair surprise to the other party.

34.1-1-304. Obligation of good faith.

Every contract or duty within this act imposes an obligation of good faith in its performance and enforcement.

34.1-1-305. Remedies to be liberally administered.

(a) The remedies provided by this act shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special damages nor penal damages may be had except as specifically provided in this act or by other rule of law.

(b) Any right or obligation declared by this act is enforceable by action unless the provision declaring it specifies a different and limited effect.

34.1-1-306. Waiver or renunciation of claim or right after breach.

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated record.

34.1-1-307. Prima facie evidence by third-party documents.

A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party is prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

34.1-1-308. Performance or acceptance under reservation of rights.

(a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.

(b) Subsection (a) of this section does not apply to an accord and satisfaction.

34.1-1-309. Option to accelerate at will.

A term providing that one (1) party or that party's successor in interest may

accelerate payment or performance or require collateral or additional collateral "at will" or when the party "deems itself insecure," or words of similar import, means that the party has power to do so only if that party in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against which the power has been exercised.

34.1-1-310. Subordinated obligations.

An obligation may be issued as subordinated to performance of another obligation of the person obligated, or a creditor may subordinate its right to performance of an obligation by agreement with either the person obligated or another creditor of the person obligated. Subordination does not create a security interest as against either the common debtor or a subordinated creditor.

Section 2. W.S. 34.1-2-103(a)(ii), 34.1-2-202(a)(i), 34.1-2.A-103(c), 34.1-2.A-501(d), 34.1-2.A-518(b), 34.1-2.A-519(a), 34.1-2.A-527(b), 34.1-2.A-528(a), 34.1-3-103(a)(iv) and (x), 34.1-4-104(c), 34.1-4.A-105(a)(vi) and (vii), 34.1-4.A-106(a), 34.1-4.A-204(b), 34.1-5-103(c), 34.1-8-102(a)(x) and 34.1-9-102(a)(xliii) are amended to read:

34.1-2-103. Definitions and index of definitions.

(a) In this article unless the context otherwise requires:

(ii) ~~"Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade~~ Reserved;

34.1-2-202. Final written expression; parol or extrinsic evidence.

(a) Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(i) By course of performance, course of dealing or usage of trade ~~(section 34.1-1-205) or by course of performance (section 34.1-2-208)~~ (section 34.1-1-303); and

34.1-2.A-103. Definitions and index of definitions.

(c) The following definitions in other articles apply to this article:

"Account".	Section 34.1-9-102(a)(ii).
"Between merchants".	Section 34.1-2-104(c).
"Buyer".	Section 34.1-2-103(a)(i).
"Chattel paper".	Section 34.1-9-102(a)(xi).
"Consumer goods".	Section 34.1-9-102(a)(xxiii).

"Document".	Section 34.1-9-102(a)(xxx).
"Entrusting".	Section 34.1-2-403(c).
"General intangible".	Section 34.1-9-102(a)(xlii).
~~"Good faith".~~	~~Section 34.1-2-103(a)(ii).~~
"Instrument".	Section 34.1-9-102(a)(xlvii).
"Merchant".	Section 34.1-2-104(a).
"Mortgage".	Section ~~34.1-9-105(a)(x)~~ 34.1-9-102(a)(lv).
"Pursuant to commitment".	Section ~~34.1-9-105(a)(xi)~~ 34.1-9-102(a)(lxxi).
"Receipt".	Section 34.1-2-103(a)(iii).
"Sale".	Section 34.1-2-106(a).
"Sale on approval".	Section 34.1-2-326.
"Sale or return".	Section 34.1-2-326.
"Seller".	Section 34.1-2-103(a)(iv).

34.1-2.A-501. Default: procedure.

(d) Except as otherwise provided in section ~~34.1-1-106(a)~~ 34.1-1-305(a) or this article or the lease agreement, the rights and remedies referred to in subsections (b) and (c) are cumulative.

34.1-2.A-518. Cover; substitute goods.

(b) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 34.1-2.A-504) or otherwise determined pursuant to agreement of the parties (sections ~~34.1-1-102(c)~~ 34.1-1-302 and 34.1-2.A-503), if a lessee's cover is by a lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessee may recover from the lessor as damages (1) the present value, as of the date of the commencement of the term of the new lease agreement, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement minus the present value as of the same date of the total rent for the then remaining lease term of the original lease agreement, and (2) any incidental or consequential damages, less expenses saved in consequence of the lessor's default.

34.1-2.A-519. Lessee's damages for non-delivery, repudiation, default, and breach of warranty in regard to accepted goods.

(a) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 34.1-2.A-504) or otherwise determined pursuant to agreement of the parties (sections ~~34.1-1-102(c)~~ 34.1-1-302 and 34.1-2.A-503),

if a lessee elects not to cover or a lessee elects to cover and the cover is by lease agreement that for any reason does not qualify for treatment under section 34.1-2.A-518(b), or is by purchase or otherwise, the measure of damages for non-delivery or repudiation by the lessor or for rejection or revocation of acceptance by the lessee is the present value, as of the date of the default, of the then market rent minus the present value as of the same date of the original rent, computed for the remaining lease term of the original lease agreement, together with incidental and consequential damages, less expenses saved in consequence of the lessor's default.

34.1-2.A-527. Lessor's rights to dispose of goods.

(b) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 34.1-2.A-504) or otherwise determined pursuant to agreement of the parties (sections ~~34.1-1-102(c)~~ 34.1-1-302 and 34.1-2.A-503), if the disposition is by lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessor may recover from the lessee as damages (1) accrued and unpaid rent as of the date of the commencement of the term of the new lease agreement, (2) the present value, as of the same date, of the total rent for the then remaining lease term of the original lease agreement minus the present value, as of the same date, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement, and (3) any incidental damages allowed under section 34.1-2.A-530, less expenses saved in consequence of the lessee's default.

34.1-2.A-528. Lessor's damages for non-acceptance, failure to pay, repudiation, or other default.

(a) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 34.1-2.A-504) or otherwise determined pursuant to agreement of the parties (sections ~~34.1-1-102(c)~~ 34.1-1-302 and 34.1-2.A-503), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under section 34.1-2.A-527(b), or is by sale or otherwise, the lessor may recover from the lessee as damages for a default of the type described in section 34.1-2.A-523(a) or 34.1-2.A-523(c)(i), or, if agreed, for other default of the lessee, (1) accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor, (2) the present value as of the date determined under clause (1) of the total rent for the then remaining lease term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods are located computed for the same lease term, and (3) any incidental damages allowed under section

34.1-2.A-530, less expenses saved in consequence of the lessee's default.

34.1-3-103. Definitions.

(a) In this article:

(iv) ~~"Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing~~ Reserved;

(x) "Prove" with respect to a fact means to meet the burden of establishing the fact (section ~~34.1-1-201(a)(viii)~~ 34.1-1-201(b)(viii));

34.1-4-104. Definitions and index of definitions.

(c) The following definitions in other articles apply to this article:

"Acceptance".	W.S. 34.1-3-409.
"Alteration".	W.S. 34.1-3-407.
"Cashier's check".	W.S. 34.1-3-104.
"Certificate of deposit".	W.S. 34.1-3-104.
"Certified check".	W.S. 34.1-3-409.
"Check".	W.S. 34.1-3-104.
~~"Good faith".~~	~~W.S. 34.1-3-103.~~
"Holder in due course".	W.S. 34.1-3-302.
"Instrument".	W.S. 34.1-3-104.
"Notice of dishonor".	W.S. 34.1-3-503.
"Order".	W.S. 34.1-3-103.
"Ordinary care".	W.S. 34.1-3-103.
"Person entitled to enforce".	W.S. 34.1-3-301.
"Presentment".	W.S. 34.1-3-501.
"Promise".	W.S. 34.1-3-103.
"Registered clearing corporation".	W.S. 34.1-8-102.
"Prove".	W.S. 34.1-3-103.
"Teller's check".	W.S. 34.1-3-104.
"Unauthorized signature".	W.S. 34.1-3-403.

34.1-4.A-105. Other definitions.

(a) In this article:

(vi) ~~"Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing~~ Reserved;

(vii) "Prove" with respect to a fact means to meet the burden of establishing the fact (section ~~34.1-1-201(a)(viii)~~ 34.1-1-201(b)(viii)).

34.1-4.A-106. Time payment order is received.

(a) The time of receipt of a payment order or communication cancelling or amending a payment order is determined by the rules applicable to receipt of a notice stated in section ~~34.1-1-201(a)(xxvii)~~ 34.1-1-202. A receiving bank may fix a cutoff time or times on a funds-transfer business day for the receipt and processing of payment orders and communications cancelling or amending payment orders. Different cutoff times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cutoff time may apply to senders generally or different cutoff times may apply to different senders or categories of payment orders. If a payment order or communication cancelling or amending a payment order is received after the close of a funds-transfer business day or after the appropriate cutoff time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day.

34.1-4.A-204. Refund of payment and duty of customer to report with respect to unauthorized payment order.

(b) Reasonable time under subsection (a) may be fixed by agreement as stated in section ~~34.1-1-204(a)~~ 34.1-1-302(b), but the obligation of a receiving bank to refund payment as stated in subsection (a) of this section may not otherwise be varied by agreement.

34.1-5-103. Scope.

(c) With the exception of this subsection, subsections (a) and (d) of this section, W.S. 34.1-5-102(a)(ix) and (x), 34.1-5-106(d) and 34.1-5-114(d), and except to the extent prohibited in W.S. ~~34.1-1-102(c)~~ 34.1-1-302 and 34.1-5-117(d), the effect of this article may be varied by agreement or by a provision stated or incorporated by reference in an undertaking. A term in an agreement or undertaking generally excusing liability or generally limiting remedies for failure to perform obligations is not sufficient to vary obligations prescribed by this article.

34.1-8-102. Definitions.

(a) In this article:

(x) ~~"Good faith," for purposes of the obligation of good faith in the performance or enforcement of contracts or duties within this article, means honesty in fact and the observance of reasonable commercial standards of fair dealing~~ Reserved;

34.1-9-102. Definitions and index of definitions.

(a) In this article:

(xliii) ~~"Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing~~ Reserved;

Section 3. W.S. 34.1-2-208 and 34.1-2.A-207 are repealed.

Section 4. W.S. 34.1-7-101 through 34.1-7-105, 34.1-7-201 through 34.1-7-210, 34.1-7-301 through 34.1-7-309, 34.1-7-401 through 34.1-7-404, 34.1-7-501 through 34.1-7-509 and 34.1-7-601 through 34.1-7-603 are repealed and recreated as W.S. 34.1-7-101 through 34.1-7-106, 34.1-7-201 through 34.1-7-210, 34.1-7-301 through 34.1-7-309, 34.1-7-401 through 34.1-7-404, 34.1-7-501 through 34.1-7-509, 34.1-7-601 through 34.1-7-603 and 34.1-7-101 through 34.1-7-704 to read:

REVISED ARTICLE 7
DOCUMENTS OF TITLE

PART 1. GENERAL

34.1-7-101. Short title.

This article may be cited as Uniform Commercial Code-Documents of Title.

34.1-7-102. Definitions and index of definitions.

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

(i) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them;

(ii) "Carrier" means a person that issues a bill of lading;

(iii) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery;

(iv) "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment;

(v) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading;

(vi) Reserved;

(vii) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation;

(viii) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions;

(ix) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods

is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title;

(x) Reserved;

(xi) "Sign" means, with present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic sound, symbol, or process.

(xii) "Shipper" means a person that enters into a contract of transportation with a carrier;

(xiii) "Warehouse" means a person engaged in the business of storing goods for hire.

(b) Definitions in other articles applying to this article and the sections in which they appear are:

(i) "Contract for sale," W.S. 34.1-2-106;

(ii) "Lessee in the ordinary course of business," W.S. 34.1-2.A-103;

(iii) "Receipt" of goods, W.S. 34.1-2-103.

(c) In addition, article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this article.

34.1-7-103. Relation of article to treaty or statute.

(a) This article is subject to any treaty or statute of the United States or regulatory statute of this state to the extent the treaty, statute, or regulatory statute is applicable.

(b) This article does not modify or repeal any law prescribing the form or content of a document of title or the services or facilities to be afforded by a bailee, or otherwise regulating a bailee's business in respects not specifically treated in this article. However, violation of such a law does not affect the status of a document of title that otherwise is within the definition of a document of title.

(c) This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. section 7001, et seq.) but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. section 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. section 7003(b)).

(d) To the extent there is a conflict between the Uniform Electronic Transactions Act, W.S. 40-21-101 through 40-21-119, and this article, this article governs.

34.1-7-104. Negotiable and nonnegotiable documents of title.

(a) Except as otherwise provided in subsection (c) of this section, a document of title is negotiable if by its terms the goods are to be delivered to bearer or to the order of a named person.

(b) A document of title other than one described in subsection (a) of this section is nonnegotiable. A bill of lading that states that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against an order in a record signed by the same or another named person.

(c) A document of title is nonnegotiable if, at the time it is issued, the document has a conspicuous legend, however expressed, that it is nonnegotiable.

34.1-7-105. Reissuance in alternative medium.

(a) Upon request of a person entitled under an electronic document of title, the issuer of the electronic document may issue a tangible document of title as a substitute for the electronic document if:

(i) The person entitled under the electronic document surrenders control of the document to the issuer; and

(ii) The tangible document when issued contains a statement that it is issued in substitution for the electronic document.

(b) Upon issuance of a tangible document of title in substitution for an electronic document of title in accordance with subsection (a) of this section:

(i) The electronic document ceases to have any effect or validity; and

(ii) The person that procured issuance of the tangible document warrants to all subsequent persons entitled under the tangible document that the warrantor was a person entitled under the electronic document when the warrantor surrendered control of the electronic document to the issuer.

(c) Upon request of a person entitled under a tangible document of title, the issuer of the tangible document may issue an electronic document of title as a substitute for the tangible document if:

(i) The person entitled under the tangible document surrenders possession of the document to the issuer; and

(ii) The electronic document when issued contains a statement that it is issued in substitution for the tangible document.

(d) Upon issuance of an electronic document of title in substitution for a tangible document of title in accordance with subsection (c) of this section:

(i) The tangible document ceases to have any effect or validity; and

(ii) The person that procured issuance of the electronic document warrants to all subsequent persons entitled under the electronic document that the warrantor was a person entitled under the tangible document when the war-

rantor surrendered possession of the tangible document to the issuer.

34.1-7-106. Control of electronic document of title.

(a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a) of this section, and a person is deemed to have control of an electronic document of title, if the document is created, stored, and assigned in such a manner that:

(i) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in paragraphs (iv), (v), and (vi) of this section, unalterable;

(ii) The authoritative copy identifies the person asserting control as:

(A) The person to which the document was issued; or

(B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred.

(iii) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(iv) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(v) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(vi) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

PART 2. WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

34.1-7-201. Person that may issue a warehouse receipt; storage under bond.

(a) A warehouse receipt may be issued by any warehouse.

(b) If goods, including distilled spirits and agricultural commodities, are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods is deemed to be a warehouse receipt even if issued by a person that is the owner of the goods and is not a warehouse.

34.1-7-202. Form of warehouse receipt; effect of omission.

(a) A warehouse receipt need not be in any particular form.

(b) Unless a warehouse receipt provides for each of the following, the ware-

house is liable for damages caused to a person injured by its omission:

(i) A statement of the location of the warehouse facility where the goods are stored;

(ii) The date of issue of the receipt;

(iii) The unique identification code of the receipt;

(iv) A statement whether the goods received will be delivered to the bearer, to a named person, or to a named person or its order;

(v) The rate of storage and handling charges, unless goods are stored under a field warehousing arrangement, in which case a statement of that fact is sufficient on a nonnegotiable receipt;

(vi) A description of the goods or the packages containing them;

(vii) The signature of the warehouse or its agent;

(viii) If the receipt is issued for goods that the warehouse owns, either solely, jointly, or in common with others, a statement of the fact of that ownership; and

(ix) A statement of the amount of advances made and of liabilities incurred for which the warehouse claims a lien or security interest, unless the precise amount of advances made or liabilities incurred at the time of the issue of the receipt is unknown to the warehouse or to its agent that issued the receipt, in which case a statement of the fact that advances have been made or liabilities incurred and the purpose of the advances or liabilities is sufficient.

(c) A warehouse may insert in its receipt any terms that are not contrary to this act and do not impair its obligation of delivery under W.S. 34.1-7-403 or its duty of care under W.S. 34.1-7-204. Any contrary provision is ineffective.

34.1-7-203. Liability for nonreceipt or misdescription.

(a) A party to or purchaser for value in good faith of a document of title, other than a bill of lading, that relies upon the description of the goods in the document may recover from the issuer damages caused by the nonreceipt or misdescription of the goods, except to the extent that:

(i) The document conspicuously indicates that the issuer does not know whether all or part of the goods in fact were received or conform to the description, such as a case in which the description is in terms of marks or labels or kind, quantity, or condition, or the receipt or description is qualified by "contents, condition, and quality unknown," "said to contain," or words of similar import, if the indication is true; or

(ii) The party or purchaser otherwise has notice of the nonreceipt or misdescription.

34.1-7-204. Duty of care; contractual limitation of warehouse's liability.

(a) A warehouse is liable for damages for loss of or injury to the goods caused by its failure to exercise care with regard to the goods that a reasonably careful person would exercise under similar circumstances. Unless otherwise agreed, the warehouse is not liable for damages that could not have been avoided by the exercise of that care.

(b) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage beyond which the warehouse is not liable. Such a limitation is not effective with respect to the warehouse's liability for conversion to its own use. On request of the bailor in a record at the time of signing the storage agreement or within a reasonable time after receipt of the warehouse receipt, the warehouse's liability may be increased on part or all of the goods covered by the storage agreement or the warehouse receipt. In this event, increased rates may be charged based on an increased valuation of the goods.

(c) Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the bailment may be included in the warehouse receipt or storage agreement.

(d) This section does not modify or repeal any law of this state that imposes a higher responsibility upon the warehouse or that invalidates a contractual limitation that would be permissible under this article.

34.1-7-205. Title under warehouse receipt defeated in certain cases.

A buyer in ordinary course of business of fungible goods sold and delivered by a warehouse that is also in the business of buying and selling such goods takes the goods free of any claim under a warehouse receipt even if the receipt is negotiable and has been duly negotiated.

34.1-7-206. Termination of storage at warehouse's option.

(a) A warehouse, by giving notice to the person on whose account the goods are held and any other person known to claim an interest in the goods, may require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document of title or, if a period is not fixed, within a stated period not less than thirty (30) days after the warehouse gives notice. If the goods are not removed before the date specified in the notice, the warehouse may sell them pursuant to W.S. 34.1-7-210.

(b) If a warehouse in good faith believes that goods are about to deteriorate or decline in value to less than the amount of its lien within the time provided in subsection (a) of this section and W.S. 34.1-7-210, the warehouse may specify in the notice given under subsection (a) of this section any reasonable shorter time for removal of the goods and, if the goods are not removed, may sell them at public sale held not less than one (1) week after a single advertisement or posting.

(c) If, as a result of a quality or condition of the goods of which the ware-

house did not have notice at the time of deposit, the goods are a hazard to other property, the warehouse facilities, or other persons, the warehouse may sell the goods at public or private sale without advertisement or posting on reasonable notification to all persons known to claim an interest in the goods. If the warehouse, after a reasonable effort, is unable to sell the goods, it may dispose of them in any lawful manner and does not incur liability by reason of that disposition.

(d) A warehouse shall deliver the goods to any person entitled to them under this article upon due demand made at any time before sale or other disposition under this section.

(e) A warehouse may satisfy its lien from the proceeds of any sale or disposition under this section but shall hold the balance for delivery on the demand of any person to which the warehouse would have been bound to deliver the goods.

34.1-7-207. Goods must be kept separate; fungible goods.

(a) Unless the warehouse receipt provides otherwise, a warehouse shall keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods. However, different lots of fungible goods may be commingled.

(b) If different lots of fungible goods are commingled, the goods are owned in common by the persons entitled thereto and the warehouse is severally liable to each owner for that owner's share. If, because of overissue, a mass of fungible goods is insufficient to meet all the receipts the warehouse has issued against it, the persons entitled include all holders to which overissued receipts have been duly negotiated.

34.1-7-208. Altered warehouse receipts.

If a blank in a negotiable tangible warehouse receipt has been filled in without authority, a good-faith purchaser for value and without notice of the lack of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any tangible or electronic warehouse receipt enforceable against the issuer according to its original tenor.

34.1-7-209. Lien of warehouse.

(a) A warehouse has a lien against the bailor on the goods covered by a warehouse receipt or storage agreement or on the proceeds thereof in its possession for charges for storage or transportation, including demurrage and terminal charges, insurance, labor, or other charges, present or future, in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for similar charges or expenses in relation to other goods whenever deposited and it is stated in the warehouse receipt or storage

agreement that a lien is claimed for charges and expenses in relation to other goods, the warehouse also has a lien against the goods covered by the warehouse receipt or storage agreement or on the proceeds thereof in its possession for those charges and expenses, whether or not the other goods have been delivered by the warehouse. However, as against a person to which a negotiable warehouse receipt is duly negotiated, a warehouse's lien is limited to charges in an amount or at a rate specified in the warehouse receipt or, if no charges are so specified, to a reasonable charge for storage of the specific goods covered by the receipt subsequent to the date of the receipt.

(b) A warehouse may also reserve a security interest against the bailor for the maximum amount specified on the receipt for charges other than those specified in subsection (a) of this section, such as for money advanced and interest. The security interest is governed by article 9.

(c) A warehouse's lien for charges and expenses under subsection (a) of this section or a security interest under subsection (b) of this section is also effective against any person that so entrusted the bailor with possession of the goods that a pledge of them by the bailor to a good-faith purchaser for value would have been valid. However, the lien or security interest is not effective against a person that before issuance of a document of title had a legal interest or a perfected security interest in the goods and that did not:

(i) Deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

(A) Actual or apparent authority to ship, store, or sell;

(B) Power to obtain delivery under W.S. 34.1-7-403; or

(C) Power of disposition under W.S. 34.1-2-403, 34.1-2.A-304(b), 34.1-2.A-305(b), 34.1-9-320, 34.1-9-321(c) or other statute or rule of law; or

(ii) Acquiesce in the procurement by the bailor or its nominee of any document.

(d) A warehouse's lien on household goods for charges and expenses in relation to the goods under subsection (a) of this section is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. As used in this subsection, "household goods" means furniture, furnishings, or personal effects used by the depositor in a dwelling.

(e) A warehouse loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

34.1-7-210. Enforcement of warehouse's lien.

(a) Except as otherwise provided in subsection (b) of this section, a warehouse's lien may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The

notification shall include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different from that selected by the warehouse is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The warehouse sells in a commercially reasonable manner if the warehouse sells the goods in the usual manner in any recognized market therefore, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

(b) A warehouse may enforce its lien on goods, other than goods stored by a merchant in the course of its business, only if the following requirements are satisfied:

(i) All persons known to claim an interest in the goods shall be notified;

(ii) The notification shall include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten (10) days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place;

(iii) The sale shall conform to the terms of the notification;

(iv) The sale shall be held at the nearest suitable place to where the goods are held or stored;

(v) After the expiration of the time given in the notification, an advertisement of the sale shall be published one (1) time per week for two (2) weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement shall include a description of the goods, the name of the person on whose account the goods are being held, and the time and place of the sale. The sale shall take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement shall be posted at least ten (10) days before the sale in not fewer than six (6) conspicuous places in the neighborhood of the proposed sale.

(c) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold but shall be retained by the warehouse subject to the terms of the receipt and this article.

(d) A warehouse may buy at any public sale held pursuant to this section.

(e) A purchaser in good faith of goods sold to enforce a warehouse's lien takes the goods free of any rights of persons against which the lien was valid, despite the warehouse's noncompliance with this section.

(f) A warehouse may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the warehouse would have been bound to deliver the goods.

(g) The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

(h) If a lien is on goods stored by a merchant in the course of its business, the lien may be enforced in accordance with subsection (a) or (b) of this section.

(j) A warehouse is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

PART 3. BILLS OF LADING: SPECIAL PROVISIONS

34.1-7-301. Liability for nonreceipt or misdescription; "said to contain"; "shipper's weight, load, and count"; improper handling.

(a) A consignee of a nonnegotiable bill of lading which has given value in good faith, or a holder to which a negotiable bill has been duly negotiated, relying upon the description of the goods in the bill or upon the date shown in the bill, may recover from the issuer damages caused by the misdating of the bill or the nonreceipt or misdescription of the goods, except to the extent that the bill indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, such as in a case in which the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by "contents or condition of contents of packages unknown," "said to contain," "shipper's weight, load, and count," or words of similar import, if that indication is true.

(b) If goods are loaded by the issuer of a bill of lading:

(i) The issuer shall count the packages of goods if shipped in packages and ascertain the kind and quantity if shipped in bulk; and

(ii) Words such as "shipper's weight, load, and count," or words of similar import indicating that the description was made by the shipper are ineffective except as to goods concealed in packages.

(c) If bulk goods are loaded by a shipper that makes available to the issuer of a bill of lading adequate facilities for weighing those goods, the issuer shall ascertain the kind and quantity within a reasonable time after receiving the shipper's request in a record to do so. In that case, "shipper's weight" or words of similar import are ineffective.

(d) The issuer of a bill of lading, by including in the bill the words "ship-

per's weight, load, and count," or words of similar import, may indicate that the goods were loaded by the shipper, and, if that statement is true, the issuer is not liable for damages caused by the improper loading. However, omission of such words does not imply liability for damages caused by improper loading.

(e) A shipper guarantees to an issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition, and weight, as furnished by the shipper, and the shipper shall indemnify the issuer against damage caused by inaccuracies in those particulars. This right of indemnity does not limit the issuer's responsibility or liability under the contract of carriage to any person other than the shipper.

34.1-7-302. Through bills of lading and similar documents of title.

(a) The issuer of a through bill of lading, or other document of title embodying an undertaking to be performed in part by a person acting as its agent or by a performing carrier, is liable to any person entitled to recover on the bill or other document for any breach by the other person or the performing carrier of its obligation under the bill or other document. However, to the extent that the bill or other document covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation, this liability for breach by the other person or the performing carrier may be varied by agreement of the parties.

(b) If goods covered by a through bill of lading or other document of title embodying an undertaking to be performed in part by a person other than the issuer are received by that person, the person is subject, with respect to its own performance while the goods are in its possession, to the obligation of the issuer. The person's obligation is discharged by delivery of the goods to another person pursuant to the bill or other document and does not include liability for breach by any other person or by the issuer.

(c) The issuer of a through bill of lading or other document of title described in subsection (a) of this section is entitled to recover from the performing carrier, or other person in possession of the goods when the breach of the obligation under the bill or other document occurred:

(i) The amount it may be required to pay to any person entitled to recover on the bill or other document for the breach, as may be evidenced by any receipt, judgment, or transcript of judgment; and

(ii) The amount of any expense reasonably incurred by the issuer in defending any action commenced by any person entitled to recover on the bill or other document for the breach.

34.1-7-303. Diversion; reconsignment; change of instructions.

(a) Unless the bill of lading otherwise provides, a carrier may deliver the goods to a person or destination other than that stated in the bill or may oth-

erwise dispose of the goods, without liability for misdelivery, on instructions from:

(i) The holder of a negotiable bill;

(ii) The consignor on a nonnegotiable bill, even if the consignee has given contrary instructions;

(iii) The consignee on a nonnegotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the tangible bill or in control of the electronic bill; or

(iv) The consignee on a nonnegotiable bill, if the consignee is entitled as against the consignor to dispose of the goods.

(b) Unless instructions described in subsection (a) of this section are included in a negotiable bill of lading, a person to which the bill is duly negotiated may hold the bailee according to the original terms.

34.1-7-304. Tangible bills of lading in a set.

(a) Except as customary in international transportation, a tangible bill of lading may not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

(b) If a tangible bill of lading is lawfully issued in a set of parts, each of which contains an identification code and is expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitutes one (1) bill.

(c) If a tangible negotiable bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to which the first due negotiation is made prevails as to both the document of title and the goods even if any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrendering its part.

(d) A person that negotiates or transfers a single part of a tangible bill of lading issued in a set is liable to holders of that part as if it were the whole set.

(e) The bailee shall deliver in accordance with part 4 of this title against the first presented part of a tangible bill of lading lawfully issued in a set. Delivery in this manner discharges the bailee's obligation on the whole bill.

34.1-7-305. Destination bills.

(a) Instead of issuing a bill of lading to the consignor at the place of shipment, a carrier, at the request of the consignor, may procure the bill to be issued at destination or at any other place designated in the request.

(b) Upon request of any person entitled as against a carrier to control the goods while in transit and on surrender of possession or control of any out-

standing bill of lading or other receipt covering the goods, the issuer, subject to W.S. 34.1-7-105, may procure a substitute bill to be issued at any place designated in the request.

34.1-7-306. Altered bills of lading.

An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

34.1-7-307. Lien of carrier.

(a) A carrier has a lien on the goods covered by a bill of lading or on the proceeds thereof in its possession for charges after the date of the carrier's receipt of the goods for storage or transportation, including demurrage and terminal charges, and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. However, against a purchaser for value of a negotiable bill of lading, a carrier's lien is limited to charges stated in the bill or the applicable tariffs or, if no charges are stated, a reasonable charge.

(b) A lien for charges and expenses under subsection (a) of this section on goods that the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to those charges and expenses. Any other lien under subsection (a) of this section is effective against the consignor and any person that permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked authority.

(c) A carrier loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

34.1-7-308. Enforcement of carrier's lien.

(a) A carrier's lien on goods may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The notification shall include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The carrier sells goods in a commercially reasonable manner if the carrier sells the goods in the usual manner in any recognized market therefor, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

(b) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold but shall be retained by the carrier, subject to the terms of the bill of lading and this article.

(c) A carrier may buy at any public sale pursuant to this section.

(d) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against which the lien was valid, despite the carrier's noncompliance with this section.

(e) A carrier may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the carrier would have been bound to deliver the goods.

(f) The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

(g) A carrier's lien may be enforced pursuant to either subsection (a) of this section or the procedure set forth in W.S. 34.1-7-210(b).

(h) A carrier is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

34.1-7-309. Duty of care; contractual limitation of carrier's liability.

(a) A carrier that issues a bill of lading, whether negotiable or nonnegotiable, shall exercise the degree of care in relation to the goods which a reasonably careful person would exercise under similar circumstances. This subsection does not affect any statute, regulation, or rule of law that imposes liability upon a common carrier for damages not caused by its negligence.

(b) Damages may be limited by a term in the bill of lading or in a transportation agreement that the carrier's liability may not exceed a value stated in the bill or transportation agreement if the carrier's rates are dependent upon value and the consignor is afforded an opportunity to declare a higher value and the consignor is advised of the opportunity. However, such a limitation is not effective with respect to the carrier's liability for conversion to its own use.

(c) Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the shipment may be included in a bill of lading or a transportation agreement.

PART 4. WAREHOUSE RECEIPTS AND BILLS OF LADING: GENERAL OBLIGATIONS

34.1-7-401. Irregularities in issue of receipt or bill or conduct of issuer.

(a) The obligations imposed by this article on an issuer apply to a document of title even if:

(i) The document does not comply with the requirements of this article or of any other statute, rule, or regulation regarding its issuance, form, or content;

(ii) The issuer violated laws regulating the conduct of its business;

(iii) The goods covered by the document were owned by the bailee when the document was issued; or

(iv) The person issuing the document is not a warehouse but the document purports to be a warehouse receipt.

34.1-7-402. Duplicate document of title; overissue.

A duplicate or any other document of title purporting to cover goods already represented by an outstanding document of the same issuer does not confer any right in the goods, except as provided in the case of tangible bills of lading in a set of parts, overissue of documents for fungible goods, substitutes for lost, stolen, or destroyed documents, or substitute documents issued pursuant to W.S. 34.1-7-105. The issuer is liable for damages caused by its overissue or failure to identify a duplicate document by a conspicuous notation.

34.1-7-403. Obligation of bailee to deliver; excuse.

(a) A bailee shall deliver the goods to a person entitled under a document of title if the person complies with subsections (b) and (c) of this section, unless and to the extent that the bailee establishes any of the following:

(i) Delivery of the goods to a person whose receipt was rightful as against the claimant;

(ii) Damage to or delay, loss, or destruction of the goods for which the bailee is not liable;

(iii) Previous sale or other disposition of the goods in lawful enforcement of a lien or on a warehouse's lawful termination of storage;

(iv) The exercise by a seller of its right to stop delivery pursuant to W.S. 34.1-2-705 or by a lessor of its right to stop delivery pursuant to W.S. 34.1-2.A-526;

(v) A diversion, reconsignment, or other disposition pursuant to W.S. 34.1-7-303;

(vi) Release, satisfaction, or any other personal defense against the claimant; or

(vii) Any other lawful excuse.

(b) A person claiming goods covered by a document of title shall satisfy the bailee's lien if the bailee so requests or if the bailee is prohibited by law from delivering the goods until the charges are paid.

(c) Unless a person claiming the goods is a person against which the document of title does not confer a right under W.S. 34.1-7-503(a):

(i) The person claiming under a document shall surrender possession or control of any outstanding negotiable document covering the goods for cancellation or indication of partial deliveries; and

(ii) The bailee shall cancel the document or conspicuously indicate in the document the partial delivery or the bailee is liable to any person to which the document is duly negotiated.

34.1-7-404. No liability for good faith delivery pursuant to document of title.

(a) A bailee that in good faith has received goods and delivered or otherwise disposed of the goods according to the terms of a document of title or pursuant to this article is not liable for the goods even if:

(i) The person from which the bailee received the goods did not have authority to procure the document or to dispose of the goods; or

(ii) The person to which the bailee delivered the goods did not have authority to receive the goods.

PART 5. WAREHOUSE RECEIPTS AND BILLS OF LADING: NEGOTIATION AND TRANSFER

34.1-7-501. Form of negotiation and requirements of due negotiation.

(a) The following rules apply to a negotiable tangible document of title:

(i) If the document's original terms run to the order of a named person, the document is negotiated by the named person's endorsement and delivery. After the named person's endorsement in blank or to bearer, any person may negotiate the document by delivery alone;

(ii) If the document's original terms run to bearer, it is negotiated by delivery alone;

(iii) If the document's original terms run to the order of a named person and it is delivered to the named person, the effect is the same as if the document had been negotiated;

(iv) Negotiation of the document after it has been endorsed to a named person requires endorsement by the named person and delivery;

(v) A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a monetary obligation.

(b) The following rules apply to a negotiable electronic document of title:

(i) If the document's original terms run to the order of a named person or

to bearer, the document is negotiated by delivery of the document to another person. Endorsement by the named person is not required to negotiate the document;

(ii) If the document's original terms run to the order of a named person and the named person has control of the document, the effect is the same as if the document had been negotiated;

(iii) A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves taking delivery of the document in settlement or payment of a monetary obligation.

(c) Endorsement of a nonnegotiable document of title neither makes it negotiable nor adds to the transferee's rights.

(d) The naming in a negotiable bill of lading of a person to be notified of the arrival of the goods does not limit the negotiability of the bill or constitute notice to a purchaser of the bill of any interest of that person in the goods.

34.1-7-502. Rights acquired by due negotiation.

(a) Subject to W.S. 34.1-7-205 and 34.1-7-503, a holder to which a negotiable document of title has been duly negotiated acquires thereby:

(i) Title to the document;

(ii) Title to the goods;

(iii) All rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

(iv) The direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by the issuer except those arising under the terms of the document or under this article, but in the case of a delivery order, the bailee's obligation accrues only upon the bailee's acceptance of the delivery order and the obligation acquired by the holder is that the issuer and any endorser will procure the acceptance of the bailee.

(b) Subject to W.S. 34.1-7-503, title and rights acquired by due negotiation are not defeated by any stoppage of the goods represented by the document of title or by surrender of the goods by the bailee and are not impaired even if:

(i) The due negotiation or any prior due negotiation constituted a breach of duty;

(ii) Any person has been deprived of possession of a negotiable tangible document or control of a negotiable electronic document by misrepresentation, fraud, accident, mistake, duress, loss, theft, or conversion; or

(iii) A previous sale or other transfer of the goods or document has been

made to a third person.

34.1-7-503. Document of title to goods defeated in certain cases.

(a) A document of title confers no right in goods against a person that before issuance of the document had a legal interest or a perfected security interest in the goods and that did not:

(i) Deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

(A) Actual or apparent authority to ship, store, or sell;

(B) Power to obtain delivery under W.S. 34.1-7-403; or

(C) Power of disposition under W.S. 34.1-2-403, 34.1-2.A-304(b), 34.1-2.A-305(b), 34.1-9-320, 34.1-9-321(c) or other statute or rule of law; or

(ii) Acquiesce in the procurement by the bailor or its nominee of any document.

(b) Title to goods based upon an unaccepted delivery order is subject to the rights of any person to which a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. That title may be defeated under W.S. 34.1-7-504 to the same extent as the rights of the issuer or a transferee from the issuer.

(c) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of any person to which a bill issued by the freight forwarder is duly negotiated. However, delivery by the carrier in accordance with part 4 of this title pursuant to its own bill of lading discharges the carrier's obligation to deliver.

34.1-7-504. Rights acquired in absence of due negotiation; effect of diversion; stoppage of delivery.

(a) A transferee of a document of title, whether negotiable or nonnegotiable, to which the document has been delivered but not duly negotiated, acquires the title and rights that its transferor had or had actual authority to convey.

(b) In the case of a transfer of a nonnegotiable document of title, until but not after the bailee receives notice of the transfer, the rights of the transferee may be defeated:

(i) By those creditors of the transferor which could treat the transfer as void under W.S. 34.1-2-402 or 34.1-2.A-308;

(ii) By a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of the buyer's rights;

(iii) By a lessee from the transferor in ordinary course of business if the bailee has delivered the goods to the lessee or received notification of the les-

see's rights; or

(iv) As against the bailee, by good-faith dealings of the bailee with the transferor.

(c) A diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver the goods to the consignee defeats the consignee's title to the goods if the goods have been delivered to a buyer in ordinary course of business or a lessee in ordinary course of business and, in any event, defeats the consignee's rights against the bailee.

(d) Delivery of the goods pursuant to a nonnegotiable document of title may be stopped by a seller under W.S. 34.1-2-705 or a lessor under W.S. 34.1-2.A-526, subject to the requirements of due notification in those sections. A bailee that honors the seller's or lessor's instructions is entitled to be indemnified by the seller or lessor against any resulting loss or expense.

34.1-7-505. Endorser not guarantor for other parties.

The endorsement of a tangible document of title issued by a bailee does not make the endorser liable for any default by the bailee or previous endorsers.

34.1-7-506. Delivery without endorsement: right to compel endorsement.

The transferee of a negotiable tangible document of title has a specifically enforceable right to have its transferor supply any necessary endorsement, but the transfer becomes a negotiation only as of the time the endorsement is supplied.

34.1-7-507. Warranties on negotiation or delivery of document of title.

(a) If a person negotiates or delivers a document of title for value, otherwise than as a mere intermediary under W.S. 34.1-7-508, unless otherwise agreed, the transferor, in addition to any warranty made in selling or leasing the goods, warrants to its immediate purchaser only that:

(i) The document is genuine;

(ii) The transferor does not have knowledge of any fact that would impair the document's validity or worth; and

(iii) The negotiation or delivery is rightful and fully effective with respect to the title to the document and the goods it represents.

34.1-7-508. Warranties of collecting bank as to documents of title.

A collecting bank or other intermediary known to be entrusted with documents of title on behalf of another or with collection of a draft or other claim against delivery of documents warrants by the delivery of the documents only its own good faith and authority even if the collecting bank or other intermediary has purchased or made advances against the claim or draft to be collected.

34.1-7-509. Adequate compliance with commercial contract.

Whether a document of title is adequate to fulfill the obligations of a contract for sale, a contract for lease, or the conditions of a letter of credit is determined by article 2, 2.A or 5.

PART 6. WAREHOUSE RECEIPTS AND BILLS OF LADING: MISCELLANEOUS PROVISIONS

34.1-7-601. Lost, stolen, or destroyed documents of title.

(a) If a document of title is lost, stolen, or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with the order. If the document was negotiable, a court may not order delivery of the goods or issuance of a substitute document without the claimant's posting security unless it finds that any person that may suffer loss as a result of nonsurrender of possession or control of the document is adequately protected against the loss. If the document was nonnegotiable, the court may require security. The court may also order payment of the bailee's reasonable costs and attorney's fees in any action under this subsection.

(b) A bailee that, without a court order, delivers goods to a person claiming under a missing negotiable document of title is liable to any person injured thereby. If the delivery is not in good faith, the bailee is liable for conversion. Delivery in good faith is not conversion if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery which files a notice of claim within one (1) year after the delivery.

34.1-7-602. Judicial process against goods covered by negotiable document of title.

Unless a document of title was originally issued upon delivery of the goods by a person that did not have power to dispose of them, a lien does not attach by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless possession or control of the document is first surrendered to the bailee or the document's negotiation is enjoined. The bailee may not be compelled to deliver the goods pursuant to process until possession or control of the document is surrendered to the bailee or to the court. A purchaser of the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

34.1-7-603. Conflicting claims; interpleader.

If more than one (1) person claims title to or possession of the goods, the bailee is excused from delivery until the bailee has a reasonable time to ascertain the validity of the adverse claims or to commence an action for interpleader. The bailee may assert an interpleader either in defending an action for nondelivery of the goods or by original action.

PART 7. MISCELLANEOUS PROVISIONS

34.1-7-701. Effective date.

This revised article takes effect on July 1, 2015.

34.1-7-702. Repeals.

Former article 7, W.S. 34.1-7-101 through 34.1-7-603, and W.S. 34.1-10-104 are repealed.

34.1-7-703. Applicability.

This act applies to a document of title that is issued or a bailment that arises on or after the effective date of this act. This act does not apply to a document of title that is issued or a bailment that arises before the effective date of this act even if the document of title or bailment would be subject to this act if the document of title had been issued or bailment had arisen on or after the effective date of this act. This act does not apply to a right of action that has accrued before the effective date of this act.

34.1-7-704. Savings clause.

A document of title issued or a bailment that arises before the effective date of this act and the rights, obligations, and interests flowing from that document or bailment are governed by any statute or other rule amended or repealed by this act as if amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.

Section 5. W.S. 34.1-2-103(c), 34.1-2-104(b), 34.1-2-310(a)(iii), 34.1-2-323(b)(intro), 34.1-2-401(a)(iii)(A) and (B), 34.1-2-503(d)(ii) and (e)(ii), 34.1-2-505(a)(ii) and (b), 34.1-2-506(b), 34.1-2-509(b)(i) and (iii), 34.1-2-605(b), 34.1-2-705(b)(iii) and (c)(iii), 34.1-2.A-103(a)(i) and (xv), 34.1-2.A-514(b), 34.1-2.A-526(b)(iii), 34.1-4-104(c), 34.1-4-210(c)(intro) and (i), 34.1-8-103 by creating a new subsection (g), 34.1-9-102(b), 34.1-9-203(b)(iii)(D), 34.1-9-207(c)(intro), 34.1-9-208(b)(iv), (v) and by creating new paragraph (vi), 34.1-9-301(a)(iii)(intro), 34.1-9-310(b)(v) and (viii), 34.1-9-312(e), 34.1-9-313(a), 34.1-9-314(a) and (b), 34.1-9-317(b), 34.1-9-338(a)(ii) and 34.1-9-601(b) are amended to read:

34.1-2-103. Definitions and index of definitions.

(c) "Control" as provided in W.S. 34.1-7-106 and the following definitions in other articles apply to this article:

"Check".	W.S. 34.1-3-104.
"Consignee".	W.S. 34.1-7-102.
"Consignor".	W.S. 34.1-7-102.
"Consumer goods".	W.S. 34.1-9-102.
"Dishonor".	W.S. 34.1-3-502.
"Draft".	W.S. 34.1-3-104.

34.1-2-104. Definitions: "Merchant"; "between merchants"; "financing agency".

(b) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's draft or making advances against it or by merely taking it for collection whether or not documents of title accompany or are associated with the draft. "Financing agency" includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (section 34.1-2-707).

34.1-2-310. Open time for payment or running of credit; authority to ship under reservation.

(a) Unless otherwise agreed:

(iii) If delivery is authorized and made by way of documents of title otherwise than by subdivision (ii) then payment is due regardless of where the goods are to be received:

(A) At the time and place at which the buyer is to receive delivery of the tangible documents; or

(B) ~~regardless of where the goods are to be received~~ At the time the buyer is to receive delivery of the electronic documents and at the seller's place of business or if none, the seller's residence; and

34.1-2-323. Form of bill of lading required in overseas shipment; "overseas".

(b) Where in a case within subsection (a) a tangible bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set, otherwise only one (1) part of the bill of lading need be tendered. Even if the agreement expressly requires a full set:

34.1-2-401. Passing of title; reservation for security; limited application of this section.

(a) Each provision of this article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this article and matters concerning title become material the following rules apply:

(iii) Unless otherwise explicitly agreed where delivery is to be made without moving the goods:

(A) If the seller is to deliver a tangible document of title, title passes at the time when and the place where he delivers such documents and if the seller is to deliver an electronic document of title, title passes when the seller delivers the document; or

(B) If the goods are at the time of contracting already identified and no documents of title are to be delivered, title passes at the time and place of contracting.

34.1-2-503. Manner of seller's tender of delivery.

(d) Where goods are in the possession of a bailee and are to be delivered without being moved:

(ii) Tender to the buyer of a nonnegotiable document of title or of a ~~written direction to~~ record directing the bailee to deliver is sufficient tender unless the buyer seasonably objects, and except as otherwise provided in article 9 of this title receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the nonnegotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(e) Where the contract requires the seller to deliver documents:

(ii) Tender through customary banking channels is sufficient and dishonor of a draft accompanying or associated with the documents constitutes nonacceptance or rejection.

34.1-2-505. Seller's shipment under reservation.

(a) Where the seller has identified goods to the contract by or before shipment:

(ii) A nonnegotiable bill of lading to himself or his nominee reserves possession of the goods as security but except in a case of conditional delivery (section 34.1-2-507(b)) a nonnegotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession or control of the bill of lading.

(b) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document of title.

34.1-2-506. Rights of financing agency.

(b) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular. ~~on its face.~~

34.1-2-509. Risk of loss in the absence of breach.

(b) Where the goods are held by a bailee to be delivered without being moved,

the risk of loss passes to the buyer:

(i) On his receipt of possession or control of a negotiable document of title covering the goods; or

(iii) After his receipt of possession or control of a nonnegotiable document of title or other ~~written~~ direction to deliver in a record, as provided in section 34.1-2-503(d)(ii).

34.1-2-605. Waiver of buyer's objections by failure to particularize.

(b) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent ~~on the face of~~ in the documents.

34.1-2-705. Seller's stoppage of delivery in transit or otherwise.

(b) As against such buyer the seller may stop delivery until:

(iii) Such acknowledgment to the buyer by a carrier by reshipment or as ~~warehouseman~~ a warehouse; or

(c)(i) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods;

(iii) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of possession or control of the document;

34.1-2.A-103. Definitions and index of definitions.

(a) In this article unless the context otherwise requires:

(i) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes ~~receiving~~ acquiring goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt;

(xv) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes ~~receiving~~ acquiring goods or documents of title under a pre-existing lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt;

34.1-2.A-514. Waiver of lessee's objections.

(b) A lessee's failure to reserve rights when paying rent or other consideration against documents precludes recovery of the payment for defects apparent ~~on the face of~~ in the documents.

34.1-2.A-526. Lessor's stoppage of delivery in transit or otherwise.

(b) In pursuing its remedies under subsection (a), the lessor may stop delivery until:

(iii) Such an acknowledgment to the lessee by a carrier via reshipment or as ~~warehouseman~~ a warehouse.

34.1-4-104. Definitions and index of definitions.

(c) "Control" as provided in W.S. 34.1-7-106 and the following definitions in other articles apply to this article:

"Acceptance".	W.S. 34.1-3-409.
"Alteration".	W.S. 34.1-3-407.
"Cashier's check".	W.S. 34.1-3-104.
"Certificate of deposit".	W.S. 34.1-3-104.
"Certified check".	W.S. 34.1-3-409.
"Check".	W.S. 34.1-3-104.
"Good faith".	W.S. 34.1-3-103.
"Holder in due course".	W.S. 34.1-3-302.
"Instrument".	W.S. 34.1-3-104.
"Notice of dishonor".	W.S. 34.1-3-503.
"Order".	W.S. 34.1-3-103.
"Ordinary care".	W.S. 34.1-3-103.
"Person entitled to enforce".	W.S. 34.1-3-301.
"Presentment".	W.S. 34.1-3-501.
"Promise".	W.S. 34.1-3-103.
"Registered clearing corporation".	W.S. 34.1-8-102.
"Prove".	W.S. 34.1-3-103.
"Teller's check".	W.S. 34.1-3-104.
"Unauthorized signature".	W.S. 34.1-3-403.

34.1-4-210. Security interest of collecting bank in items accompanying documents and proceeds.

(c) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. So long as the bank does not receive final settlement for the item or give up possession of the item or possession or control of the accompanying documents for purposes other than collection, the security interest continues to that extent and is subject to article 9, but:

(i) No security agreement is necessary to make the security interest enforceable (section ~~34.1-9-203(b)(iii)(A)~~ 34.1-9-203);

34.1-8-103. Rules for determining whether certain obligations and interests are securities or financial assets.

(g) A document of title is not a financial asset unless section 34.1-8-102(a)(ix)(C) applies.

34.1-9-102. Definitions and index of definitions.

(b) "Control" as provided in section 34.1-7-106 and the following definitions in other articles apply to this article:

"Applicant".	Section 34.1-5-102.
"Beneficiary".	Section 34.1-5-102.
"Broker".	Section 34.1-8-102.
"Certificated security".	Section 34.1-8-102.
"Check".	Section 34.1-3-104.
"Clearing corporation".	Section 34.1-8-102.
"Contract for sale".	Section 34.1-2-106.
"Customer".	Section 34.1-4-104.
"Entitlement holder".	Section 34.1-8-102.
"Financial asset".	Section 34.1-8-102.
"Holder in due course".	Section 34.1-3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right).	Section 34.1-5-102.
"Issuer" (with respect to a security).	Section 34.1-8-201.
"Issuer" (with respect to documents of title).	Section 34.1-7-102.
"Lease".	Section 34.1-2.A-103.
"Lease agreement".	Section 34.1-2.A-103.
"Lease contract".	Section 34.1-2.A-103.
"Leasehold interest".	Section 34.1-2.A-103.
"Lessee".	Section 34.1-2.A-103.
"Lessee in ordinary course of business".	Section 34.1-2.A-103.
"Lessor".	Section 34.1-2.A-103.
"Lessor's residual interest".	Section 34.1-2.A-103.
"Letter of credit".	Section 34.1-5-102.
"Merchant".	Section 34.1-2-104.
"Negotiable instrument".	Section 34.1-3-104.
"Nominated person".	Section 34.1-5-102.
"Note".	Section 34.1-3-104.
"Proceeds of a letter of credit".	Section 34.1-5-114.
"Prove".	Section 34.1-3-103.
"Sale".	Section 34.1-2-106.
"Securities account".	Section 34.1-8-501.
"Securities intermediary".	Section 34.1-8-102.
"Security".	Section 34.1-8-102.
"Security certificate".	Section 34.1-8-102.

"Security entitlement".	Section 34.1-8-102.
"Uncertificated security".	Section 34.1-8-102.

34.1-9-203. Attachment and enforceability of security interest; proceeds; supporting obligations; formal requisites.

(b) Except as otherwise provided in subsections (c) through (j), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(iii) One (1) of the following conditions is met:

(D) The collateral is deposit accounts, electronic chattel paper, investment property, ~~or~~ letter-of-credit rights, or electronic documents and the secured party has control under section 34.1-7-106, 34.1-9-104, 34.1-9-105, 34.1-9-106 or 34.1-9-107 pursuant to the debtor's security agreement.

34.1-9-207. Rights and duties of secured party having possession or control of collateral.

(c) Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under section 34.1-7-106, 34.1-9-104, 34.1-9-105, 34.1-9-106 or 34.1-9-107:

34.1-9-208. Additional duties of secured party having control of collateral.

(b) Within ten (10) days after receiving an authenticated demand by the debtor:

(iv) A secured party having control of investment property under section 34.1-8-106(d)(ii) or 34.1-9-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained an authenticated record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party; ~~and~~

(v) A secured party having control of a letter-of-credit right under section 34.1-9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party;~~.~~ and

(vi) A secured party having control of an electronic document shall:

(A) Give control of the electronic document to the debtor or its designated custodian;

(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with

instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.

34.1-9-301. Law governing perfection and priority of security interests.

(a) Except as otherwise provided in sections 34.1-9-303 through 34.1-9-306, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(iii) Except as otherwise provided in paragraph (iv), while tangible negotiable documents, goods, instruments, money or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

34.1-9-310. When filing required to perfect security interest or agricultural lien; security interests and agricultural liens to which filing provisions do not apply.

(b) The filing of a financing statement is not necessary to perfect a security interest:

(v) In certificated securities, documents, goods or instruments which is perfected without filing, control or possession under section 34.1-9-312(e), (f) or (g);

(viii) In deposit accounts, electronic chattel paper, electronic documents, investment property or letter-of-credit rights which is perfected by control under section 34.1-9-314;

34.1-9-312. Perfection of security interests in chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights and money; perfection by permissive filing; temporary perfection without filing or transfer of possession.

(e) A security interest in certificated securities, negotiable documents or instruments is perfected without filing or the taking of possession or control for a period of twenty (20) days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

34.1-9-313. When possession by or delivery to secured party perfects security interest without filing.

(a) Except as otherwise provided in subsection (b), a secured party may perfect a security interest in tangible negotiable documents, goods, instruments, money or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under section 34.1-8-301.

34.1-9-314. Perfection by control.

(a) A security interest in investment property, deposit accounts, letter-of-credit rights, ~~or~~ electronic chattel paper or electronic documents may be perfected by control of the collateral under section 34.1-7-106, 34.1-9-104, 34.1-9-105, 34.1-9-106 or 34.1-9-107.

(b) A security interest in deposit accounts, electronic chattel paper, ~~or~~ letter-of-credit rights or electronic documents is perfected by control under section 34.1-7-106, 34.1-9-104, 34.1-9-105 or 34.1-9-107 when the secured party obtains control and remains perfected by control only while the secured party retains control.

34.1-9-317. Interests that take priority over or take free of security interest or agricultural lien.

(b) Except as otherwise provided in subsection (e), a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

34.1-9-338. Priority of security interest or agricultural lien perfected by filed financing statement providing certain incorrect information.

(a) If a security interest or agricultural lien is perfected by a filed financing statement providing information described in section 34.1-9-516(b)(v) which is incorrect at the time the financing statement is filed:

(ii) A purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and, in the case of tangible chattel paper, tangible documents, goods, instruments or a security certificate, receives delivery of the collateral.

34.1-9-601. Rights after default; judicial enforcement; consignor or buyer of accounts, chattel paper, payment intangibles or promissory notes.

(b) A secured party in possession of collateral or control of collateral under section 34.1-7-106, 34.1-9-104, 34.1-9-105, 34.1-9-106 or 34.1-9-107 has the rights and duties provided in section 34.1-9-207.

Section 6. W.S. 34.1-10-104 is repealed.

Section 7. The legislature requests that Wyoming's Uniform Commercial Code, title 34.1 of the Wyoming statutes, be published with current Uniform Law Commission official comments as necessary to reflect revisions made to Wyoming's Uniform Commercial Code.

Section 8. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 125

NONCONSENSUAL TOWING SERVICES

Original House Bill No. 106

AN ACT relating to towing companies; authorizing the department of transportation to administer a rotation list for nonconsensual towing vehicle recovery as specified; specifying rotation list rule requirements; specifying burden of proof for fees; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 31-5-1701 is created to read:

ARTICLE 17
NONCONSENSUAL TOWING SERVICES

31-5-1701. Towing companies; rotation list.

(a) The department shall provide by rule and regulation for the safe and efficient removal of vehicles from the highways when the owner or operator of the vehicle is unable to actively assist in the vehicle's removal.

(b) Rules adopted by the department pursuant to this section shall include:

(i) A voluntary rotation list for tow truck and recovery carriers to be called by law enforcement officials when vehicle towing or recovery is required. The department may identify different categories of towing and recovery and maintain a list for each category;

(ii) Basic standards for law enforcement officials and the tow truck and recovery carriers to follow when a rotational call is made to clear or remove vehicles from the highways;

(iii) Procedures for tow truck and recovery carriers who wish to be placed on the rotational call list;

(iv) Minimum equipment standards for tow truck and recovery standards to be placed on the rotational list;

(v) Inspections of carriers as necessary to enforce equipment and licensing requirements;

(vi) Identification of geographical areas for the operation of a rotation list in that area;

(vii) Provision for reprimand or suspension from the rotation list for a period of up to one (1) year or removal from the rotation list for a period in excess of one (1) year as determined by the director of the department, for carriers that violate the criteria to be on the rotation list;

(viii) An appeals process in accordance with the Wyoming Administrative Procedure Act for carriers who dispute any suspension or removal from the rotation list;

(ix) A requirement that a tow truck or recovery carrier file a summary rate disclosure document which states typical fees for commonly used towing and recovery procedures, including but not limited to such items as daytime and nighttime call rates, hook-up fees, winch fees, labor costs, mileage charges and vehicle storage charges. In any action where the fee charged by a towing company is in issue, the burden of proof to show that the fee is fair and reasonable shall be upon the towing company.

Section 2. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 126

PROPERTY TAX EXEMPTION FOR RELIGIOUS EDUCATION CAMPS

Original House Bill No. 62

AN ACT relating to property tax exemptions; exempting religious education camps from property taxation; and providing for an effective date.

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

Section 1. W.S. 39-11-105(a)(vii) is amended to read:

39-11-105. Exemptions.

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

(vii) Real property used:

(A) Exclusively for religious worship, church schools and church parsonages; or

(B) For religious education camps which are used exclusively for religious educational training, associated fellowship activities or worship and are not used for private profit nor for commercial purposes.

Section 2. This act is effective January 1, 2016.

Approved March 4, 2015.

Chapter 127

UNCLAIMED PROPERTY-MERCHANT STORED VALUE CARDS

Original House Bill No. 42

AN ACT relating to unclaimed property; amending language to include merchant stored value cards; providing definitions; extending the period for abandonment of gift certificates, merchant stored value cards and credit memos; providing an exemption; repealing related provisions; and providing for an effective date.

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

Section 1. W.S. 34-24-102(a)(x)(B), by creating a new paragraph (xviii) and by renumbering (xviii) as (xix) and 34-24-114(a), (b), (c)(intro), (i), (iii), (iv) and by creating new subsections (e) and (f) are amended to read:

34-24-102. Definitions.

(a) As used in this act:

(x) "Intangible property" includes:

(B) Credit balances, customer overpayments, gift certificates, merchant stored value cards, security deposits, refunds, credit memos, unpaid wages, unused airline tickets and unidentified remittances except balances represented on debit cards;

(xviii) "Merchant stored value card" means an electronic promise that is:

(A) Redeemable at a single merchant or an affiliated group of merchants that share the same name, mark or logo;

(B) Issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the owner of the card;

(C) Purchased on a prepaid basis in exchange for payment;

(D) Upon presentation, honored by a single merchant or affiliated group of merchants for goods or services; and

(E) Not:

(I) Distributed under an awards, rewards, loyalty, incentive, rebate or promotional program; or

(II) Sold below face value or donated to an employee, nonprofit organization or an education institution for fund raising.

~~(xviii)~~(xix) "This act" means W.S. 34-24-101 through 34-24-140.

34-24-114. Gift certificates, merchant stored value cards and credit memos.

(a) Except as provided by subsection (e) of this section, a gift certificate, merchant stored value card or a credit memo ~~in an amount~~ is deemed abandoned if the balance remaining is greater than one hundred dollars ($100.00) ~~that~~ and it remains unredeemed for more than ~~three (3) years after issuance is deemed abandoned~~ five (5) years after the later of its issuance date or the last activity by its owner, including partial use, or in the case of a merchant stored value card, an increase in the card balance purchased by the owner.

(b) In the case of a gift certificate or merchant stored value card, the amount deemed abandoned is the ~~price paid for the certificate itself~~ balance on the gift certificate or merchant stored value card as of the day of abandonment. In the case of a credit memo, the amount deemed abandoned is the amount credited as shown on the memo itself.

(c) The amount of a gift certificate, merchant stored value card or credit memo deemed abandoned is subject to the custody of this state in the following circumstances:

(i) The records of the issuer show that the last known address of the purchaser of the certificate, merchant stored value card or recipient of the memo is in this state;

(iii) The records of the issuer do not show the address of the purchaser or of the recipient and ~~do not show the state where the certificate or memo was issued, but~~ the issuer is a domiciliary of this state; or

(iv) The records of the issuer show that the address of the purchaser or recipient~~, or if none, the state where the certificate or memo was issued,~~ is in or is a state whose escheat or unclaimed property law does not provide for the escheat or custodial taking of gift certificates, merchant stored value cards and credit memos, and the issuer is a domiciliary of this state.

(e) A gift certificate or merchant stored value card which has no expiration date and does not impose a fee of any kind in relation to the sale, redemption or replacement of the certificate or card, other than an initial charge not exceeding the face value of the certificate or card, is exempt from the requirements of this section.

(f) This section is repealed effective July 1, 2019.

Section 2. W.S. 34-24-114(c)(ii) and (d) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 128

WYOMING LOTTERY DISTRIBUTIONS

Original House Bill No. 81

AN ACT relating to the Wyoming lottery; extending dates for distribution of lottery proceeds as specified; and providing for an effective date.

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

Section 1. W.S. 9-17-111(b)(intro) and (c) is amended to read:

9-17-111. Disposition of lottery proceeds.

(b) On or before the fifteenth day of each quarter, the corporation shall transfer to the treasurer's office, for credit to the lottery account which is hereby created, the amount of all net proceeds minus prizes and amounts earned pursuant to subsection (a) of this section during the preceding quarter. Upon their deposit into the account, any monies representing a deposit of net proceeds

shall then become the unencumbered property of the state of Wyoming and the corporation shall have no power to agree or undertake otherwise. Until June 30, ~~2019~~ 2022, the first six million dollars ($6,000,000.00) in each fiscal year of these monies shall be paid by the treasurer as they accrue to the treasurers of the counties, cities and towns for payment into their respective general funds. The percentage of the balance that will be distributed to each county and its cities and towns will be determined by computing the percentage that net sales taxes collected attributable to vendors as defined in W.S. 39-15-101(a)(xv) in each county including its cities and towns bear to total net sales taxes collected of vendors as defined in W.S. 39-15-101(a)(xv) in all counties including their cities and towns. This percentage of the monies shall be distributed within each county as follows:

(c) Until June 30, ~~2019~~ 2022, after six million dollars ($6,000,000.00) is distributed in each fiscal year as provided in subsection (b) of this section, any remaining monies deposited to the lottery account which are attributable to that fiscal year shall be paid by the treasurer to common school account within the permanent land fund.

Section 2. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 129

TERMINATION OF EMPLOYMENT-WAGES

Original House Bill No. 127

AN ACT relating to payment of wages; providing that wages due an employee who quits shall be paid as scheduled for regular payroll; and providing for an effective date.

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

Section 1. W.S. 27-4-104(a) is amended to read:

27-4-104. Payment of employee quitting or discharged and suit for wages; generally.

(a) Whenever an employee quits ~~the~~ service or is discharged, the employee shall be paid whatever wages are due him in lawful money of the United States of America, or by check or draft which can be cashed at a bank, ~~within five (5) working days of the date of termination of employment.~~ no later than the employer's usual practice on regularly scheduled payroll dates. The employer may offset from any monies due the employee as wages, any sums due the employer from the employee which have been incurred by the employee during his employment. This section does not apply to the earnings of a sales agent employed on a commission basis and having custody of accounts, money or goods of his principal where the net amount due the agent may not be determinable except

after an audit or verification of sales, accounts, funds or stocks.

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

Approved March 4, 2015.

Chapter 130

COMPLIMENTARY HUNTING LICENSES-PERSONS WITH DISABILITIES

Original House Bill No. 154

AN ACT relating to game and fish; providing for recoupment of fees for reduced price licenses for individuals with disabilities as specified; and providing for an effective date.

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

Section 1. W.S. 23-1-504(a)(iv) and 23-1-705(h) are amended to read:

23-1-504. Free and reduced price license revenue recoupment program.

(a) Not later than July 31, 2007, and not later than July 31 of each subsequent year thereafter, the chief fiscal officer of the game and fish department shall prepare and certify a report of licenses sold or issued in the previous calendar year under the following statutes:

(iv) W.S. 23-1-705(a), (d), ~~and~~ (e) and (h); and

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

(h) In addition the commission may, upon receipt of payment of ~~antelope license fees,~~ fees at a cost equal to the resident antelope license fee specified under W.S. 23-2-101(j)(xxx), issue up to a total of fifty (50) antelope licenses each year for the exclusive distribution by nonprofit organizations dedicated to providing hunting opportunities to individuals with disabilities for use by those individuals for hunting opportunities.

Section 2. This act is effective January 1, 2016.

Approved March 4, 2015.

Chapter 131

REVISOR'S BILL

Original House Bill No. 205

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; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 16-3-103(j)(ii), 16-4-102(a)(xx), 16-4-203(f), 16-10-107(c), 18-3-516(b)(i), 21-3-111(a)(xx) and (xxi), 21-13-310(a)(xiv) and (xv), 21-16-1304(h)(v), 21-16-1305(e)(v), 21-20-108(a)(ix), 33-28-302(h)(ii), 34.1-2.A-103(a)(xv), 35-8-314(a) and 39-14-801(e)(v)(B) are amended to read:

16-3-103. Adoption, amendment and repeal of rules; notice; hearing; emergency rules; proceedings to contest; review and approval by governor.

(j) Each state agency shall adopt as much of the uniform rules promulgated pursuant to the following provisions as is consistent with the specific and distinct requirements of the agency and state or federal law governing or applicable to the agency:

(ii) W.S. ~~16-3-204(e)~~ 16-4-204(e).

16-4-102. Definitions.

(a) As used in this act:

(xx) "This act" means W.S. 16-4-101 through ~~16-4-124~~ 16-4-125.

16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.

(f) Any person denied the right to inspect any record covered by this act may apply to the district court of the district wherein the record is found for ~~any~~ an order directing the custodian of the record to show cause why he should not permit the inspection of the record.

16-10-107. Surface water drainage utility board.

(c) All meetings, records and accounts of the surface water drainage utility board shall be managed and conducted in accordance with the Public Records Act, W.S. 16-4-201 through 16-4-205, the Uniform Municipal Fiscal Procedures Act, W.S. 16-4-101 through ~~16-4-124~~ 16-4-125, and the Public Meetings Act, W.S. 16-4-401 through 16-4-408. The salaries, if any, of the members of the surface water drainage utility board shall be fixed by the board of county commissioners and by the city or town council, as applicable.

18-3-516. Publication of proceedings; publication of names, salaries and wages of certain officials and employees.

(b) Each board of county commissioners shall post on the county's official website in the manner provided in subsection (f) of this section and publish separate from the minutes of the proceedings:

(i) Within sixty (60) days after the end of each fiscal year, the name, position and gross monthly salary of each full-time employee and each elected official. A brief statement shall accompany the salary publication specifying

that all salaries are listed as gross monthly salaries or actual monthly wages, not including any fringe benefits such as health insurance costs, life insurance benefits and pension plans. The statement shall also indicate that the salaries or wages do not include any overtime that the employee may earn which would be paid by the county.~~, and~~

21-3-111. Powers of boards of trustees.

(a) The board of trustees in each school district within the state may:

(xx) Enter into school building construction and renovation project agreements with the ~~school facilities commission~~ department as authorized under W.S. ~~21-15-114(a)(viii)~~ 21-15-123(f)(v);

(xxi) Request the fingerprints of any employee initially hired by a school district on or after July 1, 1996, who may have access to minors in the course of the employee's employment, as provided by W.S. 7-19-106(a)(xxvi) and ~~7-19-210(a)(iii)~~ 7-19-201(a)(iii). The school district shall pay for the costs associated with the request.

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

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

(xiv) Except as provided under W.S. ~~21-15-114(a)(x)~~ 21-15-123(f)(vi), any amount received by the district during the preceding school year from the sale of real or personal property which was not owned by the district prior to July 1, 1997;

(xv) All other revenues received or collected by the district during the previous school year, but excluding any amount received from private contributions and gifts, excluding any revenues dedicated by law to the payment of bonded indebtedness, and any revenues from the disposition of school buildings and land pursuant to W.S. ~~21-15-114(a)(x)~~ 21-15-123(f)(vi), and excluding fees or other charges imposed by the district for goods or services, such as rental fees and the price paid for admission into any place for recreation, entertainment or an athletic event. Upon application of a district, the department shall exclude from this paragraph revenue received by the district if the department finds that the revenue could not be used by the district to provide educational services to students.

21-16-1304. Hathaway opportunity, performance and honor scholarships.

(h) Notwithstanding subparagraphs (a)(i)(B), (ii)(B) and (iii)(B) of this section, the applicable scholarship amount awarded to any eligible student may be available to that student, upon election, for enrollment in up to six (6) semester hours during any summer academic term or other academic term offered by an eligible institution outside of the regular fall or spring semester, subject to the following:

(v) The student's hours of enrollment under this subsection shall be used to determine the state's obligation to reimburse the eligible institution for the student's scholarship as applied under this subsection, subject to W.S. ~~21-16-308(a)(v)~~ 21-16-1308(a)(v) and rules and regulations of the department.

21-16-1305. Hathaway provisional opportunity scholarships.

(e) Notwithstanding subparagraph (a)(i)(B) of this section, the scholarship amount awarded to any eligible student may be available to that student, upon election, for enrollment in up to six (6) semester hours during any summer academic term or other academic term offered by an eligible institution outside of the regular fall or spring semester, subject to the following:

(v) The student's hours of enrollment under this subsection shall be used to determine the state's obligation to reimburse the eligible institution for the student's scholarship as applied under this subsection, subject to W.S. ~~21-16-308(a)(v)~~ 21-16-1308(a)(v) and rules and regulations of the department.

21-20-108. Powers and duties of board of cooperative educational services; property; contracts; gifts, grants, bequests or devises; employment and discharge of personnel; expenses; bonding of employees.

(a) Each board of trustees of cooperative educational services may:

(ix) Provide insurance under the state employees' and officials' group insurance plan pursuant to W.S. 9-3-201(e), for board employees meeting the definition of employee under W.S. 9-3-203(a)(iv), as provided by W.S. 9-3-202 through 9-3-218. Each participating board of cooperative educational services shall report to the department of administration and information as specified by W.S. ~~9-3-205(e)~~ 9-3-201(e) and make payments for employer and employee contributions as provided by W.S. 9-3-210 and 9-3-211. The amount of contributions paid under W.S. 9-3-211 for each employee electing coverage shall be deducted from the employee's monthly salary in accordance with W.S. 9-3-211. Nothing in this paragraph shall be construed to limit the board's authority to provide insurance for its employees as otherwise provided by law.

33-28-302. Relationships between licensees and the public.

(h) If a real estate 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 licensee. For an in-house real estate transaction, the designated licensee shall be:

(ii) An associate broker; ~~or~~

34.1-2.A-103. Definitions and index of definitions.

(a) In this article unless the context otherwise requires:

(xv) "Lessee in the ordinary course of business" means a person who in good faith and without knowledge that the lease to him is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt;

35-8-314. Administration of finances; assessment and levy of taxes.

(a) The board of trustees of special cemetery districts shall administer the finances of such districts according to the provisions of the Uniform Municipal Fiscal Procedures Act, W.S. 16-4-101 through ~~16-4-124~~ 16-4-125, and file a report as provided by W.S. 9-1-507. The assessor shall at the time of making the annual assessment of his district also assess the property of each special cemetery district in his county and return to the county assessor at the time of returning the assessment schedules, separate schedules listing the property of each such district assessed by him. The separate schedules shall be compiled by the county assessor, footed and returned to the board of county commissioners as provided for other assessment schedules.

39-14-801. Severance tax distributions; distribution account created; formula.

(e) Deposits into the account created by subsection (a) of this section shall be distributed as follows, subject to subsections (b) through (d) of this section:

(v) To counties, seventy-eight hundredths percent (0.78%), subject to the following formula:

(B) Fifty percent (50%) of the funds distributed under this ~~subsection~~ paragraph shall be distributed to the counties based upon the inverse of the assessed valuation of each county as computed under subparagraph (vii)(C) of this subsection.

Section 2. 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 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 4, 2015.

Chapter 132

LARGE PROJECT FUNDING

Original Senate File No. 44

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 2015; 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. 9-15-1001 through 9-15-1005 are created to read:

ARTICLE 10
2015 LARGE PROJECT FUNDING

9-15-1001. Beaumee/Heward Ditch.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Beaumee/Heward Ditch:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Restoration of meadows and irrigation systems on nine hundred (900) acres in Carbon county in order to:

(A) Enhance habitat and key winter ranges for elk, deer and moose;

(B) Stabilize habitat and return water flows on approximately seven (7) miles of Wagonhound Creek; and

(C) Maintain or increase forage quantity and quality in an area of high importance to big game species.

(iii) Project description: Water development;

(iv) Total project budget: One million four hundred thirty-three thousand five hundred dollars ($1,433,500.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant four hundred thousand dollars ($400,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the

board four hundred 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, 2018.

9-15-1002. Neonatal Mule Deer II.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Neonatal Mule Deer II:

(i) Project sponsor: University of Wyoming;

(ii) Project purpose: Research reproduction and recruitment of juvenile mule deer in the Wyoming range in order to:

(A) Determine the causes of loss or lack of retention of neonatal and juvenile deer;

(B) Focus funding and action on habitat enhancement and management of mule deer that will directly address causal factors to loss or lack of retention of juvenile deer.

(iii) Project description: Applied research and habitat assessment;

(iv) Total project budget: Four hundred eighty-nine thousand four hundred sixty-one dollars ($489,461.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred seventy-nine thousand dollars ($279,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board one hundred thirty-one thousand dollars ($131,000.00) 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, 2018.

9-15-1003. Bolton Creek III.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Bolton Creek III:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: Watershed stabilization and sediment reduction on a highly erodible landscape with drainage into the North Platte River south of Casper, Wyoming in order to:

(A) Provide habitat for beaver and other aquatic species;

(B) Reduce sediment loading into a high-quality wild trout fishery of

importance to the state;

(C) Maintain late-season brooding areas for Greater Sage Grouse in a core population area.

(iii) Project description: Habitat enhancement;

(iv) Total project budget: Eight hundred fifty-five thousand six hundred forty-seven dollars ($855,647.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred forty-two thousand five hundred dollars ($242,500.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board eighty-six thousand five hundred dollars ($86,500.00) 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, 2018.

9-15-1004. Little Snake River Fisheries.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Little Snake River Fisheries:

(i) Project sponsor: Little Snake River Conservation District;

(ii) Project purpose: River stabilization, wetland creation, irrigation efficiency and fish passage on a highly valued fishery near Baggs, Wyoming in order to:

(A) Provide habitat for terrestrial and aquatic species;

(B) Reduce flooding and sediment deposition in areas where flooding is a high risk;

(C) Increase effective delivery of irrigation water while allowing fish migrational access to the full length of the river channel.

(iii) Project description: River restoration;

(iv) Total project budget: One million eight hundred seventy-nine thousand one hundred five dollars ($1,879,105.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor six hundred eleven thousand eight hundred thirty-two dollars ($611,832.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board six hundred eleven thousand eight hundred thirty-two dollars ($611,832.00) or as much thereof as is necessary to carry out the purpose of

this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2018.

9-15-1005. Little Laramie Conservation Easement.

(a) Authorization is granted for funding of the following large project as provided in this section.

(b) Project: Little Laramie Conservation Easement:

(i) Project sponsor: Rocky Mountain Elk Foundation;

(ii) Project purpose: Permanent deed restriction by conservation easement in order to:

(A) Maintain agricultural production and opportunity on high quality farm and ranch lands in Albany County;

(B) Preclude loss of essential habitats for a wide variety of species including elk, deer, antelope, neotropical migrant songbirds, fish and amphibians; and

(C) Maintain effective stream function and water management on a major river in southeast Wyoming.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million six hundred fifty-three thousand dollars ($1,653,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor three hundred forty thousand dollars ($340,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred forty thousand dollars ($340,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to the income account on June 30, 2018.

Section 2. Each conservation easement for which funding is authorized under section 1 of this act shall bind the parties thereto to an agreement which provides that the state of Wyoming is a third party beneficiary to the easement solely with the contingent right to enforce the terms of the easement if the grantee fails to enforce any of the terms of the easement. The agreement shall provide that if the easement is transferred for value, sold or extinguished without the consent of the Wyoming wildlife and natural resource trust account board, the state of Wyoming shall have the right to either take legal action to enforce the terms of the easement or to recover from the proceeds of the transfer for value, sale or extinguishment, the state's pro rata share of the proceeds based on the funds the state provided for the creation of the easement.

Section 3. Before any distribution of funds is made pursuant to the appro-

priations authorized by section 1 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 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 4, 2015.

Chapter 133

WORKER'S COMPENSATION-COUNTY ELECTED OFFICIALS

Original Senate File No. 92

AN ACT relating to workers' compensation; authorizing workers' compensation coverage for all county officers; amending a definition; and providing for an effective date.

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

Section 1. W.S. 27-14-102(a)(vii)(N) is amended to read:

27-14-102. Definitions.

(a) As used in this act:

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

(N) An elected public official or an appointed member of any governmental board or commission, except for a duly elected or appointed ~~sheriff or~~ county ~~coroner~~ officer;

Section 2. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 134

CITY ENGINEERS-DUTY TO ESTIMATE PROJECT COST

Original Senate File No. 47

AN ACT relating to cities and towns; amending a city engineer's duty to provide cost estimates as specified; and providing for an effective date.

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

Section 1. W.S. 15-3-212 is amended to read:

15-3-212. Engineer; duties; other employees; outside work.

The city engineer shall keep records of all work done for the city and any other records the governing body requires. All such records are public records belonging to the city and shall be turned over to any successor to the office. ~~Before the governing body makes any contract for any work or improvement exceeding two hundred dollars ($200.00), the city engineer shall submit to the governing body an estimate of the cost thereof.~~ The city may employ other engineers or assistants for any work for the city either within or without the city limits. Any work done by the city engineer for the city, outside the limits thereof, shall be expressly provided by ordinance.

Section 2. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 135

PRESCRIPTION DRUG MONITORING PROGRAM-AMENDMENTS

Original Senate File No. 100

AN ACT relating to the controlled substances prescription tracking program; amending the timeframe for reporting prescriptions of controlled substances as specified; repealing the sunsetted pilot program; and providing for an effective date.

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

Section 1. W.S. 35-7-1060(b) and (c)(i) is amended to read:

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

(b) All prescriptions for schedule II, III and IV controlled substances dispensed by any retail pharmacy licensed by the board shall be filed with the board electronically or by other means required by the board no ~~more than seven (7) days after dispensed.~~ later than the close of business on the business day immediately following the day the controlled substance was dispensed. The board may require the filing of other prescriptions and may specify the manner in which the prescriptions are filed.

(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:

(i) The board may release information to practitioners and practitioner appointed delegates and to pharmacists and pharmacist appointed delegates when the release of the information may be of assistance in preventing or avoiding inappropriate use of controlled substances;

Section 2. W.S. 35-7-1061 and 35-7-1062 are repealed.

Section 3. This act is effective January 1, 2016.

Approved March 4, 2015.

Chapter 136

CONTROLLED SUBSTANCES

Original Senate File No. 16

AN ACT relating to the Wyoming Controlled Substances Act; adding specified controlled substances to Schedule I of the act; and providing for an effective date.

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

Section 1. W.S. 35-7-1014(d)(xlii) by creating new subparagraphs (T) through (W), by creating a new paragraph (lv), (f)(intro) and by creating new paragraphs (ix) through (xvi) is amended to read:

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

(d) Hallucinogenic substances. - Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(xlii) Synthetic cannabinoids as follows:

(T) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide; other names: AB–CHMINACA;

(U) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone; other names: THJ–2201;

(W) 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester; other names: BB-22.

(lv) 3,4-methylenedioxy-N-ethylcathinone; (other names: ethylone).

(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,~~ optical, positional, and geometric isomers, salts and salts of isomers:

(ix) 4-methyl-N-ethylcathinone; other names: 4-MEC; 2-(ethylamino)-1-(4-methylphenyl)propan-1-one;

(x) 4-methyl-alpha-pyrrolidinopropiophenone; other names: 4-MePPP; MePPP; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one;

(xi) Alpha-pyrrolidinopentiophenone; other names: alpha-PVP; alpha-pyrrolidinovalerophenone; 1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one;

(xii) Butylone; other names: bk-MBDB; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one;

(xiii) Pentedrone; other names: alpha-methylaminovalerophenone; 2-(methylamino)-1-phenylpentan-1-one;

(xiv) Pentylone; other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one;

(xv) Naphyrone; other names: naphthylpyrovalerone; 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one;

(xvi) Alpha-pyrrolidinobutiophenone; other names: alpha-PBP; 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.

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

Approved March 4, 2015.

Chapter 137

SELLING TO JUNK DEALERS-ID REQUIRED

Original Senate File No. 11

AN ACT relating to junk dealers; requiring photo identification or vehicle license plate number to be recorded by junk dealers as specified; providing an exception; and providing for an effective date.

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

Section 1. W.S. 33-18-102 is amended to read:

33-18-102. Records; book to be kept.

(a) Every person~~, firm or corporation~~ engaged in the junk business as defined in W.S. 33-18-101, shall keep a book~~,~~ or dedicated computer software program

in which all entries shall be written in a computer or in ink, in the English language and entered at the time of each and every ~~sale,~~ transaction and in which the following information is recorded:

(i) An accurate account and description~~, in the English language,~~ of all junk metal or rubber goods purchased or sold;~~, and~~

(ii) The name and residence of the person selling or buying the ~~same.~~ junk metal or rubber goods; and

(iii) If the person is selling junk metal or rubber goods:

(A) The license plate number of the person's vehicle, if applicable; or

(B) Verification of the person›s name and residence through presentation of the person's United States federal or state-issued photo identification.

(b) Compliance with paragraph (iii) of subsection (a) of this section is optional for common household and personal items of less than fifty dollars ($50.00) market value.

(c) No entry in such book or computer shall be erased, mutilated or changed.

Section 2. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 138

ELECTIONS-VOTE CENTERS AND ELECTRONIC POLLBOOKS

Original Senate File No. 52

AN ACT relating to elections; authorizing the use of electronic pollbooks; authorizing the use of vote centers; establishing a procedure for changing polling locations; providing definitions; making conforming amendments; repealing certification of pollbooks by election judges; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 22-1-102(a)(xxii) and by creating new paragraphs (xlvii) through (xlxi), 22-2-104(a), (b) and (e), 22-3-111(a), 22-3-112, 22-3-113, 22-6-104, 22-6-106, 22-6-122, 22-8-106, 22-8-108(a), (c) and (d), 22-9-115(b), 22-10-111, 22-11-102, 22-11-104(b)(i), (ii)(intro) and (c)(intro), 22-12-101, 22-12-107(a)(intro), 22-12-110(a)(intro), 22-13-118, 22-14-102, 22-14-105(a), (b) and (d), 22-14-111(a)(i) and by creating new paragraphs (viii) through (x), 22-15-109, 22-16-102(a), 22-16-103(c) by creating a new paragraph (viii), 22-21-108, 22-21-201(c), 22-22-102(a), 22-23-201(a), 22-23-804 and 22-23-805 are amended to read:

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used

in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

(xxii) "Pollbook" ~~is~~ means a book, or hardware, software or any combination thereof commonly referred to as an electronic pollbook, used in a ~~precinct~~ polling place on election day containing ~~oaths of election officials, tally sheets, the poll list, and other~~ information specified by law;

(xlvii) "Precinct" means an area with established boundaries within a political subdivision used for casting and counting votes;

(xlviii) "Polling place" means the physical location where voters cast their ballots on election day;

(xlix) "Vote center" means a polling place at which any registered elector in the political subdivision holding the election may vote, regardless of the precinct in which he resides, connected through secure internet connections to provide voting information to and receive voting information from the electronic pollbook maintained by the county clerk and used as an option to traditional polling places at the discretion of the county clerk;

(l) "Overvote" means a vote placed on a ballot question in excess of the allowable votes for that ballot question;

(li) "Undervote" means a vote that could have been made on a ballot question but which was not made on that ballot question.

22-2-104. Election dates.

(a) A general election shall be held ~~in~~ for all the precincts of this state on the Tuesday next following the first Monday in November of each even-numbered year.

(b) A primary election shall be held at the regular polling places ~~in~~ for each precinct on the first Tuesday after the third Monday in August in general election years for the nomination of candidates for partisan and nonpartisan offices to be filled at the succeeding general election and for the election of major party precinct committeemen and committeewomen.

(e) The election of members of the board of trustees of each school district and community college district shall be held ~~in~~ for each district on the first Tuesday after the first Monday in November in general election years.

22-3-111. Preparation and contents of pollbooks.

(a) The county clerk shall prepare the necessary pollbooks ~~for each precinct~~ for statewide and political subdivision elections held on the same date. The ~~precinct~~ pollbooks shall contain the poll lists.~~, the oaths of judges of election, certificate of ballots, and a tally sheet if ballots are hand counted. On the cover of the pollbook shall be printed the words "Pollbook", the election and date of the election, the voting district and precinct numbers.~~

22-3-112. Pollbook distribution; entering information.

Before the polls open, the county clerk shall distribute the ~~precinct~~ pollbooks to the judges of election in the respective ~~precincts~~ polling places. The judges of election shall enter in pollbooks all information required by law.

22-3-113. Disposition of pollbooks after polls close.

(a) After the polls are closed, ~~and the~~ judges of the election shall make printed pollbooks ~~are made to~~ agree~~, the judges of election in each precinct~~ and shall return one (1) pollbook ~~containing one (1) copy of each of the poll lists~~ to the county clerk.~~, together with the election returns, and retain one (1) copy of each poll list in their possession. Judges of election may discard poll lists in their possession two (2) years after the election to which the poll lists pertain or in the event of litigation, at the conclusion of the litigation, whichever date is later.~~

(b) When electronic pollbooks are used, they shall be returned to the county clerk.

22-6-104. Sample ballots; printing, distribution, posting.

The officer providing the official ballot shall also print sample ballots which shall be identical to the official ballot except that it shall contain the words "SAMPLE" in large clear letters and may be printed on paper of a different color than the official ballot. The officer shall distribute copies of the sample ballot to each ~~precinct~~ polling place prior to opening of the polls. The judges of election shall post at least one (1) copy of the sample in the polling place during the election. The county clerk shall have the samples available in his office for the public.

22-6-106. Replacement of lost ballots.

Official ballots not delivered to a ~~precinct~~ polling place or lost, stolen or destroyed shall be replaced immediately by the official providing the ballot. Judges of election receiving replacement ballots shall sign a receipt therefor in which they shall state under oath, before each other, that the original ballots were not delivered to the precinct or have been lost, stolen or destroyed.

22-6-122. Rotation of candidates' names; equal lines on voting machines.

The names of candidates for each office shall be rotated on all ballots by precinct for all elections. In each county the name of each candidate shall appear substantially an equal number of times at the top, at the bottom, and in each intermediate place. In a voting machine ~~precinct~~ polling place, if candidates for the same office occupy more than one (1) line on the voting machine, the number of names appearing on each line shall be as nearly equal as possible.

22-8-106. Number of judges in each polling place.

At least three (3) judges shall be appointed for each ~~precinct~~ polling place. Additional judges may be appointed in a ~~precinct~~ polling place as determined

necessary by the county clerk.

22-8-108. Appointment, composition and authority of counting boards; when judges to count.

(a) The county clerk shall appoint a counting board for each paper ballot ~~precinct~~ polling place casting more than three hundred (300) votes at the last general election, and may appoint a counting board in such a ~~precinct~~ polling place in which one hundred fifty (150) or more such votes were cast at such election. A counting board shall have three (3) members or more to facilitate the counting of votes. No more than one (1) person under the age of eighteen (18) may be appointed as to each counting board.

(c) The counting board in a paper ballot ~~precinct~~ polling place has no authority to act until polls are declared closed. A counting board in an electronic voting system counting center may commence preparing absentee ballots for counting at any time on the day of the election.

(d) For a ~~precinct~~ polling place where a counting board need not be appointed, the judges of election shall count the votes.

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

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

22-10-111. Delivery and return; expenses.

The county clerk shall provide for the delivery of voting machines to the ~~precincts~~ polling places at least one (1) hour before the polls open and their return to custody after the election. The expense of transporting the machines shall be paid by the authority or proportionately by the authorities conducting the election.

22-11-102. Use authorized; purchase or lease.

The board of county commissioners of each county may adopt for use, either experimentally or permanently, in any election in any or all ~~precincts~~ polling places within the county, any electronic voting system authorized by law.

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

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

(i) Determine whether paper ballots, ballot cards or a combination of both will be used in each ~~precinct~~ polling place;

(ii) Before the day of election deliver to each ~~precinct~~ polling place using an electronic voting system:

(c) In addition to any other duties prescribed by law, election judges in ~~precincts~~ polling places using an electronic voting system shall:

22-12-101. Designation and notice of polling places; external location; change in location.

(a) Polling places shall be designated by the county clerk, who shall publish their location at least once in a newspaper of general circulation in the county within two (2) weeks prior to a statewide election. Polling places may be located outside of the precinct if the board of county commissioners determines and records in its minutes the reasons that it is required by the public convenience.

(b) A polling place designated pursuant to subsection (a) of this section and used in the 2014 general election shall be not be changed unless a notice describing the proposed change is posted on the county's official website in the manner provided in W.S. 18-3-516(f) and published once a week for two (2) consecutive weeks in the designated official newspaper of the county. The notice shall include the date and place of the county commissioners' meeting where the proposed change will be discussed. The county clerk shall notify the county chairman of each political party in the county not later than fifteen (15) days before the meeting. A proposed change in the location of a polling place may be adopted by the county clerk at a meeting of the county commissioners during which the proposed change is discussed.

22-12-107. Materials for judges.

(a) Before election day the county clerk shall cause to be delivered to one (1) of the judges of election in each ~~precinct~~ polling place the following materials:

22-12-110. Supplies for voting machines.

(a) When voting machines are used the county clerk shall have an appropriate official deliver to a judge of election in each ~~precinct~~ polling place, before the day of election, the following supplies:

22-13-118. Judges work schedule.

At the discretion of the county clerk, election judges may be allowed to work at the polling ~~premise~~ place on election day for a period of time less than the total amount of time the polls are open provided the polling ~~station~~ place has a sufficient number of election judges on duty at all times to comply with the requirements of this title. An election judge shall not leave his polling ~~station~~ place during his work shift.

22-14-102. Who may be present after polls close; making pollbooks agree; counting votes.

After all the votes are cast and the polls are officially declared closed, only election judges shall be permitted in a polling place. When all ballots are cast, the

machine shall be locked against further voting and sealed as prescribed by law. ~~Pollbooks within a precinct shall first be made to agree before any votes are counted. When the pollbooks agree,~~ Election judges shall commence to count votes and shall continue without adjournment until counting is completed.

22-14-105. Vote tallying in voting machine polling places.

(a) In voting machine ~~precincts~~ polling places, the judges of election shall cast all remaining absentee ballots on a voting machine in the manner prescribed by W.S. 22-9-121 and shall lock and seal the voting machines. They shall certify in writing that the machine was locked and sealed, stating the time, the number of voters voting on each machine ~~in the precinct~~ as shown on the public counters, the number on the seal, and the number registered on the protective counter.

(b) Election judges shall then determine the number of votes cast on each voting machine used in the ~~precinct~~ polling place by opening the machine or obtaining a photographic or mechanical printed return sheet from the machine.

(d) In machine ~~precincts~~ polling places, write-in votes shall be counted and the results tallied by the election judges or counting board after the regular ballots are counted.

22-14-111. Returning records and returns to clerk.

(a) As soon as possible after the tabulation of votes is complete, election judges shall return by messenger to the clerk who prepared the ballots for the election the following records and returns in a sealed packet:

(i) One (1) ~~copy of the sealed pollbook with one (1)~~ sealed copy from each electronic voting system printer pack;

(viii) Oaths of judges of election;

(ix) Reconciliation of ballots;

(x) Tally sheet if ballots are hand counted.

22-15-109. Poll watchers; certification; qualification; authority; removal.

(a) The county chairman of each political party may certify poll watchers prior to the day of the election to serve in each ~~precinct~~ polling place. Not more than one (1) poll watcher from each political party may serve simultaneously unless the chief judge determines that one (1) additional poll watcher from each political party may be accommodated in the polling ~~premises~~ place without disrupting the polling process.

(b) A poll watcher shall belong to the political party he represents and shall be a registered elector residing in the county. A poll watcher shall serve only at the ~~precinct~~ polling place designated on the certificate. A poll watcher is authorized to observe voter turn out and registration and may make written

memoranda but shall not challenge voters, conduct electioneering activities or disrupt the polling process.

(c) The chief judge may remove a poll watcher from the polling ~~premises~~ place for disturbing the polling place, or for any other violation of the Election Code.

22-16-102. Abstract of vote; returns not filed.

(a) The county clerk shall prepare an abstract of the vote of all precincts in the county following a county primary, special or general election. The abstract shall contain all items required in W.S. 22-16-103(c)(viii).

22-16-103. County canvass procedures.

(c) The county canvassing board shall:

(viii) Ensure abstracts contain the following information:

(A) For primary elections, the total ballots cast by party, including unaffiliated votes;

(B) The number of electors voting in person and by absentee ballot by precinct at the election;

(C) The full name of each of the following receiving votes:

(I) Candidates printed on the ballot;

(II) Valid write-in candidates; and

(III) Nominated or elected write-in candidates.

(D) The offices receiving votes;

(E) The number of votes cast for each of the following receiving votes:

(I) Candidates printed on the ballot;

(II) Valid write-in candidates;

(III) Nominated or elected write-in candidates;

(IV) The number of overvotes; and

(V) The number of undervotes.

(F) The official designation or number of each ballot proposition and the number of votes for and against it stated in figures; and

(G) The number of provisional ballots cast.

22-21-108. Who is entitled to vote.

Any qualified elector in the political subdivision shall be entitled to vote on the bond question in person or by absentee ballot, ~~in~~ for the precinct in which he is registered, as provided by law.

22-21-201. State bond elections.

(c) Precincts may be consolidated for the purpose of any special election held under this section at the discretion of the county clerk. Three (3) judges shall be appointed for the polling place ~~in each precinct~~ in such special elections, and additional judges may be appointed if deemed necessary by the county clerk.

22-22-102. Date of election of trustees; terms; interim vacancies.

(a) The election of members of the board of trustees of each school district and community college district shall be held at the regular polling places ~~in~~ for each district on the Tuesday next following the first Monday in November in general election years. Terms of office shall run for four (4) years beginning at 12:00 noon on the first day in December following the election.

22-23-201. Conduct; who may vote.

(a) Except as provided in W.S. 22-23-202 municipal primary and general elections are held at the same time, in the same manner, at the same polling places, and are conducted by the same ~~precinct~~ election officials, using the same poll lists, as the statewide primary and general elections.

22-23-804. Ballots.

The municipal clerk shall provide ballots for the special election and shall deliver to each ~~precinct~~ polling place ballots equal in number to the number of electors registered in the precinct plus twenty-five percent (25%).

22-23-805. Poll lists.

Precinct poll lists for the special election shall be obtained by the municipal clerk from the county clerk and shall be paid for by the municipality. The municipal clerk shall furnish copies of the precinct poll lists to the judges of election. A copy of the precinct registry list shall be posted at each ~~precinct~~ polling place during the special election.

Section 2. W.S. 22-14-106 is repealed.

Section 3. There is appropriated sixty-four thousand dollars ($64,000.00) from the general fund to the secretary of state's office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2016. This appropriation shall only be expended for the purpose of development of an electronic pollbook interface. 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, 2016. This appropriation shall not be included in the secretary of state's office 2017-2018 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 4, 2015.

Chapter 139

SPEED LIMITS

Original Senate File No. 95

AN ACT relating to operation of motor vehicles; authorizing establishment of a higher speed limit on state highways as specified; amending penalties for violations of speed limits on interstate highways; authorizing a study; requiring a report; and providing for an effective date.

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

Section 1. W.S. 31-5-301(b)(iii)(intro), (iv) and by creating a new paragraph (vi), 31-5-302, 31-5-1201(d)(i), (iii), (v) and (g) and 31-18-704 are amended to read:

31-5-301. Maximum speed limits.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, subject to W.S. 31—5-203(b), the limits specified in this subsection or established as otherwise authorized shall be maximum lawful speeds and no person shall drive a vehicle on a highway at a speed in excess of maximum limits:

(iii) Except as provided under paragraph (vi) of this subsection, seventy-five (75) miles per hour on interstate highways. Nothing in this paragraph shall be construed to:

(iv) For all other locations, sixty-five (65) miles per hour where the roadway is paved and fifty-five (55) miles per hour where the roadway is unpaved. However, the superintendent may designate higher maximum speed limits on paved roadways pursuant to W.S. 31-5-302;

(vi) Notwithstanding paragraph (iii) of this subsection, eighty (80) miles per hour on interstate highways designated by the superintendent.

31-5-302. Establishment of specific maximum speed limits by superintendent.

Whenever the superintendent determines upon the basis of an engineering and traffic investigation, or in the event of a vehicle or weather emergency, that a maximum speed greater or less than that authorized herein is safe and reasonable under the conditions found to exist at any intersection or other place or upon any part of the state highway system, the superintendent, except as provided for in W.S. 31-5-303(b), may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected and which shall not exceed eighty (80) miles per hour on interstate highways or seventy (70) miles per hour on state highways, as defined in W.S. 31-18-101(a)(xvii), that are not interstate highways, as defined in W.S. 31-18-801(a)(xvi). The maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the signs and

differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs. This section does not grant power to the superintendent to declare statewide or countywide maximum speed limits but grants power to declare maximum speed limits for the public safety in localized geographic areas.

31-5-1201. Violation of provisions to constitute misdemeanor; penalties.

(d) Except as provided in subsection (g) of this section:

(i) Every person convicted of a violation of W.S. 31-5-301(b)(vi), for speeds of eighty-one (81) through eighty-five (85) miles per hour, W.S. 31-5-301(b)(iii), for speeds of seventy-six (76) through eighty (80) miles per hour, or W.S. 31-5-301(b)(iv), for speeds of sixty-six (66) through seventy (70) miles per hour, shall be fined five dollars ($5.00) for each mile per hour in excess of the legal speed limit not to exceed twenty-five dollars ($25.00);

(iii) Every person convicted of a violation of W.S. 31-5-301(b)(vi), for speeds above eighty-five (85) miles per hour, or W.S. 31-5-301(b)(iii), for speeds above eighty (80) miles per hour, shall be fined at the discretion of the judge but not less than thirty-five dollars ($35.00) nor more than the maximum penalties provided by subsection (b) of this section, with assessed court costs which shall also apply to a violation of W.S. 31-5-301(b)(vi) for speeds above eighty-five (85) miles per hour or W.S. 31-5-301(b)(iii) for ~~a speed of~~ speeds above eighty (80) miles per hour;

(v) Notwithstanding W.S. ~~5-4-207 and~~ 5-9-107, court costs for violations of W.S. 31-5-301(b)(iii), ~~or~~ (iv) or (vi) shall not be assessed for speeds up to four (4) miles per hour over the speed limits authorized by W.S. 31-5-301(b)(iii), ~~or~~ (iv) or (vi).

(g) In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(iii), (iv), (vi) or (c) or 31-5-302 by exceeding the posted speed limit by six (6) or more miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds shall be fined three hundred dollars ($300.00).

31-18-704. Violation of speed limits; penalties.

In addition to any other penalty, every person convicted of violating W.S. 31-5-301(b)(vi) by exceeding a speed of eighty-five (85) miles per hour, W.S. 31-5-301(b)(iii) by exceeding a speed of eighty (80) miles per hour, or W.S. 31-5-301(b)(iv) by exceeding a speed of seventy (70) miles per hour, while operating a vehicle or combination of vehicles with a gross vehicle weight or gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds shall be fined one hundred dollars ($100.00).

Section 2.

(a) The department of transportation shall conduct an engineering screening study of the noninterstate highway system to discern if a speed limit increase from sixty-five (65) miles per hour to seventy (70) miles per hour is feasible on parts of the system. The study shall provide a prioritized list of candidate roadway segments for immediate and future conversion to a seventy (70) mile per hour speed limit. The study shall also consider placement of variable speed limit signs where appropriate.

(b) The department shall report the study to the joint transportation, highway and military affairs interim committee no later than November 15, 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 March 4, 2015.

Chapter 140

SALES AND USE TAX ENFORCEMENT

Original Senate File No. 124

AN ACT relating to sales and use tax; requiring listing of delinquent taxpayers as specified; and providing for an effective date.

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

Section 1. W.S. 39-15-108(c) by creating a new paragraph (xvi) and 39-16-108(c) by creating a new paragraph (xviii) are amended to read:

39-15-108. Enforcement.

(c) Penalties. The following shall apply:

(xvi) Notwithstanding W.S. 39-15-102(e), if any vendor or taxpayer is one hundred fifty (150) days or more delinquent on taxes due under this article, has not entered into a formal payment arrangement with the department and after thirty (30) days notice provided by first class mail, the department shall post monthly the name of the vendor or taxpayer, the sales and use tax license number, physical address and the unpaid balance owed by the vendor or taxpayer on the website of the department indicating that the vendor or taxpayer has not paid the tax due under this article.

39-16-108. Enforcement.

(c) Penalties. The following shall apply:

(xviii) Notwithstanding W.S. 39-16-102(c), if any vendor or taxpayer is one hundred fifty (150) days or more delinquent on taxes due under this ar-

ticle, has not entered into a formal payment arrangement with the department and after thirty (30) days notice provided by first class mail, the department shall post monthly the name of the vendor or taxpayer, the sales and use tax license number, physical address and the unpaid balance owed by the vendor or taxpayer on the website of the department indicating that the vendor or taxpayer has not paid the tax due under this article.

Section 2. This act is effective July 1, 2015.

Approved March 4, 2015.

Chapter 141

BIGHORN SHEEP PLAN

Original Senate File No. 134

AN ACT relating to wildlife and livestock; providing for adoption of the state-wide bighorn/domestic sheep plan; authorizing modification of the plan as specified; authorizing removal or relocation of bighorn sheep as specified; providing for the reimbursement of costs for removal of sheep 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. 11-19-604 is created to read:

11-19-604. Wyoming bighorn/domestic sheep plan.

(a) The Wyoming bighorn/domestic sheep plan shall be developed and maintained by rule and regulation as provided in this section to address potential conflicts arising out of the interaction between bighorn sheep and domestic sheep within the state. The final report and recommendations from the Wyoming state-wide bighorn/domestic sheep interaction working group dated September 2004 together with appendices A through N as adopted by the group is adopted as the initial Wyoming bighorn/domestic sheep plan under this section and shall continue as revised or amended until repealed or nullified pursuant to law.

(b) Rules and regulations necessary to administer this article shall be promulgated jointly by the game and fish commission, the board of agriculture and the livestock board. The game and fish commission, the board of agriculture and the livestock board may jointly consider recommendations for changes to the plan and may revise or amend the plan through the rulemaking process pursuant to the Wyoming Administrative Procedure Act.

(c) The goal of the Wyoming bighorn/domestic sheep plan shall be to maintain the health of bighorn sheep populations while sustaining an economically viable domestic sheep population.

(d) The most current version of the Wyoming bighorn/domestic sheep plan shall be published on the website of the game and fish commission.

(e) In conformance with the Wyoming bighorn/domestic sheep plan the game and fish department may relocate or remove bighorn sheep to another area of the state if a federal judicial action or agency decision would require elimination of domestic sheep grazing in any area or herd unit designated in the Wyoming bighorn/domestic sheep plan as a nonemphasis herd. The game and fish department shall be reimbursed for the costs of relocation or removal of sheep under this subsection from funds available in the wildlife/livestock disease research partnership account.

Section 2. W.S. 11-19-603 is amended to read:

11-19-603. Account created.

There is created a wildlife/livestock disease research partnership account. Funds from this account shall be used only for purposes specified in W.S. ~~11-19-602~~ 11-19-601 through 11-19-604. Any interest earned on the account shall remain within the account.

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

Approved March 4, 2015.

Chapter 142

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) "A4" means agency trust account;

(e) "EF" means the agency's account within the enterprise fund;

(f) "FF" means federal funds;

(g) "IS" means the agency's account within the internal service fund;

(h) "PF" means the retirement account created by W.S. 9-3-407(a);

(j) "PR" means private funding sources;

(k) "P2" means the deferred compensation account referenced in W.S. 9-3-507;

(m) "RB" means revenue received from the issuance of revenue bonds;

(n) "SR" means an agency's account within the special revenue fund;

(o) "S1" means earmarked water development account I created by W.S. 41-2-124(a)(i);

(p) "S2" means earmarked water development account II created by W.S. 41-2-124(a)(ii);

(q) "S3" means the budget reserve account;

(r) "S4" means the local government capital construction account funded by W.S. 9-4-601(a)(vi) and (b)(i)(A) and 39-14-801(e)(ix);

(s) "S5" means the school foundation program account within the special revenue fund;

(t) "S6" means the school capital construction account within the special revenue fund;

(u) "S7" means the highway account within the special revenue fund;

(w) "S8" means the game and fish account within the special revenue fund;

(y) "S0" means other funds identified by footnote;

(z) "S13" means the strategic investments and projects account created in 2013 Wyoming Session Laws, Chapter 73, Section 300(e);

(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 account within the permanent land fund as established by W.S. 9-4-310(a)(v);

(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 FUNDS	OTHER FUNDS		TOTAL APPROPRIATION
	$	$	$		$

Section 2. Sections 002, 004, 006, 007, 010, 014, 015, 020, 024, 027, 042, 045, 048, 049, 051, 053, 060, 066, 067, 077, 080, 101, 167, 205, 206, 211 and 046 of 2014 Wyoming Session Laws, Chapter 26, Section 2 are amended to read:

Section 002. SECRETARY OF STATE

PROGRAM					
Administration [1,3]	~~7,847,610~~	170,103			~~8,017,713~~
	8,634,310				8,804,413
Rules Tracking Program [2]			692,063	S13	692,063
Securities Enforcement			580,590	SR	580,590
Bucking Horse & Rider			20,000	SR	20,000
TOTALS	~~7,847,610~~	170,103	1,292,653		~~9,310,366~~
	8,634,310				10,097,066

AUTHORIZED EMPLOYEES

Full Time	31
Part Time	0
TOTAL	31

1. Of this general fund appropriation, ten thousand dollars ($10,000.00) shall only be expended if there is a change of secretary of state as a result of the 2014 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016.

2. Of this other funds appropriation, six hundred ninety-two thousand sixty-three dollars ($692,063.00) S13 from the strategic investments and projects account shall only be expended for the streamlining government initiative to improve access, filing and tracking of rules. Notwithstanding any other provision of law, these funds shall not be expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert to the budget reserve account on June 30, 2016.

3. Of this general fund appropriation, fifty-one thousand seven hundred dollars ($51,700.00) shall only be expended for the purpose of paying costs of publication required by W.S. 22-20-104 for 2013 SEJR0001. Any unexpended, unobligated funds remaining from the appropriation specified in this footnote shall revert to the budget reserve account on June 30, 2015.

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

Section 004. STATE TREASURER

PROGRAM					
Treasurer's Operations [1.]	4,000,291				4,000,291
Veterans Tax Exemption	10,535,000				10,535,000
Manager Payments [2.]			~~53,409,422~~	~~SR~~	~~53,409,422~~
			53,708,793	SR	53,708,793
Unclaimed Property			1,672,063	SR	1,672,063
Indian Motor Veh. Exempt	615,700				615,700
TOTALS	15,150,991	0	~~55,081,485~~		~~70,232,476~~
			55,380,856		70,531,847

AUTHORIZED EMPLOYEES

Full Time	26
Part Time	0
TOTAL	26

1. Of this general fund appropriation, ten thousand dollars ($10,000.00) shall only be expended if there is a change of state treasurer as a result of the 2014 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016.

2. The positions of the chief investment officer (position #0002) and senior investment officer - equities (position #0021) shall be full-time employees and shall be paid salaries determined by the state treasurer not to exceed two hundred fifty thousand dollars ($250,000.00) per year for position #0002 and one hundred fifty-two thousand dollars ($152,000.00) per year for position #0021. Benefits shall be paid for these positions in the same manner and at the same rates as for all other state employees.

Section 006. ADMINISTRATION AND INFORMATION

PROGRAM					
Director's Office	~~2,778,563~~				~~2,778,563~~
	2,932,563				2,932,563
Professional Licensing Bds			1,641,111	SR	1,641,111
Budget Division	1,998,566				1,998,566
General Services [1.]	~~33,782,017~~		21,802,662	IS	
	34,453,896				
			222,320	SR	~~55,806,999~~
					56,478,878
Construction Management	26,236,548				26,236,548
Human Resources Division [2.,3.]	4,396,788		171,853	IS	4,568,641

APPROPRIATION FOR	GENERAL FUND $	FEDERAL FUNDS $	OTHER FUNDS $		TOTAL APPROPRIATION $
Employees Group Ins.			588,092,524	IS	
			8,000,000	SR	596,092,524
Economic Analysis	1,634,409				1,634,409
State Library	~~4,782,300~~	1,171,034	4,067,901	SR	~~10,021,235~~
	4,822,300				10,061,235
TOTALS	~~75,609,191~~	1,171,034	623,998,371		~~700,778,596~~
	76,475,070				701,644,475

AUTHORIZED EMPLOYEES

Full Time	235
Part Time	2
TOTAL	237

1. The Wyoming state capitol shall remain open on Saturdays during Cheyenne frontier days. Of this general fund appropriation, three thousand dollars ($3,000.00) shall only be expended by the general services division of the department of administration and information in furtherance of the purpose of this footnote.

2. Of this general fund appropriation, twenty-five thousand dollars ($25,000.00) shall only be expended to update the market policy position and pay tables for all authorized executive branch positions.

3. The department of administration and information, human resources division shall formulate alternative proposals for increasing the compensation based upon longevity for eligible state employees. One of the alternatives shall include the incorporation of an employee's longevity into the market and merit computation. A second alternative shall include increasing the dollar amount of longevity payments to eligible state employees. The department shall provide a report to the joint appropriations interim committee by November 1, 2015 with alternate proposals, including but not limited to the above approaches. The report shall include an assessment of each alternative on the impacts of salary compression and the costs to be supported by general funds, federal funds and other funds for each alternative.

Section 007. WYOMING MILITARY DEPARTMENT

PROGRAM					
Military Dept. Operation [7.]	12,968,101				12,968,101
Air National Guard	865,334	9,891,287			10,756,621
Camp Guernsey			779,346	SR	779,346
Army National Guard [1.,2.,3.,4.]	38,586	36,187,539	4,323,346	S5	40,549,471
Veterans' Services [5.,6.]	2,535,142	197,463	7,500	SR	2,740,105
Oregon Trail Cemetery	576,580		20,000	SR	596,580

APPROPRIATION FOR	GENERAL FUND $	FEDERAL FUNDS $	OTHER FUNDS $	TOTAL APPROPRIATION $
Mil Support to Civilians	121,952			121,952
Civil Air Patrol	249,459			249,459
TOTALS	17,355,154	46,276,289	5,130,192	68,761,635

AUTHORIZED EMPLOYEES

Full Time	241
Part Time	47
TOTAL	288

1. In the event that federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for an authorized position budgeted with one hundred percent (100%) federal funds in this section, as determined by the United States property and fiscal officer for Wyoming, the adjutant general shall eliminate the position.

2. The Wyoming military department shall identify sufficient general funds within its budget to cover the costs of all retiree insurance benefits pursuant to Section 305(c) of this act.

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

4. To the extent not prohibited by federal law, five (5) federally funded firefighting positions authorized in this section shall be available for firefighting outside of the boundaries of Camp Guernsey.

5. Of this general fund appropriation, one hundred fifty thousand dollars ($150,000.00) shall not be included in the Wyoming military department's 2017-2018 standard budget request.

6. Notwithstanding W.S. 19-14-109(a), for the period beginning April 1, 2015 and ending June 30, 2016, Wyoming veteran burial teams that have contracted with the veterans' commission may apply for payment for the performance of military funeral duties not to exceed one hundred dollars ($100.00) per funeral. If 2015 HB0193 is enacted into law this footnote is repealed.

7. The Wyoming military department shall use its best efforts to secure ingress and egress for the town of Evansville over the veterans' state cemetery road and bridge. If the Wyoming military department is unable to secure for co-use of the road and bridge as provided in this footnote, the joint appropriations interim committee shall undertake a review of state support of the veterans' cemetery in Evansville.

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

Section 010. DEPARTMENT OF AGRICULTURE

PROGRAM					
Administration Division	2,789,503		5,000	SR	2,794,503
Ag Education and Info	30,000		20,000	SR	50,000
Consumer Protection [3.]	~~12,976,867~~	1,397,614	1,225,390	SR	~~15,599,871~~
	13,221,367				15,844,371
Natural Resources [1.]	5,585,527	2,268	675,000	S1	6,262,795
Pesticide Registration	880,932				880,932
State Fair	2,970,470		687,975	SR	3,658,445
Weed & Pest Control			900,753	SR	900,753
Predator Management [2.]	6,941,935				6,941,935
Wyoming Beef Council			2,206,990	SR	2,206,990
Wyo Wheat Mktg Comm			180,000	SR	180,000
Leaf Cutter Bee			13,062	SR	13,062
TOTALS	~~32,175,234~~	1,399,882	5,914,170		~~39,489,286~~
	32,419,734				39,733,786

AUTHORIZED EMPLOYEES

Full Time	83
Part Time	8
TOTAL	91

1. Of this general fund appropriation, up to two hundred fifty thousand dollars ($250,000.00) shall only be expended for statewide data collection and research on the impact of wild or feral horses under federal jurisdiction in Wyoming including assessment of baseline range conditions; dietary overlap between horses and wildlife; developing independent, scientific bases to count and model wild or feral horse populations; and to gather other information that could be used to protect state and private lands to control the number of wild or feral horse populations within the state of Wyoming. The department shall report on the expenditure of the funds and its findings to the joint appropriations interim committee and the joint agriculture, state and public lands and water resources interim committee not later than October 31, 2014 and not later than October 31, 2015. 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, 2016. This appropriation shall not be included in the department of agriculture's 2017-2018 standard budget request.

2. Of this general fund appropriation six million nine hundred forty-one thousand nine hundred thirty-five dollars ($6,941,935.00) for the predator management program shall be included in the department's 2017-2018 standard budget request.

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

3. Of this general fund appropriation, one hundred twenty thousand seven hundred seventy-five dollars ($120,775.00) shall only be used for purposes of a contract quality supervisor/accreditation specialist. The contract shall terminate upon accreditation of the department of agriculture's analytical services laboratory as required by the United States department of agriculture food safety inspection service and association of American feed control officials but in no event later than June 30, 2016. 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, 2016. This appropriation shall not be included in the department of agriculture's 2017-2018 standard budget request.

Section 014. MINERS' HOSPITAL BOARD

PROGRAM					
Miners' Hospital Board			~~7,536,407~~	~~T2~~	~~7,536,407~~
			7,643,525	T2	7,643,525
TOTALS	0	0	~~7,536,407~~		~~7,536,407~~
			7,643,525		7,643,525

AUTHORIZED EMPLOYEES

Full Time	~~0~~ 1
Part Time	~~0~~ 2
TOTAL	~~0~~ 3

Section 015. ATTORNEY GENERAL

PROGRAM					
Law Office	19,752,573	849,104	2,002,782	S5	
			1,275,969	SR	
			853,567	TT	24,733,995
Criminal Investigations [1.]	29,603,496	4,190,489	760,313	SR	34,554,298
Law Enforcement Academy	5,689,564		900,132	EF	6,589,696
Peace Off Stds & Trng	449,673		38,400	SR	488,073
Medical Review Panel	596,049				596,049
Victim Services Division [2.]	8,955,763	6,933,097	~~4,153,413~~	~~SR~~	~~20,042,273~~
			4,297,360	SR	20,186,220
Governor's Council on DD	688,800	1,083,490			1,772,290
TOTALS	65,735,918	13,056,180	~~9,984,576~~		~~88,776,674~~
			10,128,523		88,920,621

AUTHORIZED EMPLOYEES

Full Time	246

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS		TOTAL APPROPRIATION
	$	$	$		$
Part Time	2				
TOTAL	248				

1. Of this general fund appropriation, six hundred two thousand seven hundred dollars ($602,700.00) shall only be expended for funding task force officers. One (1) task force officer shall be assigned to the internet crimes against children team.

2. Of this other funds appropriation, one hundred forty-three thousand nine hundred forty-seven dollars ($143,947.00) SR is appropriated from the crime victims compensation account created by W.S. 1-40-114(a) and shall only be expended for enhanced compensation by distributing an equal amount to each of the forty-six (46) victim services providers in the state. 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, 2016. This appropriation shall not be included in the attorney general's 2017-2018 standard budget request.

Section 020. DEPT OF ENVIRONMENTAL QUALITY [1.]

PROGRAM					
Administration [2.]	5,378,313				5,378,313
Air Quality	~~4,274,356~~	1,471,685	11,409,124	SR	~~17,155,165~~
	5,568,351				18,449,160
Water Quality	13,119,784	9,060,399	1,096,775	SR	23,276,958
Land Quality	5,100,078	4,780,051			9,880,129
Industrial Siting	847,195				847,195
Solid Waste Management	5,768,775	2,503,777	3,593,984	SR	11,866,536
Abandoned Mine Reclam.		74,500,000			74,500,000
TOTALS	~~34,488,501~~	92,315,912	16,099,883		~~142,904,296~~
	35,782,496				144,198,291

AUTHORIZED EMPLOYEES

Full Time	264
Part Time	0
TOTAL	264

1. No later than April 30, 2014, the department of environmental quality shall provide to the governor, joint appropriations interim committee and management council a plan containing identifiable deliverable elements and a specific time line for converting the department to an entirely paperless office system. The provisions of this footnote shall be effective immediately.

2. Of this general fund appropriation, seventy-five thousand dollars ($75,000.00) shall only be expended, in conjunction with the department of

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

enterprise technology services, to improve functioning, efficiency and customer use of the department of environmental quality's electronic permit filing and retrieval system, and website. Not later than November 1, 2014 the department of environmental quality shall report to the joint minerals, business and economic development interim committee on the efforts to improve the department's electronic permit filing and retrieval system, and website.

Section 024. STATE PARKS & CULTURAL RESOURCES

PROGRAM					
Administration & Support	3,072,247				3,072,247
Cultural Resources [1.,2.,3.,4.,~~5.~~]	~~11,156,503~~	2,718,479	70,000	EF	
	11,266,503				
			2,938,361	SR	~~16,883,343~~
					16,993,343
St Parks & Hist. Sites [6.]	19,035,271	3,904,526	30,000	EF	
			7,260,187	SR	30,229,984
TOTALS	~~33,264,021~~	6,623,005	10,298,548		~~50,185,574~~
	33,374,021				50,295,574

AUTHORIZED EMPLOYEES

Full Time	167
Part Time	90
TOTAL	257

1. Of this general fund appropriation, one hundred thousand dollars ($100,000.00) shall only be expended for the purposes of the "We the People" educational program. The appropriation associated with this footnote shall be considered one-time funding and shall not be included in the department's 2017-2018 standard budget request.

2. Of this general fund appropriation, three hundred thousand dollars ($300,000.00) shall only be expended for purposes of Wyoming arts council grants. The appropriation associated with this footnote shall be considered one-time funding and shall not be included in the department's 2017-2018 standard budget request.

3. Of this general fund appropriation, four hundred thousand dollars ($400,000.00) shall only be deposited to the corpus of the Wyoming cultural trust fund as established by W.S. 9-2-2304. The appropriation associated with this footnote shall be considered one-time funding and shall not be included in the department's 2017-2018 standard budget request.

4. Of this general fund appropriation, ~~twenty-five thousand dollars ($25,000.00)~~ thirty-five thousand dollars ($35,000.00) shall only be expended for the pur-

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

pose of minting and marketing coins celebrating Wyoming's one hundred twenty-fifth (125th) anniversary as a state. The department shall mint ~~both~~ gold coins, silver coins and alloy coins pursuant to this footnote, including legislative and executive branch special edition coin sets. Proceeds from the sale of gold coins are to be credited to the cultural trust fund created under W.S. 9-2-2304(a). Proceeds and any interest earned from the sale of silver coins are continuously appropriated to the Wyoming council for the arts ~~endowment~~ through the account created under W.S. ~~9-2-906~~ 9-2-904(c). Proceeds and any interest earned from the sale of alloy coins are continuously appropriated to the department's account within the enterprise fund. Gold coins shall be minted only upon receipt of funds by the department from the purchaser. Silver coins shall be sold by the department. Alloy coins may be distributed by the department for promotional and ceremonial purposes and may be sold by the department. The appropriation associated with this footnote shall be considered one-time funding and shall not be included in the department's 2017-2018 standard budget request.

[~~5. All papers presented at the "Our Place in the West Conference" shall be made available to the public via the department of state parks and cultural resources' website.~~] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 4, 2015.]

6. Notwithstanding W.S. 36-4-121(h), for the period commencing April 1, 2015 and ending June 30, 2016, up to twenty-five percent (25%) of the funds in the state parks capital construction account may be expended for general operations and maintenance of department facilities. The department is appropriated up to twenty-five percent (25%) of the funds in the state parks capital construction account as of April 1, 2015 and up to twenty-five percent (25%) of the revenue deposited into the account for the period commencing April 1, 2015 and ending June 30, 2016. If 2015 HB0013 is enacted into law, this footnote is repealed.

Section 027. SCHOOL FACILITIES DEPARTMENT 3.

PROGRAM					
Operations			7,002,992	S6	7,002,992
Major Maintenance 4.			~~108,000,000~~	~~S6~~	~~108,000,000~~
			115,400,000	S6	115,400,000
Engineering & Technical 1.			5,949,741	S6	5,949,741
TOTALS	0	0	~~120,952,733~~		~~120,952,733~~
			128,352,733		128,352,733

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

AUTHORIZED EMPLOYEES

Full Time [2.]	17
Part Time	0
TOTAL	17

1. The school facilities department shall study school safety and security standards and report to the joint appropriations interim committee and the select committee on school facilities by November 1, 2014 on the anticipated costs to evaluate all schools and implement recommended safety and security standards.

2. Of these authorized full-time employees, two (2) shall be time-limited positions for the period beginning July 1, 2014 and ending June 30, 2016 and shall not be included in the department's 2017-2018 standard budget request.

3. The school facilities department is authorized to transfer four hundred fifty-three thousand eight hundred forty-six dollars ($453,846.00) in school capital construction account appropriations which have not reverted from the 2009-2010 biennium to the school capital construction account appropriation for the 2013-2014 biennium for the school facilities department in order to reconcile and close these biennial appropriations.

4. Notwithstanding any other provision of law, a school district may expend up to ten percent (10%) of the amount distributed under this program for the period commencing April 1, 2015 and ending June 30, 2016 for safety and security building and facility needs. No expenditure shall be made under this footnote without the approval of the department.

Section 042. GEOLOGICAL SURVEY

PROGRAM				
Geologic Program [1.]	4,968,810			4,968,810
TOTALS	4,968,810	0	0	4,968,810

AUTHORIZED EMPLOYEES

Full Time	23
Part Time	0
TOTAL	23

1. The geological survey shall study the processes and procedures for recording mineral exploration data in major mineral-producing jurisdictions of the United States, Canada, Australia and other mineral exporting countries, as appropriate. The state geologist shall report the findings from the study no later than November 15, 2015 to the joint minerals, business and economic development interim committee.

APPROPRIATION FOR	GENERAL FUND $	FEDERAL FUNDS $	OTHER FUNDS $		TOTAL APPROPRIATION $
Section 045. DEPARTMENT OF TRANSPORTATION [8.,9.]					
PROGRAM					
Administration			3,367,673	S7	3,367,673
Administrative Services		1,407,450	40,825,999	S7	
			1,836,000	SR	44,069,449
Law Enforcement [1.,2.]	2,000	7,033,733	77,518,334	S7	
			1,391,170	SR	85,945,237
WyoLink [3.]	2,056,045		459,607	IS	
			3,252,400	S13	
			~~1,095,133~~	~~S7~~	
			1,179,133	S7	~~6,863,185~~
					6,947,185
Aeronautics Admin.		310,300	3,950,428	S7	4,260,728
Operational Services [4.]			2,405,010	IS	2,405,010
Aeronautics [5.]	16,768,321	45,225,000	160,394	IS	
			8,720,860	S7	70,874,575
~~GF~~ Approp. to Comm. [6.,7.,10.]	46,000,000				~~46,000,000~~
			2,000,000	S4	48,000,000
TOTALS	64,826,366	53,976,483	~~144,983,008~~		~~263,785,857~~
			147,067,008		265,869,857

AUTHORIZED EMPLOYEES

Full Time	560
Part Time	0
TOTAL	560

1. To the extent not prohibited by federal law, the department of transportation, in cooperation with the supreme court, shall replace state general funds appropriated to the supreme court for court technology projects with federal highway safety funds. The department shall report to the joint appropriations interim committee not later than November 1, 2014 and not later than November 1, 2015 on any amounts of federal highway safety funds transferred to the supreme court to be expended for court technology.

2. The Wyoming state capitol shall remain open on Saturdays during Cheyenne frontier days. Of this general fund appropriation, two thousand dollars ($2,000.00) shall only be expended to provide security services at the Wyoming state capitol on Saturdays during Cheyenne frontier days.

3. The department of transportation shall report to the joint appropriations interim committee not later than November 1, 2014 on opportunities to increase leasing of state-owned WyoLink communication towers and increase state and local government use of WyoLink communication towers for other communication purposes. No options shall be included that would result in

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

interference of any WyoLink communications or conflict with federal communication commission regulations. The report shall include an estimate of the revenue that could be generated and a plan to implement any opportunities for enhanced state and local cooperation.

4. (a) The department of transportation aeronautics division shall report to the joint appropriations interim committee not later than October 15, 2014. The report shall include:

(i) The full cost of operation of the state's aircraft, including pilot and support salaries, fuel and maintenance. The maintenance component shall recognize scheduled upgrades and irregular maintenance such as hot section inspection, engine replacement and aircraft replacement;

(ii) The full cost of operation, including reserves for replacements, divided by the total air time, on average, over the last four (4) fiscal years;

(iii) A comparison of the costs of other public and private modes of transportation in order to determine the most cost effective transportation for state employees;

(iv) An analysis of costs versus utilization of state aircraft.

5. In addition to the requirements of W.S. 10-3-601, the Wyoming aeronautics commission shall expend appropriated funds associated with this footnote to enter into agreements to provide financial assistance to persons doing business or who will do business in the state, to economic development organizations within the state, to joint powers boards or to other entities formed to provide for enhanced air service to communities in Wyoming.

6. The department of transportation shall relocate the mountain man and Indian statues from the Frank Norris visitor center to the roundabouts at the high plains interchange or near the southeast Wyoming welcome center, including lighting and foundation construction.

7. Any general funds remaining in the railroad quiet zone account established by footnote in the agency's 2011-2012 biennial budget shall not revert to the general fund until June 30, 2016. This footnote is effective immediately.

8. The department shall develop a plan to mitigate impacts on noninterstate highways in the state with emphasis on highly traveled roads, especially those with truck and industrial or commercial traffic. The department shall identify opportunities for safety improvements through the use of, but not limited to, passing and turning lanes. The plan shall be submitted to the joint appropriations interim committee and to the joint transportation, highways and military

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

affairs interim committee by September 15, 2015.

9. (a) Any funds deposited to the highway fund which are attributable to the increase in fuel taxes as provided in 2013 Wyoming Session Laws, Chapter 49, shall be separately accounted for by the department of transportation.

(b) Any funds deposited to the highway fund which are attributable to the increase in fuel taxes provided in 2013 Wyoming Session Laws, Chapter 49 shall supplement and shall not supplant funds budgeted by the transportation commission for purposes of maintenance, construction and reconstruction of state highways.

(c) The department of transportation shall provide a comprehensive report to the joint appropriations interim committee and to the joint transportation, highways and military affairs interim committee on or before November 1, 2015 on the condition of the state highway system and projected revenue requirements to maintain the current condition of the state highway system.

(d) If 2015 HB0100 is enacted into law, this footnote is repealed.

10. Of this other funds appropriation, two million dollars ($2,000,000.00) S4 shall only be expended for planning and design of twenty (20) passing lanes to improve safety and mobility on state highways including Wyoming highway 59 from Douglas to Gillette and United States highway 20/26 from Casper to Shoshoni. In addition to the funds appropriated, the transportation commission shall direct ten million dollars ($10,000,000.00) in federal highway safety funds or a like amount from state funds for construction associated with improvements designed under this footnote.

Section 048. DEPARTMENT OF HEALTH [1.,2.]

PROGRAM					
Directors Office [3.]	~~18,562,359~~	1,950,710	188,257	SR	~~20,701,326~~
	18,362,359				20,501,326
Health Care Financing [~~4.~~5.,~~6.~~20.,21.,22.,24.]	~~597,546,480~~	~~696,869,039~~	~~32,390,991~~	~~SR~~	
	603,171,794	719,476,482	33,066,991	SR	
			542,500	TT	~~1,327,349,010~~
					1,356,257,767
Public Health [7.,8.,9.,10.,23.]	~~47,739,567~~	60,642,179	80,063	A4	
	48,853,694				
			~~18,196,874~~	~~SR~~	
			18,396,874	SR	
			12,437,267	TT	~~139,095,950~~
					140,410,077
Behavioral Health [~~4.~~11.,12.,]	~~255,720,712~~	18,108,033	49,947,844	SR	

APPROPRIATION FOR	GENERAL FUND $	FEDERAL FUNDS $	OTHER FUNDS $		TOTAL APPROPRIATION $
13.,14.,15.,16.,17.	256,338,185				
			815,014	T3	
			334,025	T4	
			17,516,863	TT	~~342,442,491~~
					343,059,964
Aging 18.,19.,[~~25.~~]	~~37,918,251~~	17,231,493	8,801,563	SR	~~63,951,307~~
	38,118,251				64,151,307
TOTALS	~~957,487,369~~	~~794,801,454~~	~~141,251,261~~		~~1,893,540,084~~
	964,844,283	817,408,897	142,127,261		1,924,380,441

AUTHORIZED EMPLOYEES

Full Time	~~1,358~~	1,359
Part Time	71	
TOTAL	~~1,429~~	1,430

1. The department of health is authorized to transfer twenty-eight thousand two hundred eight dollars ($28,208.00) in general fund appropriations which have not reverted from the 2009-2010 biennium to the general fund appropriation for the 2007-2008 biennium for the department of health and seventy-seven thousand sixty-four dollars ($77,064.00) in general fund appropriations which have not reverted from the 2009-2010 biennium to the general fund appropriation for the 2011-2012 biennium for the department of health in order to reconcile and close these biennial appropriations. This footnote is effective immediately.

2. Employees shall be charged for any meal provided to employees of any Wyoming department of health institution through the institution's food service operations. Meals shall be priced to recover the institution's full cost of providing the meals.

3. With the resources provided by this line item the department shall conduct a study to define the impact of independent hospitals. The study shall determine the cost shift from Medicare, Medicaid and indigent care and define the impact that new independent hospitals will have on existing hospitals if the new hospitals do not treat Medicare, Medicaid or indigent patients. The study shall be submitted to the joint labor, health and social services interim committee not later than September 1, 2014.

4. Of this general fund appropriation, a total of one hundred thousand dollars ($100,000.00) shall only be expended through ~~developmental programs~~ the behavioral health division of the department of health for hearing aids for ~~early childhood intervention~~ Wyoming residents from birth through completion of high school.

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

5. Not later than August 1, 2014, February 1, 2015, August 1, 2015, and February 1, 2016, the department of health shall report to the joint appropriations interim committee and the joint labor, health and social services interim committee regarding the total Medicaid enrollees, new enrollees from the prior six (6) month period, and new enrollees since January 1, 2014. To the extent possible, the department shall categorize the enrollees by programmatic qualification.

~~6. For reimbursement rates for nursing facility services, no cost-of-living adjustment or other increase in rates shall be provided in the 2015-2016 biennium without specific legislative action approving the increase unless the adjustment or increase is required by law.~~

7. Of this general fund appropriation, ten thousand dollars ($10,000.00) shall only be expended by the department for purposes of contracting for provision of services at camps for survivors of childhood cancers. 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, 2016. This appropriation shall not be included in the department of health's 2017-2018 standard budget request.

8. 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. The department is authorized to deposit all fees received pursuant to this footnote into a special revenue account. The department shall not charge fees until it has promulgated rules establishing a fee schedule. Fees shall be set in an amount sufficient to recoup the department's cost of providing services. No monies deposited into this account shall be expended until appropriated by the legislature. The public health laboratory shall make its personnel available for driving under the influence trials.

9. In any contract executed by the Wyoming department of health for the provision of community prevention services, the department shall retain the express contractual right to redirect contract funding as appropriate and otherwise legally permissible to address emergent issues and critical prevention services needs.

10. Of this general fund appropriation, five hundred thousand dollars ($500,000.00) shall only be expended for the continued development and implementation of a statewide health information exchange.

11. Of this tobacco settlement trust income account appropriation, four million eight hundred thousand dollars ($4,800,000.00) is effective immediately.

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

12. (a) The department of health shall, in conjunction with the department of education, identify whether federal maintenance of effort levels for the Individuals with Disabilities Education Improvement Act of 2004, Part B have been met for the period July 1, 2012 through June 30, 2014.

(b) The department of health shall identify and transfer the funds necessary from within its 2013-2014 biennial budget to ensure all federal maintenance of effort levels for the Individuals with Disabilities Education Improvement Act of 2004, Part C have been met for the period July 1, 2012 through June 30, 2014.

(c) The department of health shall, in conjunction with the department of education, identify whether federal maintenance of effort levels for the Individuals with Disabilities Education Improvement Act of 2004, Part B and Part C will be met for the period July 1, 2014 through June 30, 2016, within the amounts appropriated in this act, including identification of any additional funds or flexibility necessary to maintain the federal maintenance of effort levels.

(d) The department of health shall report to the joint labor, health and social services interim committee and the joint appropriations interim committee not later than October 1, 2014 regarding actions taken in response to and findings from subsections (a), (b) and (c) of this footnote.

(e) The attorney general shall provide an opinion to the joint labor, health and social services interim committee and the joint appropriations interim committee regarding whether federal maintenance of effort levels for the Individuals with Disabilities Education Improvement Act of 2004, Part B and Part C have been met by Wyoming for the period July 1, 2013 through June 30, 2014.

(f) This footnote is effective immediately.

13. Any payment made by the department of health from general funds or tobacco settlement trust income account funds appropriated shall ~~be a payment of last resort for mental health care services rendered, and the department shall reduce any payment to mental health care service providers for services described in this footnote by all other public and private sources which are available~~ not be applied directly to Medicaid services rendered for mental health care services to Medicaid recipients, and the department shall not count billable Medicaid services provided to Medicaid recipients towards mental health care service contract requirements for annual performance hours. This footnote is effective July 1, 2015.

14. The department of health is authorized to offer one-time severance pay-

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

ments to employees, including permanent food service workers, of the Wyoming life resource center in order to align the number of filled positions with the needs of the facility. No severance payments shall be structured in such a manner as to increase the liability of the Wyoming retirement system. The total funds available for severance payments shall be limited to vacancy savings within the 100 series, personal services, appropriated for the Wyoming life resource center. All positions for which severance payment is made shall not be included within the department's 2017-2018 standard budget request.

15. The general fund appropriation for mental health and substance abuse units within this program, not including unit 2509 residential substance abuse, in amounts as determined by the director are hereby reduced by five hundred thousand dollars ($500,000.00), and the general fund appropriation for unit 2509, residential substance abuse, is hereby increased by five hundred thousand dollars ($500,000.00) from the department of health's 2015-2016 standard budget request. The amount of five hundred thousand dollars ($500,000.00) is to be transferred into the residential substance abuse budget for the purpose of enhancing substance abuse transitional beds in those areas of the state that demonstrate highest need as determined through an application process.

16. 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 into a special revenue account from July 1, 2014 through June 30, 2016. The department shall expend this revenue to correct life safety code problems, pay for the cost of emergency detentions pursuant to W.S. 25-10-109, pay for the costs of involuntary hospitalizations pursuant to W.S. 25-10-110, and remediate conditions as identified in the Chris S. Stipulated Settlement Agreement by the division of behavioral health, approved by the Wyoming department of health director and reported to the governor. If any single capital project is anticipated to or does exceed two hundred thousand dollars ($200,000.00), it shall be approved by the state building commission. The department shall report to the joint appropriations interim committee not later than November 1 of each year detailing expenditures under this footnote.

17. Of this general fund appropriation, ten thousand dollars ($10,000.00) shall only be expended by the department to hold a training conference for developmental disability Medicaid waiver benefits. The department shall coordinate with the Wyoming department of workforce services, department of family services, Wyoming department of education, office of the superintendent of public instruction, governor's council on developmental disabilities, early intervention council and other developmental disability advocacy groups to develop and host the training conference. The department shall invite to the training conference persons with disabilities, parents and guardians of persons

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

with disabilities, providers, the state agencies listed above and the agency employees who work with developmental disabilities and economic development specialists.

18. Notwithstanding W.S. 9-4-303(a), for the period beginning July 1, 2014 and ending June 30, 2016, the department is authorized to deposit all monies and income received or collected by the retirement center located in Basin for care of patients into the special revenue fund. The funds collected shall only be expended to fund the operation of the retirement center.

19. Of this general fund appropriation, four hundred eighty thousand dollars ($480,000.00) shall only be distributed through the existing funding distribution model to senior centers. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from funds associated with this footnote shall revert as provided by law on June 30, 2016.

20. (a) Of this appropriation, one million dollars ($1,000,000.00) in general funds and one million dollars ($1,000,000.00) in federal funds shall be used to increase individual budget amounts and individual service rates for clients with a level of service need rating of four (4.0) or greater who participate in the comprehensive and supports waivers for the period beginning July 1, 2015 and ending June 30, 2016. Funding shall be allocated by July 1, 2015.

(b) Of this appropriation, five hundred thousand dollars ($500,000.00) in general funds and five hundred thousand dollars ($500,000.00) in federal funds shall be used to increase individual budget amounts and individual service rates for clients with a level of service need rating of four (4.0) or greater who participate in the comprehensive and supports waivers for the period beginning July 1, 2015 and ending June 30, 2016. Funding shall be allocated by July 1, 2015. The appropriations associated with this subsection shall be reduced dollar for dollar, up to five hundred thousand dollars ($500,000.00) in general funds and five hundred thousand dollars ($500,000.00) in federal funds by any appropriations in 2015 HB0058 if 2015 HB0058 is enacted into law.

(c) Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016. This appropriation shall serve as an installment on current provider reimbursement rates pending the department's rebasing study for developmental disability community-based programs.

21. Of this general fund appropriation, seventeen thousand eight hundred seventy-one dollars ($17,871.00) shall only be expended to increase the daily reimbursement rate to hospice facilities for room and board.

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

22. Of this appropriation, sixteen million nine hundred thousand dollars ($16,900,000.00) FF in federal funds and six hundred seventy-six thousand dollars ($676,000.00) SR in other funds shall only be used in support of a tribal health uncompensated care waiver. The waiver and the state's financial commitment shall be limited to the funds made available by the federal government and subject to an agreement with the tribal business councils and Indian health services to reimburse the state for any state-incurred administrative costs, including one (1) full-time position. As a result of this appropriation, the state shall not accept any obligation for continued funding of the uncompensated care waiver in the absence of federal funds or reimbursed administrative funds.

23. Of this general fund appropriation, one million one hundred fourteen thousand one hundred twenty-seven dollars ($1,114,127.00) shall only be distributed for public health nursing to Natrona and Sweetwater counties.

24. (a) Of this appropriation, five hundred thousand dollars ($500,000.00) in general funds and five hundred thousand dollars ($500,000.00) in federal funds shall be appropriated only if 2015 HB0058 is not enacted into law.

(b) Funds identified in subsection (a) of this footnote shall only be used for the rebasing of nursing home rates.

[~~25. Of this general fund appropriation, two hundred thousand dollars ($200,000.00) shall only be expended for the home services program provided through the community living section of the aging division.~~]
[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 4, 2015.]

Section 049. DEPARTMENT OF FAMILY SERVICES

PROGRAM					
Services [1.]	~~105,548,391~~	~~30,409,166~~	2,059,791	SR	
	106,217,991	30,459,566			
			6,351,096	TT	~~144,368,444~~
					145,088,444
Assistance [2.,3.]	~~52,797,858~~	~~83,815,632~~	1,908,844	SR	~~138,522,334~~
	52,728,258	83,765,232			138,402,334
TOTALS	~~158,346,249~~	114,224,798	10,319,731		~~282,890,778~~
	158,946,249				283,490,778

AUTHORIZED EMPLOYEES

Full Time	695
Part Time	21
TOTAL	716

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

1. Through the period ending June 30, 2016, the department shall limit the overall capacity of residential treatment and group home beds to a number that shall not exceed the combined number of certified beds on January 1, 2012.

2. Of this federal funds appropriation, two hundred seventy-four thousand dollars ($274,000.00) shall only be expended for fatherhood mentorship programs during the fiscal period beginning July 1, 2014 and ending June 30, 2016.

3. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment amount for the period beginning July 1, 2014 and ending June 30, 2016 shall be as follows:

(i) $25.00 for an individual living in his own household;

(ii) $27.80 for each member of a couple living in their own household;

(iii) $28.72 for an individual living in the household of another;

(iv) $30.57 for each member of a couple living in the household of another.

Section 051. LIVESTOCK BOARD

PROGRAM					
Administration	1,873,312	43,092	508,590	SR	2,424,994
Animal Health	1,985,846				1,985,846
Brucellosis	1,043,488	382,000			1,425,488
Estrays [1.]	50,000				50,000
Brand Inspection	3,246,986		7,005,719	SR	10,252,705
Predator Control Fees			~~1,900,000~~	~~SR~~	~~1,900,000~~
			2,105,212	SR	2,105,212
TOTALS	8,199,632	425,092	~~9,414,309~~		~~18,039,033~~
			9,619,521		18,244,245

AUTHORIZED EMPLOYEES

Full Time	20
Part Time	0
TOTAL	20

1. 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 estray 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. Notwithstanding any other provision of law, this appropriation shall not be transferred

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

or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016.

Section 053. DEPARTMENT OF WORKFORCE SERVICES

PROGRAM					
Admin. & Support [1.]	~~17,117,212~~	22,325,065	2,049,445	EF	
	17,127,212				
			6,940,150	SR	~~48,431,872~~
					48,441,872
Vocational Rehab.	5,293,448	27,521,064	2,235,841	SR	35,050,353
Unemployment Insurance		15,550,055	1,086,951	EF	
			500,000	S5	
			8,932,861	SR	26,069,867
Labor Standards	2,422,121				2,422,121
Workers' Safety and Comp		3,708,824	46,242,750	EF	49,951,574
TOTALS	~~24,832,781~~	69,105,008	67,987,998		~~161,925,787~~
	24,842,781				161,935,787

AUTHORIZED EMPLOYEES

Full Time	555
Part Time	0
TOTAL	555

1. Of this other funds appropriation, two million dollars ($2,000,000.00) SR is effective immediately.

Section 060. STATE LANDS AND INVESTMENTS [2.]

PROGRAM					
Operations	~~14,263,448~~	~~32,914,238~~	589,200	S5	
	13,291,469	31,149,686			
			~~3,163,225~~	~~SR~~	
			5,899,756	SR	50,930,111
Forestry [3.,4.]	8,002,191	525,704	4,000,000	S0	
			2,226,000	SR	14,753,895
County Emerg. Fire Suppr.			2,580,000	SR	2,580,000
Fire	5,016,628	4,077,690			9,094,318
Mineral Royalty Grants [5.]			~~30,400,000~~	~~S4~~	~~30,400,000~~
			30,316,578	S4	30,316,578
Federal Forestry Grants		6,150,000			6,150,000
Transp. Enterprise Fund			2,000,000	SR	2,000,000
TOTALS	~~27,282,267~~	~~43,667,632~~	~~44,958,425~~		~~115,908,324~~
	26,310,288	41,903,080	47,611,534		115,824,902

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

AUTHORIZED EMPLOYEES

Full Time	96
Part Time	4
TOTAL	100

2. The chief information officer, shall consider options and provide recommendations regarding the highest and best use of fiber optic lines owned by the state and situated west of Laramie, including consideration of sale and shall report findings to the joint appropriations interim committee and the joint minerals, business and economic development interim committee not later than October 31, 2014.

3. Of this general fund appropriation up to one hundred seventy-five thousand dollars ($175,000.00) shall only be expended for one (1) authorized at-will employee contract position to work in cooperation with the federal bureau of land management in order to assist with bureau of land management timber sales in Carbon, Albany or Sweetwater counties for the period beginning July 1, 2014 and ending June 30, 2016. These funds shall only be expended as outlined in a memorandum of agreement between the forestry division of the office of state lands and investments and the bureau of land management. Personnel funded under this footnote shall remain under the exclusive control and supervision of the forestry division. 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, 2016. Neither this appropriation nor the position associated with this footnote shall be included in the office of state lands and investments' 2017-2018 standard budget request.

4. Of this other funds appropriation, four million dollars ($4,000,000.00) S0 is appropriated from the emergency fire suppression account created by W.S. 36-1-402(a). Of this appropriation, one million dollars ($1,000,000.00) shall only be expended during the period beginning July 1, 2014 and ending June 30, 2015, and an additional one million dollars ($1,000,000.00) shall be available for expenditure at the direction of the governor for the period beginning July 1, 2014 and ending June 30, 2015 for the purpose of pine bark beetle mitigation. Of this appropriation, one million dollars ($1,000,000.00) shall only be expended <u>for the purpose of pine bark beetle mitigation</u> during the period beginning July 1, 2015 and ending June 30, 2016, and an additional one million dollars ($1,000,000.00) shall be available for expenditure <u>for the purpose of pine bark beetle mitigation</u> at the direction of the governor for the period beginning July 1, 2015 and ending ~~June 30, 2016 for the purpose of pine bark beetle mitigation~~ <u>December 31, 2016, provided any funds remaining on June 30, 2016 will revert on that date if the legislature funds the pine bark beetle</u>

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

mitigation program for the biennium beginning July 1, 2016. The division may utilize the expertise and staff of the emergency insect management committee created pursuant to Title 11, Chapter 5, Article 4 of the Wyoming Statutes while expending funds under this footnote. These funds may be expended on private, state or federal lands pursuant to memoranda of agreement entered into by the division and any local, state or federal agency.

5. (a) Notwithstanding W.S. 9-4-604(a), for the period beginning July 1, 2014 and ending June 30, 2016, the state loan and investment board shall grant money appropriated in line item mineral royalty grants under this section only when the board finds the grant is necessary to:

(i) Alleviate an emergency situation which poses a direct and immediate threat to health, safety or welfare;

(ii) Comply with a federal or state mandate;

(iii) Provide an essential public service; or

(iv) Provide corridor beautification equal matching grants for highway entrances to Wyoming municipalities.

Section 066. WYOMING TOURISM BOARD

PROGRAM					
Wyoming Tourism Board [1.]	~~28,550,099~~		3,600	SR	~~28,553,699~~
	28,590,099				28,593,699
TOTALS	~~28,550,099~~	0	3,600		~~28,553,699~~
	28,590,099				28,593,699

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. (a) Of this general fund appropriation, six hundred twenty thousand dollars ($620,000.00) shall only be expended to expand the existing team Wyoming program and associated tourism benefits as follows:

(i) Up to one hundred twenty thousand dollars ($120,000.00) for a contract administrator of the team Wyoming program and associated travel;

(ii) Up to one hundred sixty thousand dollars ($160,000.00) for college rodeo team sponsorships, not to exceed twenty thousand dollars ($20,000.00) for any single team during the 2015-2016 biennium;

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

(iii) Up to one hundred twenty thousand dollars ($120,000.00) to be expended only ~~for incentive payments for individual rodeo athletes. In order to qualify for incentive payments, student athletes shall maintain at least a 3.0 grade point average~~ to participating institutions for scholarships based upon financial need and academic achievement;

(iv) Up to thirty thousand dollars ($30,000.00) for sponsorship of the high school national finals rodeo;

(v) Up to thirty thousand dollars ($30,000.00) for sponsorship of the college national finals rodeo; and

(vi) Up to one hundred sixty thousand dollars ($160,000.00) to support regional rodeos at each participating Wyoming public college or university.

Section 067. UNIVERSITY OF WYOMING [1.,2.,14.,15.]

PROGRAM					
State Aid [3.,4.,5.,6.,7.,8.,9.,16.]	356,168,150		1,500,000	S13	357,668,150
School of Energy Res.	19,826,596				19,826,596
Tier 1 Engineering [10.]	8,000,000				8,000,000
Endowments [11.,12.,13.]	17,500,000				17,500,000
NCAR MOU	2,000,000				2,000,000
TOTALS	403,494,746	0	1,500,000		404,994,746

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. Not later than October 1, 2014, the trustees of the University of Wyoming shall report to the joint education interim committee and the joint appropriations interim committee on the fiscal, legal and policy implications of granting reduced tuition status to high school graduates of neighboring states.

2. Not later than October 1, 2015, the trustees of the University of Wyoming shall report to the joint education interim committee and the joint appropriations interim committee on potential complete reconstruction of Crane Hall, Downey Hall, Hill Hall, McIntyre Hall, Orr Hall and White Hall collectively or separately. The report shall include cost estimates for construction and operations, student affordability, potential timing and options for financing the reconstruction, and a review of housing options and costs at comparable universities.

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

3. Of this general fund appropriation one hundred thousand dollars ($100,000.00) shall only be expended by the University of Wyoming intercollegiate athletics department for the purpose of providing increased training, support, coaching and recruitment of rodeo club athletes to the University of Wyoming. The University of Wyoming shall report not later than November 1, 2014 on the regulatory and financial feasibility of transitioning the rodeo club team to the intercollegiate athletics department. 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, 2016. This appropriation shall not be included in the university's 2017-2018 standard budget request.

4. Of this general fund appropriation one hundred thousand dollars ($100,000.00) shall only be expended for the purpose of reducing amounts charged for university room and board services to Wyoming high school students attending athletic and other extracurricular camps and events held at the university, in order for those students to be afforded the opportunity to visit and become familiar with the university campus. 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, 2016. This appropriation shall not be included in the university's 2017-2018 standard budget request.

5. (a) Of this general fund appropriation, two million dollars ($2,000,000.00) shall only be expended for the purpose of providing a state match for funds received by the university from athletic booster organizations or individuals donating funds to be used solely for athletic programs. Not more than one million dollars ($1,000,000.00) shall be available for the period beginning July 1, 2014 and ending June 30, 2015, and not more than one million dollars ($1,000,000.00) shall be available for the period beginning July 1, 2015 and ending June 30, 2016. This appropriation shall be retained by the state treasurer for distribution in accordance with the provisions of this footnote and only be expended for the purposes of:

(i) Authorized recruitment of prospective student athletes to the university and expenses associated with participation in intercollegiate athletics including summer school attendance, nutrition, ~~and~~ tutoring, team travel and costs directly related to participation in competition;

(ii) Athletic training equipment.

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

(b) None of these funds shall be used for salaries or capital construction projects.

(c) To the extent funds are available from this appropriation, on a quarterly basis the state treasurer shall match each cash or cash equivalent contribution actually received by the University of Wyoming for the purposes specified in this footnote for the period July 1, 2014 through March 31, 2015 by distributing to the university an amount equal to one-half (1/2) of the amount of qualifying contributions for the quarter. During the period April 1, 2015, through June 30, 2016, the distributions shall be in an amount equal to the amount of qualifying contributions for the quarter. The university shall provide reports of contributions received as required by the treasurer to implement this footnote.

(d) Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose not specified in this footnote and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016. This appropriation shall not be included in the university's 2017-2018 standard budget request.

6. Of this general fund appropriation one million dollars ($1,000,000.00) shall only be ~~available for expenditure if the University of Wyoming's fall 2015 end of semester official enrollment of on-campus students in Laramie is at least six hundred (600) higher than the fall 2013 end of semester official enrollment of on-campus students in Laramie~~ expended if matched by seven hundred fifty thousand dollars ($750,000.00) in any other university funds, external resources or in-kind match for management reporting and fiscal control improvements, including staffing needs, as proposed by the university and in accordance with the recommendations contained in the January 5, 2015 management audit report on file with the legislative service office. In its 2017-2018 budget request, the university shall report on expenditure of these funds, the total anticipated cost of the fiscal control and management reporting project, including a timeline, a plan to finance the project with general and non-general funds and a plan to reclassify existing bookkeeping and administrative personnel for operation of the fiscal control and management reporting system, including an estimate of the number of positions to be reclassified. This appropriation of one million dollars ($1,000,000.00) shall not be included in the university's 2017-2018 standard budget request but may be included in an exception request.

7. Before proceeding with construction, the University of Wyoming's level III architectural design documents for the energy and engineering research facility (high bay) shall be reviewed and approved by the governor, in consultation with and upon the recommendations of the Wyoming governor's energy engineering and STEM integration task force. Upon the governor's satisfaction

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

that the task force's recommendations have been complied with, the governor is directed to authorize the release of the funds to allow the university to move forward with the construction of the energy and engineering research facility.

8. Not later than November 1, 2014, the University of Wyoming, in consultation with the Wyoming community college commission and each community college, shall report to the joint education interim committee and the joint appropriations interim committee on the institutional and administrative changes needed to ensure credits earned at community colleges will transfer to the University of Wyoming and to the pursuit of an accredited degree program within the University of Wyoming. This footnote is effective immediately.

9. Of this other funds appropriation, one million five hundred thousand dollars ($1,500,000.00) S13 shall be ~~deposited in an account within the state auditor's office. The state auditor shall release the funds to the University of Wyoming in a ratio of one and one-half (1.5) to one (1) for each dollar dedicated by the University of Wyoming~~ used exclusively for expenditure on student wireless and networking systems and related storage and services as requested by the university in its 2015-2016 budget request. ~~The minimum distributions pursuant to this footnote shall be in increments of one hundred fifty thousand dollars ($150,000.00), prior to the final distribution.~~

10. Of this general fund appropriation, eight million dollars ($8,000,000.00) shall only be expended for the purpose of funding new academic programs associated with the tier 1 initiative at the college of engineering and applied sciences. The university shall not reduce its funding to the college of engineering, or reduce the college's proportionate share of the block grant allocation. The university shall include the amount required to fund the tier 1 engineering program including ~~the university's matching share~~ an amount that the university will contribute from its own funds in its 2017-2018 standard budget request. Of this general fund appropriation, one hundred fifty thousand dollars ($150,000.00) is effective immediately.

11. Of this general fund appropriation, five million dollars ($5,000,000.00) shall only be expended for the endowment challenge fund program as provided in W.S. 21-16-901 through 21-16-904 and only for the purposes of endowing a chair at the University of Wyoming for petroleum engineering. This appropriation shall not be included in the university's 2017-2018 standard budget request.

12. Of this general fund appropriation, seven million five hundred thousand dollars ($7,500,000.00) shall only be expended for the academic facilities challenge fund as provided in W.S. 21-16-1401 through 21-16-1403 and only for the purposes of a high bay research facility. Notwithstanding W.S. 21-16-1403(a)(i)

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

authorized expenditures for this appropriation shall also include instruments, equipment, facilities and research support at the high bay research facility.

13. Of this general fund appropriation, five million dollars ($5,000,000.00) shall only be expended for the endowment challenge fund program as provided in W.S. 21-16-901 through 21-16-904. Endowments eligible to be funded by these matching funds shall be for disciplines identified in a plan approved by the University of Wyoming board of trustees, which plan shall contain an emphasis on disciplines directly related to Wyoming's economy, except up to fifty thousand dollars ($50,000.00) of unobligated, uncommitted funds appropriated in this footnote, is designated for matching gifts made for graduate assistantships and academic support within the communications and journalism department in accordance with W.S. 21-16-901 through 21-16-904.

14. The trustees of the University of Wyoming, in conjunction with the trustees of the northern Wyoming community college district and members of the Gillette college advisory board, shall assess opportunities and costs associated with establishing a four-year degree in elementary education at the northern Wyoming community college district, Gillette college campus. The university shall report to the joint appropriations interim committee and joint education interim committee no later than October 1, 2015 on the programmatic, facility, personnel and budgetary needs of such a program, potential sources of state and local revenue, projected enrollment and opportunities and challenges identified with curriculum and faculty integration.

15. The University of Wyoming administration and nursing program faculty and administrators, in conjunction with administrators and nursing program faculty from all interested community colleges, shall assess alternatives to deliver a baccalaureate nursing degree program administered by the University of Wyoming at one (1) or more community college campuses in the most efficient and cost-effective manner possible. The university shall report to the joint appropriations interim committee, joint labor health and social services interim committee and joint education interim committee no later than October 1, 2015 on the programmatic, facility, personnel and budgetary needs of such a program, potential sources of state, local and private revenue for the program, projected enrollment and opportunities and challenges identified with curriculum and faculty integration.

16. For the use of the university aircraft after the effective date of this footnote, the university shall identify and distribute to a reserve fund amounts to cover the cost for routine and planned maintenance, engine and propeller reserves. Additional amounts to support funding of replacement of the research aircraft shall be included in any contract for use of the aircraft to the extent practicable.

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

Amounts received to support replacement of the aircraft shall be held in the reserve fund. Not later than October 1, 2015, the university shall report to the joint appropriations interim committee a budget for the cost of acquisition of a replacement research aircraft, and a plan for the acquisition and operation of the aircraft including revenues anticipated to be credited to the reserve fund and repaid to the state of Wyoming. Proceeds from the sale of the research aircraft, engine or any related research instrumentation shall be credited to the reserve fund.

Section 077. ENTERPRISE TECHNOLOGY SERVICES

PROGRAM					
Enterprise Operations	19,590,317				19,590,317
Enterprise Core Svcs. [1,2]	22,526,453		9,799,246	S13	
			5,807,864	S5	38,133,563
IT Enhanced Services			~~51,380,588~~	~~IS~~	~~51,380,588~~
			51,191,838	IS	51,191,838
Depreciation Reserve			841,000	IS	841,000
WEN Infrastructure			19,183,670	S5	19,183,670
TOTALS	42,116,770	0	~~87,012,368~~		~~129,129,138~~
			86,823,618		128,940,388

AUTHORIZED EMPLOYEES

Full Time	~~284~~	282
Part Time	1	
TOTAL	~~285~~	283

1. (a) The unified network is limited to use only by:

(i) The executive, legislative and judicial branches of Wyoming state government, including the University of Wyoming and community colleges; and

(ii) Wyoming public schools and public libraries.

(b) In relation to use of the unified network, Wyoming state government does not include local government, cities, towns, counties, hospitals, joint powers boards, special districts or other local governmental entities.

2. Rather than purchasing facilities or providing its own communications services for the creation and operation of the unified network, the state of Wyoming shall purchase services from commercial communications carriers to the fullest extent reasonably feasible.

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

Section 080. DEPARTMENT OF CORRECTIONS

PROGRAM					
WDOC Commissaries			4,402,512	EF	4,402,512
WDOC Assistance Fund			972,183	SR	972,183
WDOC Inmate Medical	42,227,719				42,227,719
WDOC Substance Abuse Trt.		100,000	6,942,859	TT	7,042,859
Corrections Operations	23,703,712	222,848	1,198,806	SR	
			210,962	TT	25,336,328
Field Services [1.,2.,3.]	~~37,545,889~~		4,012,882	TT	~~41,558,771~~
	38,163,389				42,176,271
Honor Conservation Camp	17,176,540		73,439	SR	17,249,979
Women's Center [4.]	17,879,409		61,151	SR	17,940,560
Honor Farm	14,408,976		863,371	EF	15,272,347
State Penitentiary	68,779,869				68,779,869
WY Medium Corr. Inst.	57,704,596		486,785	TT	58,191,381
TOTALS	~~279,426,710~~	322,848	19,224,950		~~298,974,508~~
	280,044,210				299,592,008

AUTHORIZED EMPLOYEES

Full Time [5.]	1,271
Part Time	3
TOTAL	1,274

1. Of this general fund appropriation, four hundred thousand dollars ($400,000.00) shall only be expended for the period beginning July 1, 2014 and ending June 30, 2015 to increase alternative incarceration placements at adult community corrections programs. The department of corrections shall include an exception request and justification in the 2015-2016 supplemental budget request to the extent additional funds are needed.

2. Of this general fund appropriation, two hundred seventeen thousand five hundred dollars ($217,500.00) shall only be expended for the period beginning July 1, 2014 and ending June 30, 2015 to increase funding for split sentencing programs. The department of corrections shall include an exception request and justification in the 2015-2016 supplemental budget request to the extent additional funds are needed.

3. The department of corrections shall report to the joint appropriations interim committee and joint judiciary interim committee not later than November 1, 2014 on the probation and post prison recidivism rates for all distinct levels of incarceration, split sentencing and adult community corrections placements. The department shall provide recommendations to increase the success rate of probation placements to not less than fifty percent (50%) and the success rate for post-prison placements to not less than sixty-three percent (63%)

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

for adult community corrections placements. The report shall also include the number of participants in the split sentencing program over each of the last five (5) years and the number of reoffenders who participated in the split sentencing program over each of the last three (3) years.

4. The department of corrections shall report to the joint judiciary interim committee and the joint appropriations interim committee regarding utilization of the mother/child program at the women's center not later than November 1, 2014 and not later than November 1, 2015.

5. Of the authorized full-time employees, two (2) full-time vacant positions shall be reclassified to the women's center as a case team leader and a case worker.

Section 101. SUPREME COURT

PROGRAM					
Administration	8,560,678	607,455	~~3,062,110~~	~~SR~~	~~12,230,243~~
			3,162,110	SR	12,330,243
Judicial Nominating Comm.	21,001				21,001
Law Library	1,398,308				1,398,308
Circuit Courts	28,842,804				28,842,804
Court Automation [1.]	4,956,249		3,949,352	SR	8,905,601
Judicial Retirement	2,313,196				2,313,196
Board of Judicial Policy	708,341				708,341
TOTALS	46,800,577	607,455	~~7,011,462~~		~~54,419,494~~
			7,111,462		54,519,494

AUTHORIZED EMPLOYEES

Full Time	203
Part Time	28
TOTAL	231

1. Of this general fund appropriation, two hundred eighty thousand dollars ($280,000.00) shall only be expended ~~once~~ as an equal amount of funding in not less than ten thousand dollar ($10,000.00) increments from ~~private~~ other sources is received by the supreme court for purposes of developing a supreme court learning center. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose not specified in this footnote and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016.

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

Section 167. UW - MEDICAL EDUCATION 2.

PROGRAM					
Family Practice Residency	20,392,806		10,686,062	SR	31,078,868
WWAMI Medical Education 1.,3.	12,515,926				~~12,515,926~~
			801,800	SR	13,317,726
Dental Contracts	4,876,597				4,876,597
Nursing Program	225,000				225,000
TOTALS	38,010,329	0	~~10,686,062~~		~~48,696,391~~
			11,487,862		49,498,191

AUTHORIZED EMPLOYEES

Full Time	138	
Part Time	~~23~~	30
TOTAL	161	168

1. The University of Wyoming shall conduct a review of the changes in the curriculum for the WWAMI program. The review shall consider whether the changes favorably or adversely affect the medical education of WWAMI students and shall consider if an appropriate balance is retained among relevant classroom education, practice including rural practice experience and teaching hospital experience. The university shall conduct the review and present it to a review panel of at least seven (7) but not more than fifteen (15) members appointed by the university president. A majority of the review panel shall be physicians in clinical practice in Wyoming. The panel may recommend that the university negotiate changes in the proposed curriculum, may recommend changes at the university to support the new curriculum and may recommend that the university consider affiliating with a different medical school. The review and the recommendations of the review panel shall be submitted to the board of trustees and the joint labor, health and social services interim committee on or before a date set by the trustees, which shall not be later than October 1, 2015.

2. Funds appropriated for 100 series personal services for section 167 may be transferred and expended for contract services for instructors, physicians and other health care providers for the University of Wyoming family practice residency and WWAMI medical education programs. The University of Wyoming shall report any transfers and expenditures pursuant to this footnote in accordance with section 308 of this act.

3. For the period beginning April 1, 2015 and ending June 30, 2016, up to eight hundred one thousand eight hundred dollars ($801,800.00) SR in payments made by current WWAMI students shall not be deposited in an endowment fund under W.S. 21-17-109(e) but shall be directed to the University of Wyo-

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

ming for support of the WWAMI medical education curriculum, including compensation for part-time positions. This appropriation shall not be included in the university's 2017-2018 standard budget request.

Section 205. EDUCATION-SCHOOL FINANCE [1.]

PROGRAM					
School Foundation Program [2.,3.,5.]			~~1,494,544,312~~	~~S5~~	~~1,494,544,312~~
			1,505,182,920	S5	1,505,182,920
Court Ordered Placements			19,433,639	S5	19,433,639
Foundation - Specials			76,678,404	S5	76,678,404
Education Reform [4.]			14,576,817	S5	14,576,817
Student Performance Data			6,749,676	S5	6,749,676
TOTALS	0	0	~~1,611,982,848~~		~~1,611,982,848~~
			1,622,621,456		1,622,621,456

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	0
TOTAL	3

1. All changes to this budget as authorized by this section shall be documented through the B-11 process as authorized by W.S. 9-2-1005(b)(ii). The department of education shall use the B-11 process for budgetary additions and transfers between and within department divisions, including additions and transfers at the unit level.

2. (a) This other funds appropriation includes funding for an external cost adjustment to the education resource block grant model computed as follows:

(i) Effective for school year 2014-2015 only:

(A) For the "professional labor" category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(vi)], one and forty-five thousandths percent (1.045%), based upon fifty percent (50%) of the inflationary percentage computed under the 2013 Wyoming Comparable Wage Index;

(B) For the "nonprofessional labor" category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(v)], nine hundred ninety five thousandths percent (0.995%), based upon fifty percent (50%) of the inflationary percentage computed under the 2013 Wyoming High School Comparable Wage Index;

(C) For the "educational materials" category of model components inclu-

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

sive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(iii)], seventy-five hundredths percent (0.75%), reflecting fifty percent (50%) of the annual change measured by the BLS Producer Price Index for Office Supplies and Accessories;

(D) For the "energy" category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(iv)], a negative fifty-three hundredths percent (-0.53%), reflecting fifty percent (50%) of the annual change measured by the BLS Producer Price Index for Commercial Electric Power weighted at 44.1% and the BLS Producer Price Index for Commercial Natural Gas weighted at 55.9%.

(ii) Effective for school year 2015-2016 only, in addition to the external cost adjustment provided in paragraph (a)(i), ~~of this footnote shall be removed from the model and~~ the following adjustment shall be included:

(A) For the "professional labor" category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(vi)], ~~one and seven hundred twenty-five thousandths percent (1.725%)~~ two and six hundred seventy-five thousandths percent (2.675%) based upon ~~eighty-three percent (83%)~~ the sum of fifty percent (50%) of the inflationary value produced by the 2013 Wyoming Comparable Wage Index and one hundred percent (100%) of the inflationary value produced by the 2014 Wyoming Comparable Wage Index;

(B) For the "nonprofessional labor" category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(v)], ~~one and six hundred forty-five thousandths percent (1.645%), based upon eighty-six percent (86%)~~ two and three hundred seventy-five thousandths percent (2.375%), based upon the sum of fifty percent (50%) of the inflationary value produced by the 2013 Wyoming High School Comparable Wage Index and one hundred percent (100%) of the inflationary value produced by the 2014 Wyoming High School Comparable Wage Index;

(C) For the "educational materials" category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(iii)], ~~one and two hundred sixty-three thousandths percent (1.263%) reflecting eighty-four percent (84%)~~ two and ninety-three hundredths percent (2.93%), based upon the sum of fifty percent (50%) of the annual change measured by the 2012-2013 BLS Producer Price Index for Office Supplies and Accessories and one hundred percent (100%) of the annual change measured by the preliminary 2013-2014 BLS Producer Price Index for

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

Office Supplies and Accessories;

(D) For the "energy" category of model components inclusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment "A"(a)(iv)], ~~a negative nine-tenths percent (-0.9%) reflecting eighty-five percent (85%)~~ four and seventy-seven hundredths percent (4.77%), based upon the sum of fifty percent (50%) of the annual change measured by the 2012-2013 BLS Producer Price Index for Commercial Electric Power weighted at 44.1% and the BLS Producer Price Index for Commercial Natural Gas weighted at 55.9% and one hundred percent (100%) of the annual change measured by the preliminary 2013-2014 BLS Producer Price Index for Commercial Electric Power weighted at 44.1% and the BLS Producer Price Index for Commercial Natural Gas weighted at 55.9%.

~~(b) In undertaking a review for an external cost adjustment for school year 2015-2016, pursuant to W.S. 21-13-309(o), the amount of the external cost adjustment provided under paragraph (a)(ii) of this footnote shall be deducted from the computed adjustment. Any deduction pursuant to this subsection shall not result in a negative external cost adjustment for school year 2015-2016.~~

3. (a) Of this other funds appropriation from the school foundation program account, ~~twelve million dollars ($12,000,000.00)~~ six million dollars ($6,000,000.00)S5 shall be distributed by the department of education as follows:

(i) Six million dollars ($6,000,000.00) shall be distributed to school districts for the sole purpose of salary increases for school district employees for school year 2014-2015;

~~(ii) Six million dollars ($6,000,000.00) shall be distributed to school districts for the sole purpose of salary increases for school district employees for school year 2015-2016. Any school district contributing a greater percentage of employee retirement contributions under W.S. 9-3-412, without reduction in cash salary of the employee equal to or greater than that provided for state employees pursuant to W.S. 9-3-412(c)(iii) including additional contributions specified by legislative act as provided in that provision, as of September 1, 2015, shall not qualify for a distribution under this paragraph;~~

(iii) Each school district shall submit the total district payroll, including benefits, funded by nonfederal funds for the immediately preceding school year, together with any additional information required by the department;

(iv) Based upon payrolls submitted under paragraph (iii) of this footnote, distributions to districts under paragraph (i) of this footnote shall be the

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

amount that the total payroll of each district bears to the total payroll of all districts for the 2013-2014 school year;~~. Distributions to districts under paragraph (ii) of this footnote shall be the amount that the total payroll of each qualifying district bears to the total payroll of all qualifying districts under paragraph (ii) of this footnote for the 2014-2015 school year~~;

(v) Distributions of amounts available under this footnote shall be made by the department on or before November 15 of the applicable school year;

(vi) The board of trustees of each recipient school district under this footnote shall certify to the department that the distribution was expended solely for district employee salary adjustments as determined by the board;

(vii) Distributions under this footnote are in addition to any district's foundation program amount computed under W.S. 21-13-309(p). Any amounts paid to school districts under this subsection shall not be reimbursable under W.S. 21-13-320 and 21-13-321.

4. (a) Amounts within unit 4601 of the education reform program shall be reappropriated to the 2015-2016 education testing and assessment account within the state auditor's office, as created under Section 2, Section 206, footnote 2(a) of this act. Unless approved for transfer under W.S. 9-2-1005(b)(ii), expenditures from this account shall only be for education testing and assessment as required by law.

(b) Amounts expended from the 2015-2016 education testing and assessment account created under Section 2, Section 206, footnote 2(a) of this act shall be certified by the governor and shall be restricted to the costs of administration of testing and assessments required by law. Expenditures from this account shall require certification by the governor that amounts are necessary to fund testing and assessment required by law.

5. Notwithstanding any other provision of law, for school years 2014-2015 and 2015-2016 only, amounts payable to a school district pursuant to W.S. 21-4-505 for resident students attending an out of state public school shall, upon the request of the school district, be paid by the Wyoming department of education no later than thirty (30) days after request for reimbursement. Any request for reimbursement by a school district under this footnote shall be made in the manner and form required by the department. Payment under this footnote shall be made no later than June 30, 2015 for expenses incurred during school year 2014-2015 and no later than June 30, 2016 for expenses incurred during the 2015-2016 school year.

APPROPRIATION FOR	GENERAL FUND $	FEDERAL FUNDS $	OTHER FUNDS $		TOTAL APPROPRIATION $
Section 206. DEPARTMENT OF EDUCATION [1.,2.,3.]					
PROGRAM					
Department Leadership [4.]	2,807,270		450,000	S5	3,257,270
Finance & Data	5,983,010	20,994	63,875	SR	6,067,879
College & Career Ready [11.]	1,132,604	16,844,998	2,964,420	S5	
			600,000	SR	
			1,000	T0	21,543,022
Student Ach. & Support [5.,6.,7.,8.,9.]	6,684,555	164,318,408	4,020,137	S5	
			468,495	T0	175,491,595
Student Services [10.]	1,011,245	50,082,912	250,000	S5	
			2,434,974	SR	53,779,131
TOTALS	17,618,684	231,267,312	11,252,901		260,138,897

AUTHORIZED EMPLOYEES

Full Time	111
Part Time	4
TOTAL	115

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

2. (a) Amounts within units 1228, 1251 and 1252 of the department of education's college and career ready program and unit 1309 of the department of education's student ach. & support program shall be reappropriated to the 2015-2016 education testing and assessment account within the state auditor's office which is hereby created. Unless approved for transfer under W.S. 9-2-1005(b)(ii), expenditures from this account shall only be for education testing and assessment as required by law.

(b) Amounts expended from the 2015-2016 education testing and assessment account created under subsection (a) of this footnote shall be certified by the governor and shall be restricted to the costs of administration of testing and assessments imposed by law. Expenditures from this account shall require certification by the governor that amounts are necessary to fund testing and assessment required by law.

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

3. In carrying out W.S. 21-2-304(c) by reviewing the uniformity and qual-

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

ity of the educational program standards imposed under W.S. 21-9-101 and 21-9-102 and the student content and performance standards promulgated under W.S. 21-2-304(a)(iii), neither the state board of education nor the department shall expend any amount appropriated under this section for any review or adoption of the next generation science standards as developed by the national science teachers association, the American association for the advancement of science, the national research council, and "Achieve". This footnote is effective immediately. If 2015 HB0023 is not enacted, this footnote is repealed.

4. Of this other funds appropriation, up to two hundred thousand dollars ($200,000.00)S5 may be expended for unit 1001, state board of education, to facilitate the work of the select committee on education accountability.

5. (a) Of general fund and school foundation program account funds within the education testing and assessment account established within the state auditor's office by 2012 Wyoming Session Laws, Chapter 26, Section 2, Section 005, footnote 3 and Section 205, footnote 3, as amended by 2013 Wyoming Session Laws, Chapter 73, Section 2, Section 206, footnote 3, which are unexpended and unobligated as of June 30, 2014, up to one million dollars ($1,000,000.00) shall be available to the department prior to reversion to the originating funding source, for managing the implementation of and for building agency capacity supporting the statewide education accountability system created under W.S. 21-2-204 and the teacher and leader evaluation and accountability system required of the state board of education under W.S. 21-2-304(b)(xv) and (xvi), subject to the following:

(i) Amounts expended under this footnote shall specifically fund implementation of, and to the extent feasible, development of capacity within the department to provide:

(A) Necessary technical psychometric, modeling and data analysis and support required for proper execution and administration of the school-based accountability system and the teacher and leader evaluation and accountability system established under W.S. 21-2-204;

(B) The progressive multi-tiered system of support, intervention and consequences required under W.S. 21-2-204(f);

(C) Systematic, periodic and uniform reporting of progress of state public education achievement compared to established performance targets required under W.S. 21-2-204(h).

(ii) Any unencumbered, unexpended, unobligated amounts within the education testing and assessment account exceeding one million dollars

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

($1,000,000.00) shall revert to the general fund and to the school foundation program account, in amounts determined by the department;

(iii) The department shall report expenditures under this footnote to the governor, the joint appropriations interim committee and to the select committee on statewide education accountability.

6. (a) Of this other funds appropriation from the school foundation program account, up to four hundred fifty thousand dollars ($450,000.00) S5 shall be available to the department of education to initiate dual language immersion programs within schools during school years 2014-2015 and 2015-2016, to be distributed as financial assistance to school districts for provision of programs requiring use of a target foreign language during not less than fifty percent (50%) of student-teacher contact time during each school day of student enrollment in the program. District expenditure of financial assistance provided under this appropriation shall be restricted to training and acquisition of instructional capacity necessary to initiate a dual language immersion program within a school in the district. Assistance available to any school district under this appropriation shall be in addition to the foundation program amount computed for that district under W.S. 21-13-309(p) and shall be limited to fifteen thousand dollars ($15,000.00) for any one (1) eligible dual immersion program. Any one (1) school district may receive assistance for up to one (1) eligible class per grade under this appropriation.

(b) Application to the department for financial assistance under this appropriation shall be in a time, on a form and in a manner prescribed by the department, and application review and selection shall be in accordance with a process established by the department based upon demonstrated ability of the applicant program to completely and effectively implement a dual immersion program, provided that payment of assistance to an eligible district program is made by August 15 of that school year for which application is submitted.

7. The department of education shall report to the joint education interim committee and the joint appropriations interim committee not later than November 1, 2015 on the expenditure of twenty thousand dollars ($20,000.00) contained within this appropriation for the purpose of making equipment purchases for visually impaired clients.

8. Of this general fund appropriation, one hundred twenty-five thousand dollars ($125,000.00) shall be expended for purposes of a tribal triad initiative. 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, 2016.

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

9. Not later than November 1, 2014, the department of education shall review and report on the status of historic and current standards, requirements, or programs for student learning of cardiopulmonary resuscitation (CPR), psychomotor skills and use of an automated external defibrillator to the joint education interim committee and the joint appropriations interim committee.

10. Of this general fund appropriation, five thousand dollars ($5,000.00) shall only be expended for a contest among all Wyoming high schools to design a national and state freedom wall display that can be replicated and installed in every Wyoming high school. Not later than November 1, 2014, the department of education shall report to the governor, superintendent of public instruction, the joint education interim committee and the joint appropriations interim committee on the winning submission, as well as an estimated cost for replicating the winning display in every Wyoming high school.

11. Not later than November 1, 2015, the department of education shall review and report to the joint education interim committee on possible methods to incentivize completion of the success curriculum by high school students for Hathaway scholarship eligibility. The review shall include, but is not limited to, consideration of mechanisms to account for the academic rigor of high school classes, such as advanced placement and international baccalaureate courses, dual and concurrent enrollment and a weighted grade point average scale.

Section 211. BOARD OF EQUALIZATION

PROGRAM				
Equalization/Tax Appeals ~~1.~~	~~1,643,862~~			~~1,643,862~~
	1,650,862			1,650,862
TOTALS	~~1,643,862~~	0	0	~~1,643,862~~
	1,650,862			1,650,862

AUTHORIZED EMPLOYEES

Full Time	6
Part Time	0
TOTAL	6

1. Of this general fund appropriation, seven thousand dollars ($7,000.00) shall only be expended for the purpose of travel and training for board members.

Section 046. MIXED MARTIAL ARTS BOARD

PROGRAM					
Administration ~~1.2.~~			28,500	SR	28,500
TOTALS	0	0	28,500		28,500

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

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. At no time shall the expenditures by the board exceed either appropriated funds or revenues in the mixed martial arts board account.

~~2. Of this other funds appropriation, ten thousand dollars ($10,000.00) shall only be expended to reimburse the general fund for amounts expended by the mixed martial arts board from the appropriation in 2012 Wyoming Session Laws, Chapter 53, Section 2 in equal annual installments over the next four (4) fiscal years. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(c), this other funds appropriation and authorization for expenditure shall not lapse until June 30, 2018.~~

[CAPITAL CONSTRUCTION]

Section 3. Sections 006 and 067 of 2014 Wyoming Session Laws, Chapter 26, Section 3 are amended to read:

Section 006. ADMINISTRATION AND INFORMATION [1.,2.,3.]

PROGRAM					
CC-LCCC Flex Tech Bldg.	7,073,208		7,073,208	PR	14,146,416
CC-LCCC Joint Student Ctr	11,000,000		15,000,000	PR	26,000,000
CC-EWC Career/Tech Ed Ctr	20,000,000		2,932,450	PR	22,932,450
CC-NWCCD Sheridan Bldg. [4.]	2,730,000		10,270,000	PR	13,000,000
CC-CWC Riverton Stud. Ctr [4.]	1,043,070		3,923,930	PR	4,967,000
CC-Gillette Activity Ctr [4.]	4,250,000		14,721,539	PR	18,971,539
CC-WWCC Student Center			1,247,500	PR	1,247,500
CC-WWCC Inst. & Tech Bldg.			4,409,000	PR	4,409,000
CC-CC Ag & Equine Center [5.]			5,000,000	PR	5,000,000
CC-EWC Lancer Hall			3,839,826	PR	3,839,826
~~CC-NWCC~~ CC-NWCCD Tech Ed Center			18,850,000	PR	18,850,000
A&I-SBC Contingency Fund [6.]	5,311,820				5,311,820
CC-LCCC Ludden Library			3,500,000	PR	3,500,000
CC-LCCC PE Bldg. Renovation			3,400,000	PR	3,400,000
CC-NWCCD Gillette Res. Hall			10,077,447	PR	10,077,447
CC-NWCCD N. Whitney Reno			16,000,000	PR	16,000,000
CC-CWC Ag & Animal Science			8,000,000	PR	8,000,000
Military-Afton Armory		13,400,000			13,400,000
Military-Reg. Training I		31,000,000			31,000,000
Dept of Ag- Livestock Pav	785,000				785,000
Dept of Ag- Dairy Barn [9.]			100,000	SR	100,000

APPROPRIATION FOR	GENERAL FUND $	FEDERAL FUNDS $	OTHER FUNDS $		TOTAL APPROPRIATION $
Dept of Ag- Fairgrounds [9.]			100,000	SR	100,000
Atty Gen - WLEA Bldg.			535,000	SR	535,000
State Parks-Carissa Mine [7.]			250,000	SR	250,000
State Parks-Health/Safety		500,000	4,000,000	SR	4,500,000
State Parks-Terr. Prison			210,000	SR	210,000
State Parks-Water Fac.		300,000	1,700,000	SR	2,000,000
G&F- Forensics Lab [8.]	3,000,000		1,000,000	T0	4,000,000
G&F- Horse Creek Fence	50,000				50,000
G&F- Comfort Stations	200,000				200,000
DFS-WBS Classroom Bldg.	12,100,000		1,000,000	T1	13,100,000
ETS-Emerson Data Ctr	1,500,000				1,500,000
DOC-WSP Stabilization	500,000				500,000
DOC-WSP Fence			518,739	T1	518,739
TOTALS	69,543,098	45,200,000	~~95,946,192~~ 137,658,639		~~210,689,290~~ 252,401,737

1. Any unexpended, unobligated appropriations from the general fund or budget reserve account remaining in a capital construction project budget upon completion of the project shall be deposited into the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j) and shall not be transferred or expended for any other purpose. Any reversion of unexpended, unobligated funds in any capital construction budget contained in any prior capital construction appropriation from the general fund or budget reserve account, which occurs prior to July 1, 2016, shall also be deposited into the capitol building rehabilitation and restoration account, unless the appropriation specified another use of the reverted funds.

2. The department of administration and information shall work with the attorney general to ensure that all construction contracts entered into by the department for the construction of facilities or improvements the ownership of which is to be transferred to another agency of the state upon completion shall contain a clause that allows the department of administration and information to assign all rights, privileges and causes of action or other claims to the agency of ownership upon transfer.

3. The operation, management and ownership of any facility for which the construction management program within the general services division of the department of administration and information serves as the primary fiscal and contracting agent for purposes of construction which is to be owned by another state agency or institution shall be transferred no later than sixty (60) days after the next regular meeting of the state building commission upon final completion of construction. The construction management program shall submit appropriate documentation approved by the attorney general for the proper transfer of the operation, management and ownership of the facility, to

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

the state building commission for its approval. Action approving the transfer shall be reflected in the minutes of the state building commission. As used in this footnote, "completion" means the facility has been placed into service or is otherwise being used for purposes for which the construction was done.

4. Of this general fund appropriation, the college may expend any amount necessary for purposes of the authorized capital construction project.

5. Casper College is authorized to expend up to five million dollars ($5,000,000.00) PR in other funds to purchase property, including improvements, and make necessary upgrades in order to establish an agriculture and equine resource center.

6. Of this general fund appropriation, fifty thousand dollars ($50,000.00) shall only be expended to study the state laboratory facility and assess whether the facility meets or exceeds appropriate design and construction standards consistent with the activities conducted within the laboratory.

7. Of this other funds appropriation, two hundred fifty thousand dollars ($250,000.00) shall only be expended for a fire protection and suppression system at the Carissa mine. The department of state parks and cultural resources shall report to the joint appropriations interim committee not later than November 1, 2014 on specific and cost effective plans to protect the Carissa mine from a potential fire event.

8. This total appropriation shall be expended only after a budget for the expenditures is approved by the governor.

9. This other funds appropriation shall be expended from the state fair account created by W.S. 11-10-106(b).

Section 067. UNIVERSITY OF WYOMING

PROGRAM					
Infrastructure & LRDP 1.	5,000,000				5,000,000
Classroom Adaptation	4,000,000				4,000,000
Corbett Pool 2.	2,500,000				2,500,000
Arena Auditorium 3.	5,000,000				5,000,000
High Bay Research Fac. 4.			8,570,000	S0	8,570,000
TOTALS	16,500,000	0	~~0~~		~~16,500,000~~
			8,570,000		25,070,000

1. This general fund appropriation shall only be expended for long range infrastructure improvements by the university in accordance with the university's budget submitted to the joint appropriations interim committee for the 2015-2016 biennium. This general fund appropriation is effective immediately.

2. Of this general fund appropriation, two million dollars ($2,000,000.00) shall be deposited to an account which shall be held by the state treasurer for distribution to the University of Wyoming for construction costs of the university pool swimming/diving facility as provided in this footnote. All funds appropriated with this footnote shall only be available for expenditure as specifically authorized by the legislature.

3. Of this general fund appropriation, five million dollars ($5,000,000.00) is effective immediately.

4. Of this other funds appropriation, eight million five hundred seventy thousand dollars ($8,570,000.00) S0 is appropriated from funds previously appropriated for construction of an engineering building at the University of Wyoming as provided in 2012 Wyoming Session Laws, Chapter 26, Section 3, Section 067, as amended by 2013 Wyoming Session Laws, Chapter 73, Section 3, Section 067.

Section 4. 2014 Wyoming Session Laws, Chapter 26, Sections 300(b), (m), (n)(ii)(intro), (B) and by creating new subsections (p) through (r), 303 by creating new subsections (u) through (y), 308, 315 by creating new subsections (f) and (g) and by renumbering (f) and (g) as (h) and (j), 317 by creating a new subsection (c), 320(h), 328 by creating new subsections (e) and (f), 329(b) through (d), (f), (g), (j)(i) and by creating new subsections (k) and (m) and by renumbering (k) as (n), 330(b), 331(e), (f)(intro) and by creating new subsections (m) through (s), 333(a) and (b), 334(h)(ii) and by creating a new subsection (o) and by renumbering (o) as (p) and (p) as (q) and by creating new sections 340 through 356 are amended to read:

[BUDGET BALANCERS - TRANSFERS]

Section 300.

(b) ~~Any amount~~ The first seventy-five million dollars ($75,000,000.00) of unappropriated funds remaining in the budget reserve account on June 30, 2016 in excess of one hundred nine million eight hundred sixty thousand dollars ($109,860,000.00) shall be transferred to the strategic investments and projects account, if available. Any unappropriated funds in the budget reserve account on June 30, 2016 in excess of one hundred nine million eight hundred sixty thousand dollars ($109,860,000.00) after the transfer to the strategic investments and projects account has been made shall be transferred to the legislative stabilization reserve account.

(m) The state auditor shall transfer to the common school account within the permanent land fund, any unappropriated, unexpended, unobligated balance within the permanent land fund holding account created under subsection (k) of this section which is in excess of ~~four hundred seventy-five million dollars ($475,000,000.00)~~ six hundred million dollars ($600,000,000.00) on June 30, 2016.

(n) The strategic investments and projects account created by 2013 Wyoming Session Laws, Chapter 73, Section 300(e) is continued. There is appropriated from the general fund to that account amounts as provided in paragraphs (i) and (ii) of this subsection:

(ii) The state auditor shall calculate the amount by which earnings from the permanent Wyoming mineral trust fund attributable to the 2015 fiscal year are both in excess of the amount projected for such earnings in the consensus revenue estimating group's January 2015 report and less than the spending policy amount for fiscal year 2015 as determined pursuant to W.S. 9-4-719. The appropriation under this paragraph shall be equal to the amount calculated, but shall not exceed ~~sixty million dollars ($60,000,000.00)~~ twenty million dollars ($20,000,000.00). The appropriation shall be credited to the account as soon as practicable on or after June 30, 2015, but not later than sixty (60) days after the end of the 2015 fiscal year. Any funds transferred into the strategic investments and projects account from the appropriation under this paragraph shall be further appropriated as follows:

~~(B) Funds remaining within the strategic investments and projects account on September 1, 2015, may be included by the governor in his 2017-2018 budget request for one-time expenditure requests including matching funds and capital construction as he deems necessary.~~

(p) There is appropriated nine million dollars ($9,000,000.00) from the Buffalo Bill dam operation and maintenance account created by W.S. 99-99-1001(a)(ii) to water development account II created by W.S. 41-2-124(a)(ii).

(q) There is appropriated twenty-one million three hundred seventy thousand two hundred ninety-six dollars ($21,370,296.00) from the strategic investments and projects account to the general fund.

(r) 2012 Wyoming Session Laws, Chapter 26, Section 300(b) is amended to read:

> (b) Any amount of unappropriated funds remaining in the budget reserve account on June 30, 2014 in excess of one hundred four million three hundred fifty thousand dollars ($104,350,000.00) shall be transferred to the legislative stabilization reserve account, except that any amounts not transferred by the state auditor by March 15, 2015 from the budget reserve account to the legislative stabilization reserve account shall not be transferred.

[CARRYOVER APPROPRIATIONS]

Section 303.

[COLORADO RIVER LITIGATION]

(u) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unobligated monies appropriated from the general fund to the office of the attorney general under 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 015, law office, for the Colorado River Compact litigation, nine hundred ninety-nine thousand five hundred sixty-four dollars ($999,564.00) or as much thereof as available shall not revert, and are hereby reappropriated to the office of the attorney general for purposes of the Colorado River Compact litigation for the period ending June 30, 2016.

[YELLOWSTONE RIVER COMPACT]

(w) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unobligated monies appropriated from the general fund to the office of the attorney general under 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 015, law office, for the Yellowstone river compact, one million dollars ($1,000,000.00) or as much thereof as available, shall not revert, and are hereby reappropriated to the office of the attorney general for the Yellowstone River Compact for the period ending June 30, 2016. Up to fifty thousand dollars ($50,000.00) of the remaining funds are authorized to be expended for any payment in settlement of the state of Montana's claims in Montana v. Wyoming.

[DEPARTMENT OF EDUCATION]

(y) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unobligated monies appropriated from the general fund to the department of education under 2012 Wyoming Session Laws, Chapter 26, Section 2, Section 005 as amended by 2013 Wyoming Session Laws, Chapter 73, Section 2, Section 206, for WDE General Fund Prog, one hundred thirty thousand dollars ($130,000.00) or as much thereof as available, shall not revert, and are hereby reappropriated to the department of education for evaluation and consultation for agency re-organization, update and review of personnel descriptions and development of agency policies and procedures for the period ending June 30, 2016.

[PERSONAL SERVICES TRANSFERS]

Section 308.

(a) Notwithstanding any other provision of this act, nonfederal fund appropriations for 100 series personal services contained in this act shall not be transferred to any other series or expended for any purpose other than personal services. Further, notwithstanding W.S. 9-2-1005(b)(ii) or any other provision of this act, nonfederal fund appropriations for 900 series contractual services contained in this act shall not be transferred to the 100 series personal services. This subsection shall not apply to funding for intern positions. The department

of health, ~~is~~ the University of Wyoming family practice residency and WWAMI medical education programs are exempt from this subsection. The department of corrections is exempt from this subsection to the extent 100 series personal services contained within the department of corrections' appropriation may be transferred and expended for activities related to recruitment, subject to the approval of the governor.

(b) The department of health and the University of Wyoming shall report quarterly to the joint appropriations interim committee and the joint labor, health and social services interim committee regarding the department's and the university's respective exercise of authority under subsection (a) of this section and shall include in the ~~report~~ reports the specific uses and dollar amounts for each exception. The department of corrections shall report to the joint appropriations interim committee in the same manner described in this subsection.

(c) The department of health shall use the authority in this section, as well as requests to the governor to exercise authority provided in 2014 Wyoming Session Laws, Chapter 26, Section 306 to address any department budget shortfalls related to Title 25 placements. The department shall report quarterly to the joint appropriations interim committee on the amount of the actual shortfall and an estimate of anticipated shortfalls, if any, prior to June 30, 2016 as well as the use of the budget transfer authorities to address existing and future shortfalls.

[LOCAL GOVERNMENT DISTRIBUTIONS I]

Section 315.

(f) In addition to other appropriations under this section, there is appropriated:

(i) Three million four hundred seventy-five thousand seven hundred thirty-seven dollars ($3,475,737.00) from funds previously appropriated for construction of an engineering building at the University of Wyoming as provided in 2012 Wyoming Session Laws, Chapter 26, Section 3, Section 067, as amended by 2013 Wyoming Session Laws, Chapter 73, Section 3, Section 067; and

(ii) Funds appropriated to local governments in section 345, priority 16 of this act.

(g) Funds appropriated and identified in subsection (f) of this section shall be distributed as follows:

(i) Up to five million forty thousand dollars ($5,040,000.00) or as much thereof as is available shall first be distributed in the manner provided by subsection (b) of this section, except:

(A) In lieu of the distribution in paragraph (b)(i)(intro) of this section, from this appropriation each city or town with a population of thirty-five (35) or less shall first receive five thousand dollars ($5,000.00) and each city or town with a population over thirty-five (35) but less than one thousand (1,000) shall first receive eighteen thousand dollars ($18,000.00); and

(B) The entire distribution of these additional funds shall be made on August 15, 2015.

(ii) Up to two million nine hundred sixty thousand dollars ($2,960,000.00) or as much thereof as is available shall next be distributed in the manner provided by subsection (c) of this section, except the entire distribution of these additional funds shall be made on August 15, 2015.

~~(f)~~(h) For purposes of this section, population is to be determined by resort to the 2010 decennial federal census as reported by the economic analysis division within the department of administration and information and as defined in W.S. 8-1-102(a)(xv).

~~(g)~~(j) It is the intent of the legislature that the funds distributed under this section shall not be used for salary adjustments, additional personnel or increased personnel benefits.

[UNIVERSITY OF WYOMING TOP-TIER SCIENCE PROGRAMS & FACILITIES]

Section 317.

(c) There is created a UW science initiative account to be managed by the state treasurer for the purposes of constructing and funding programmatic improvements for the University of Wyoming top-tier science programs and facilities. All funds appropriated for deposit to the account shall be held by the state treasurer for distribution to the University of Wyoming only as specifically authorized by the legislature.

[EMPLOYEE COMPENSATION]

Section 320.

~~(h) There is appropriated two million dollars ($2,000,000.00) from the general fund to the state auditor's office for merit retention incentive payments for executive branch employees whose salaries are not established by Wyoming statute. Based upon plans submitted by agencies and approved by the governor, the budget division of the department of administration and information shall direct the distributions to employees under this subsection. The payments provided in this subsection shall be for the period beginning July 1, 2014 and ending June 30, 2016 and shall not be included in any budget request for the 2017-2018 biennium. No payment under this subsection shall be considered as cash remuneration for any purpose of any retirement plan administered by the Wyoming retirement board.~~

[COURT SECURITY FUNDING]

Section 328.

(e) There is appropriated from revenues deposited into the capital construction account funded by W.S. 9-4-601(a)(vi) and (b)(i)(A) and 39-14-801(e)(ix) one million eighty-three thousand four hundred twenty-two dollars ($1,083,422.00) to an account within the state auditor's office under subsection (a) of this section to provide funding for court security improvements including the purchase of security equipment within courthouses or construction or modification of facilities containing a state court. Applications shall be submitted to the state loan and investment board which shall distribute the amounts to each applicant pursuant to paragraphs (i) through (viii) under this subsection:

(i) Eighty-four thousand four hundred twenty-nine dollars ($84,429.00) to Platte county. No funding shall be awarded without matching funds provided by the county from any source in the amount of nine thousand three hundred eighty-one dollars ($9,381.00);

(ii) Eighty-four thousand six hundred eighty-six dollars ($84,686.00) to Goshen county. No funding shall be awarded without matching funds provided by the county from any source in the amount of nine thousand four hundred nine dollars ($9,409.00);

(iii) Seventy-three thousand seven hundred seventy-eight dollars ($73,778.00) to Niobrara county. No funding shall be awarded without matching funds provided by the county from any source in the amount of eight thousand one hundred ninety-seven dollars ($8,197.00);

(iv) Ninety-five thousand three hundred fifty-five dollars ($95,355.00) to Albany county. No funding shall be awarded without matching funds provided by the county from any source in the amount of ten thousand five hundred ninety-five dollars ($10,595.00);

(v) Three hundred seventy-one thousand seven hundred ninety dollars ($371,790.00) to Big Horn county. No funding shall be awarded without matching funds provided by the county from any source in the amount of forty-one thousand three hundred ten dollars ($41,310.00);

(vi) Eighty-two thousand seven hundred seventy-eight dollars ($82,778.00) to Crook county. No funding shall be awarded without matching funds provided by the county from any source in the amount of nine thousand one hundred ninety-seven dollars ($9,197.00);

(vii) Eighty-two thousand seven hundred sixty dollars ($82,760.00) to Park county. No funding shall be awarded without matching funds provided

by the county from any source in the amount of eighty-two thousand seven hundred sixty dollars ($82,760.00); and

(viii) Two hundred seven thousand eight hundred forty-six dollars ($207,846.00) to Weston county. No funding shall be awarded without matching funds provided by the county from any source in the amount of twenty-three thousand ninety-four dollars ($23,094.00).

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unawarded and unobligated funds remaining from appropriations in this section, shall revert to the budget reserve account on June 30, 2018.

[DEPARTMENT OF HEALTH FACILITIES TASK FORCE]

Section 329.

(b) The task force shall be comprised of:

(i) ~~Two (2)~~ Three (3) members of the senate, appointed by the president of the senate;

(ii) ~~Two (2)~~ Three (3) members of the house of representatives, appointed by the speaker of the house;

(iii) ~~Four (4)~~ Two (2) members appointed by the governor. In considering appointments to the task force who are not members of the legislature, the governor shall consider the expertise required to produce timelines, outlines, deliverables and recommendations as provided in this section.

~~(c) The governor shall appoint a chairman from among the voting members of the task force to preside over meetings.~~

(d) The task force shall develop findings, strategies and recommendations on the use, populations served, services offered, capital construction requirements, consolidation or closure of individual buildings or facilities, financing and proposed timeline for facility demolition, ~~or~~ improvements or construction of department of health institutional facilities~~. While developing the findings and recommendations required under this subsection, the task force shall meet at least once in Buffalo, Evanston and Lander. These meetings shall be open to the public. The task force shall meet as necessary to timely accomplish the following assignments~~ and shall:

~~(i) On or before May 15, 2014, provide the joint appropriations interim committee and the joint labor, health and social services interim committee an outline of the objectives, timelines and deliverables of the task force;~~

~~(ii)~~(i) Provide an interim report on the activities of the task force to the joint appropriations interim committee and the joint labor, health and social services interim committee not later than November 1, ~~2014~~ 2015;

~~(iii)~~(ii) Provide recommendations for legislative action as provided in subsection (g) of this section.

(f) The task force shall terminate on ~~December 1, 2015~~ June 30, 2016.

(g) Recommendations of the task force created by this section shall be submitted for legislative action to the joint appropriations interim committee and the joint labor, health and social services interim committee not later than ~~November 1, 2015~~ June 30, 2016.

(j)(i) There is appropriated ~~twenty-five thousand dollars ($25,000.00)~~ thirty-five thousand dollars ($35,000.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this section and ending ~~December 1, 2015~~ June 30, 2016. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the task force. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016;

(k) There is appropriated up to one million five hundred thousand dollars ($1,500,000.00) from the state facilities construction account created in 2014 Wyoming Session Laws, Chapter 26, Section 300(h) to the department of administration and information under the direction of the department of health for level I and level II planning and design for facility improvements at the state hospital and the Wyoming life resource center consistent with option 1(a) in the November 1, 2014 facilities task force interim report on file with the legislative service office. This appropriation shall remain in effect until the level I and level II planning and design are completed. The department of administration and information in consultation with the department of health and the task force shall proceed on the development of level I and level II planning and design authorized under this subsection not later than August 1, 2015. Appropriated funds under this subsection shall be expended only on the project specified and any unexpended, unobligated funds remaining at completion of the project shall revert to the state facilities construction account. The department of administration and information and department of health shall submit the final design to the governor, the department of health facilities task force and the joint appropriations interim committee upon completion.

(m) Notwithstanding the recommendations in option 1(a) of the November 1, 2014 facilities task force interim report on file with the legislative service office, the task force and the department of health shall study and recommend the possibility of alternative uses for the Wyoming retirement center. The task force shall include the results and recommendations of the study of possible alternative uses of the retirement center in the final report submitted to the joint appropriations interim committee and the joint labor, health and social services interim committee pursuant to subsection (g) of this section.

~~(k)~~(n) This section is effective immediately.

[FUTURE AML FUNDING]

Section 330.

~~(b) The legislature authorizes the department of environmental quality to submit grant applications to the federal office of surface mining for distribution of a portion of funds specified in subsection (a) of this section, including funds previously deposited in the reserve account created by W.S. 35-11-1210(a), for the following projects:~~

~~(i) One million eight hundred thousand dollars ($1,800,000.00) for the solid waste orphaned site program administered by the department of environmental quality;~~

~~(ii) One million two hundred ninety-three thousand nine hundred ninety-five dollars ($1,293,995.00) for the air quality division administered by the department of environmental quality; and~~

~~(iii) Twelve million four hundred six thousand five dollars ($12,406,005.00) to the Wyoming water development commission for the Gillette Madison water project as authorized by W.S. 99-3-1405.~~

[AML FUNDING - REDIRECTION OF PRIOR AUTHORIZATIONS]

Section 331.

(e) There is appropriated two hundred fifty thousand dollars ($250,000.00) from the general fund to the University of Wyoming school of energy resources. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any purpose other than as authorized under subsection (f) of this section.

(f) The school of energy resources within the University of Wyoming shall:

(m) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies authorized to the University of Wyoming for the school of energy resource for development of a subcommercial scale CO2 sequestration research and demonstration project under 2010 Wyoming Session Laws, Chapter 39, Section 320(c)(ii) shall not revert as specified in law and the legislature authorizes the department of environmental quality to submit new applications or modify existing applications to the federal office of surface mining to redirect those funds to the University of Wyoming for purposes of level III costs associated with the high bay research facility. 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 this subsection but only as necessary to replace university block grant funds expended as necessary to satisfy requirements prohibiting the use of abandoned mine land funds to match federal

funds, where matching fund requirements would unduly delay a project, or where the use of federal abandoned mine land funds would be impractical.

(n) To the extent possible appropriations within subsection (m) of this section shall be the first priority funds expended by the University of Wyoming for the project and shall remain in effect until the University of Wyoming high bay project is completed.

[CARBON COUNTY ROAD AND GILLETTE MADISON WATER PROJECT]

(o) 2008 Wyoming Session Laws, Chapter 48, Section 320(a)(iv), (c) and (d) is repealed.

(p) 2008 Wyoming Session Laws, Chapter 48, Section 320(e), as amended by 2009 Wyoming Session Laws, Chapter 159, Section 346 and as further amended by 2010 Wyoming Session Laws, Chapter 39, Section 322 and as further amended by 2012 Wyoming Session Laws, Chapter 27, Section 7 is amended to read:

Section 320.

(e) Except for funds subject to paragraphs (a)(v), (vi) and (vii) ~~and subsection (c)~~ of this section, funds appropriated under this section shall be for the period beginning with the effective date of this section and ending June 30, 2009. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and ~~9-4-207(a)~~ 9-4-207, any unexpended unobligated funds subject to:

~~(iv) Subsection (c) of this section shall not revert until June 30, 2016.~~

(q) There is appropriated from the permanent Wyoming mineral trust fund reserve account created by W.S. 9-4-719(b) ten million dollars ($10,000,000.00) to Carbon county for county road and bridge construction necessitated by the proposed construction of a coal-to-liquids conversion facility subject to the following:

(i) The appropriation in this subsection shall not be transferred to Carbon county until:

(A) The Wyoming industrial siting council has issued a siting permit for the facility;

(B) The department of environmental quality has issued a prevention of significant deterioration air construction permit for the facility;

(C) The Carbon county planning and zoning commission has issued a conditional use permit to allow the construction and operation of the facility;

(D) The entity constructing the coal-to-liquids facility has provided written documentation to the attorney general that:

(I) Notice to proceed with construction of the facility has been issued under a binding contract with a construction contractor;

(II) Adequate debt and equity funding for construction of the facility has been obtained and that financial close for all such funding has been achieved.

(E) The attorney general has verified each of the requirements in this paragraph and provided written notice of that verification to the governor and the joint appropriations interim committee;

(F) The department of environmental quality has determined that the size or functions of the facility require road and bridge improvements to be made with grant funds; and

(G) All contracts entered into by the state of Wyoming necessary to implement paragraph (i) of this subsection shall be reviewed by the attorney general and approved by the governor.

(ii) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended unobligated funds subject to this subsection shall not revert until June 30, 2016.

(r) The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining for distribution of unobligated, unexpended funds specified in 2008 Wyoming Session Laws, Chapter 48, Section 320(a)(iv). All funds received from authorized grants are redirected and appropriated in amounts specified in this subsection for the following projects:

(i) Ten million dollars ($10,000,000.00) to the Wyoming water development commission for the Gillette Madison water project as authorized by W.S. 99-3-1405. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended unobligated funds subject to subsection (r) of this section shall not revert until June 30, 2018.

(s) The legislature authorizes the department of environmental quality to submit new grant applications or modify existing grant applications to the federal office of surface mining for distribution of unobligated, unexpended funds previously appropriated pursuant to 2012 Wyoming Session Laws, Chapter 27, Section 1(a) and previously directed for purposes specified in 2012 Wyoming

Session Laws, Chapter 27, Section 1(c)(iv). All funds received from authorized grants are redirected and appropriated in amounts specified in this subsection for the following projects:

(i) Two million four hundred six thousand five dollars ($2,406,005.00) to the Wyoming water development commission for the Gillette Madison water project as authorized by W.S. 99-3-1405; and

(ii) Three million four hundred seventy-five thousand seven hundred thirty-seven dollars ($3,475,737.00) to the University of Wyoming for the purpose of constructing an engineering building, subject to release and expenditures in accordance with Section 340 of this act.

[MUNICIPAL SOLID WASTE CEASE AND TRANSFER LOAN AND GRANT PROGRAM]

Section 333.

(a) There is appropriated ten million nine hundred nine thousand dollars ($10,909,000.00) from the general fund to the municipal solid waste cease and transfer grant account created under W.S. 35-11-529(a). ~~If 2014 Senate File 43 is enacted into law, this appropriation shall only be expended for projects with priority index one (1) through twenty-one (21) pursuant to that act.~~

(b) There is appropriated four million ninety-one thousand dollars ($4,091,000.00) from the general fund to the municipal solid waste cease and transfer loan account created under W.S. 35-11-529(b). ~~If 2014 Senate File 43 is enacted into law, this appropriation shall only be expended for projects with priority index one (1) through twenty-one (21) pursuant to that act.~~

[WYOMING VALUE ADDED ENERGY AND INDUSTRIAL PLAN]

Section 334.

(h) There is appropriated from the general fund to the governor's office seventeen million two hundred seventy-five thousand dollars ($17,275,000.00) for the purposes of this section. It is anticipated by the legislature, but is not binding on the governor except as otherwise provided in this section, that the budget to study or develop each potential project from the funds appropriated in this subsection will be as follows:

(ii) Fifteen million dollars ($15,000,000.00) which may be expended in whole or part for:

(A) The integrated test center subject to subsection (n) of this section; or

(B) One (1) or more demonstration projects to develop beneficial use of carbon dioxide subject to subsection (o) of this section.

(o) The governor's office may use any portion of the funds specified in paragraph (h)(ii) of this section for the purposes specified in and subject to the

requirements of this subsection. Funds shall only be expended pursuant to this subsection to contract with parties to develop demonstration projects to make beneficial use of carbon dioxide from flue gas produced at Wyoming coal fired plants. The project shall have the goal of developing beneficial use of the carbon dioxide on a commercially marketable scale within an identified timeframe and shall involve a tangible step to that goal by applying previously developed technology. It is the intent of the legislature that any expenditure of these funds shall only be for projects which primarily involve application of technology. Any project funded pursuant to this subsection shall be subject to the requirements of paragraphs (n)(ii), (iii), (vi), (vii), (ix), (x), (xii) and (xiii) of this section. For purposes of this subsection references to test center, facilities or construction of the same shall be considered as references to the execution of a project authorized under this subsection. Any project authorized under this subsection shall also be subject to the following:

(i) The state of Wyoming, at its sole discretion, may exercise the right of sole ownership of any improvement, equipment or fixture purchased with funds provided pursuant to this subsection. State ownership shall not extend to the real property on which any physical plant is located nor to any improvement, equipment or fixture purchased completely with funds from sources other than the state of Wyoming;

(ii) No project shall be undertaken pursuant to this subsection until matching funds of at least one million dollars ($1,000,000.00) of other than state funds for costs associated with the project has been committed. No funds shall be expended pursuant to this subsection unless matched on at least a dollar per dollar basis; and

(iii) The governor, in his sole discretion, shall determine the necessary and adequate manner and size of any project costs paid for with state or matching funds under this subsection. The governor may request the recommendation of the advanced conversion technologies task force in carrying out any duties under this subsection.

~~(o)~~(p) Except as stated in subsection ~~(p)~~ (q) of this section, this section is effective immediately.

~~(p)~~(q) Subsection (h) of this section shall be effective July 1, 2014.

[UNIVERSITY OF WYOMING ENGINEERING BUILDING II]

Section 340.

(a) The University of Wyoming shall only expend authorized and appropriated funds under subsection (b) of this section upon approval by the governor and only after the governor finds that:

(i) After consultation with the Wyoming governor's energy, engineering,

STEM integration task force, the design of the project will result in facilities that meet the goals and objectives of the tier 1 engineering initiative;

(ii) The budget for construction of the project is within available resources;

(iii) All matching funds appropriated for the project have been committed as a result of binding commitments; and

(iv) The university board of trustees has requested authorization to contract for expenditure of those funds for the project.

(b) Upon the governor's satisfaction that the findings in subsection (a) of this section will be met, the governor is directed to authorize the release of:

(i) Forty-nine million two hundred fifty-four thousand two hundred sixty-three dollars ($49,254,263.00) from funds appropriated for construction of an engineering building at the University of Wyoming as appropriated in 2012 Wyoming Session Laws, Chapter 26, Section 3, Section 067, as amended by 2013 Wyoming Session Laws, Chapter 73, Section 3, Section 067;

(ii) Thirteen million dollars ($13,000,000.00) from funds appropriated in 2013 Wyoming Session Laws, Chapter 156, Section 3(a); and

(iii) Twelve million eight hundred thousand dollars ($12,800,000.00) from funds appropriated in 2013 Wyoming Session Laws, Chapter 156, Section 3(b).

(c) To the extent possible, the University of Wyoming shall make expenditures from the appropriations in subsection (b) of this section and section 331(s)(ii) of this act first from appropriations in paragraph (b)(ii) of this section, then from the appropriation in Section 311(s)(ii) of this act, then from the appropriations in paragraph (b)(iii) of this section, and last from appropriations in paragraph (b)(i) of this section.

(d) Notwithstanding any other provision of law, appropriations within this section shall remain in effect until the University of Wyoming engineering construction project is completed. Appropriated funds under this section shall be expended only on the project specified and any unused general funds remaining at project completion shall revert to the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j).

(e) 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 related to funds directed to construction of college of engineering facilities under 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, where matching fund requirements would unduly delay a project, or where the use of federal abandoned mine land funds would be impractical.

[GAAP REVERSION]

Section 341. Notwithstanding any other provision of law, of unobligated monies appropriated from the general fund to the state auditor to be used to pay the cost of accrued sick leave and annual leave of state employees in all branches of government pursuant to 1993 Session Laws, Chapter 225, Section 4(a)(i) as amended by 1996 Session Laws, Chapter 1, Section 330, seven hundred sixty-three thousand eight hundred twenty-three dollars ($763,823.00) or as much thereof as is available, shall not be transferred or expended for any other purpose. Any unexpended, unobligated funds remaining from this appropriation shall revert to the budget reserve account on June 30, 2015.

[JOINT SUBCOMMITTEE ON ECONOMIC DEVELOPMENT]

Section 342.

(a) There is created the joint subcommittee on economic development programs.

(b) The joint subcommittee shall be comprised of:

(i) Three (3) members of the joint minerals, business and economic development interim committee;

(ii) Three (3) members of the joint appropriations interim committee;

(iii) Members and chairmen of the committee shall be appointed by the respective committee chairmen.

(c) The joint subcommittee shall meet to study the state's role in providing aid and assistance for economic development projects. The study shall continue a review initiated in 2014 of the Wyoming business council, its programs, funding mechanisms, rules and regulations, and the use of funds pursuant to article XVI, section 12 of the constitution of the state of Wyoming.

(d) The joint subcommittee shall make recommendations to the joint minerals, business and economic development interim committee and the joint appropriations interim committee not later than October 31, 2015. Based on the findings of the joint subcommittee, the appropriate committee may consider development of legislation for introduction during the 2016 budget session.

(e) The joint subcommittee shall exist until December 31, 2015.

(f) There is appropriated ten thousand dollars ($10,000.00) from the general fund to the legislative service office for payment of salary, per diem and mileage for members of the joint subcommittee.

[SCHOOL FINANCE RECALIBRATION]

Section 343.

(a) The select committee on school finance recalibration is created consisting of the following members:

(i) Not more than five (5) members of the Wyoming senate appointed by the president of the senate of which one (1) member shall be the chairman of the senate education committee and one (1) member shall be the chairman of the senate appropriations committee;

(ii) A number of members of the Wyoming house of representatives equal to the number of Wyoming senators appointed under paragraph (i) of this subsection not to exceed a total of five (5) house members appointed by the speaker of the house of representatives, of which one (1) member shall be the chairman of the house education committee and one (1) member shall be the chairman of the house appropriations committee;

(iii) Not less than one (1) and not more than two (2) members from each house shall be from the minority party;

(iv) The cochairmen of the select committee shall be appointed by the president of the senate and the speaker of the house, respectively.

(b) The select committee shall undertake a study to recalibrate the education resource block grant model as required under W.S. 21-13-309(t) to determine if modifications are necessary to ensure the model remains effective and cost-based in light of changing conditions and modifications to law. The department of education, department of workforce services, school districts and the school finance data advisory committee established under W.S. 21-2-203 shall collect and provide the information requested by the select committee.

(c) The select committee shall report its recommendations and any associated legislation to the legislature in time for consideration during the 2016 budget session and may, through the approval of the management council of the legislature, contract for necessary consulting expertise. The select committee may develop and introduce legislation as necessary to effectuate the purposes of this section.

(d) Appointments shall be made under this section not later than March 15, 2015. The select committee shall exist until March 31, 2016. Any vacancy occurring on the select committee shall be filled by the president of the senate or

speaker of the house of representatives, as appropriate, immediately upon the vacancy occurring.

(e) For the period beginning on the effective date of this section and ending June 30, 2016, there is appropriated from the school foundation program account to the legislative service office sixty thousand dollars ($60,000.00) to provide salary, per diem and mileage for members of the select committee and to fund other expenses of the select committee as necessary to carry out this section.

[STATE BUILDINGS - CONSTRUCTION]

Section 344. 2014 Wyoming Session Laws, Chapter 40, Section 4(a) is amended to read:

Section 4.

(a) There is appropriated ~~two hundred fifty-nine million dollars ($259,000,000.00)~~ two hundred ninety million dollars ($290,000,000.00) from the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j) to the department of administration and information for purpose of this act. [~~**One hundred fifty-six thousand dollars ($156,000.00) of this appropriation shall be used to purchase artwork related to the life of Chief Washakie for purposes of display in the capitol complex. Notwithstanding W.S. 9-1-210, the department of administration and information is specifically empowered to accept grants, gifts, transfers, bequests and donations to be deposited to an account for the purpose of purchasing artwork as required by this subsection. Funds in this account shall only be expended to offset the cost to the state of purchasing the artwork.**~~] **[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 4, 2015.]**

[CONTINGENT APPROPRIATIONS FROM INVESTMENT EARNINGS DERIVED IN FISCAL YEAR 2015]

Section 345. The state auditor shall calculate the amount by which earnings from the permanent Wyoming mineral trust fund attributable to the 2015 fiscal year are both in excess of the amount projected for such earnings in the consensus revenue estimating group's January 2015 report plus the amounts deposited into the strategic investments and projects account under Section 300(n)(ii) of this act and less than the spending policy amount for fiscal year 2015 as determined pursuant to W.S. 9-4-719. The appropriations under this section shall not exceed the amount calculated by the state auditor. Notwithstanding any other provision of law, appropriations under this section shall not

be transferred or expended for any other purpose and shall not be included in any agency's 2017-2018 standard budget request, unless otherwise specified. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2016, except that appropriations in this section for any capital construction projects remain in effect until the project is completed and appropriations to any other account or fund in this section shall remain in those accounts or funds. To the extent funds are available, the appropriations shall be made available as soon as practicable on or after June 30, 2015, but not later than sixty (60) days after the end of the 2015 fiscal year. In the event there are insufficient funds to accomplish the purposes of all appropriations in this section, appropriations shall be made in priority order, with the total appropriation funded for each priority before funding the next priority as specified. From funds calculated under this section, the following sums of money, or so much thereof as necessary, are appropriated as follows:

Priority	Agency	Description	Amount ($)
1	006	Capitol bldg rehabilitation and restoration account[a]	37,500,000
2	020	Cease and transfer account[c]	6,404,000
3	067	University athletic competitiveness[d]	4,000,000
4	067	University literacy matching funds[e]	2,500,000
5	067	University high altitude training center matching funds[f]	20,000,000
6	067	University unconventional oil and gas research matching funds[g]	15,000,000
7	057	Community college matching funds[w]	5,000,000
8	067	University high school student summer assistance[h]	50,000
9	077	Data center migration	1,082,752
10	101	Court technology	400,000
11	006	Construction management flex contingency	1,658,104
12	006	NWCCD tech center level II[j]	270,000
13	006	CC visual arts remodel and expansion level II[j]	300,000
14	006	CWC Jackson outreach center level II[j]	240,000
15	067	University high bay	830,000
16	060	Appropriation to local governments[b]	4,524,263
17	020	Air quality impact system	600,000
18	067	University science initiative capital construction level II[k]	3,000,000
19	049	Job training and placement[m]	1,000,000
20	067	University retention compensation[n]	1,000,000
21	060	SLIB access purchases[o]	1,000,000
22	066	Website redesign and interface	588,000
23	067	University additional staffing and operations and maintenance[p]	375,000
24	067	University environmental health and safety[p]	125,000
25	048	Rural health clinics[q]	200,000
26	067	University science initiative – programmatic costs[r]	750,000

27	032	Wyoming infrastructure authority – contractual studies	250,000
28	045	WyoLink dispatch consoles	336,000
29	067	University master's in counselor education[s]	193,656
30	003	State auditor – financial reporting system	945,300
31	003	State auditor – uniform accounting system consultant	150,000
32	201	Energy producing states coalition[t]	20,000
33	067	UW irrigation system[u]	2,600,000
34	006	CC-CWC Ag & Animal Science[j]	325,000
	TOTAL		113,217,075

a. Funds from this appropriation shall be deposited into the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j).

b. These funds shall be expended as provided in subsections (f) and (g) of section 315 of this act.

c. Of this appropriation, three hundred four thousand dollars ($304,000.00) shall be directed to the municipal solid waste cease and transfer loan account created by W.S. 35-11-529(b) and six million one hundred thousand dollars ($6,100,000.00) shall be directed to the municipal solid waste cease and transfer grant account created by W.S. 35-11-529(a).

d. Funds from this appropriation shall be administered in the same manner as provided in Section 2, Section 067, footnote 5 of this act for the period beginning July 1, 2015 and ending June 30, 2016.

e. Funds from this appropriation shall be directed to the state treasurer to be deposited into an account which shall be held by the state treasurer for distribution to the University of Wyoming for the first lady's literacy center and related literacy programs. Such funds shall only be available for expenditure to the extent cash or cash equivalent contributions are actually received by the University of Wyoming. The university shall provide quarterly reports of contributions received as required by the treasurer to implement this footnote. The treasurer on a quarterly basis shall match reported donations by distributing to the university an amount equal to the amount of qualifying contributions for the quarter. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, unexpended, unobligated funds appropriated under this priority shall not revert until June 30, 2018.

f. Funds from this appropriation shall be directed to the state treasurer to be deposited into an account for distribution to the university athletic challenge account under W.S. 21-16-1001 through 21-16-1003. Notwithstanding W.S. 21-16-1001 through 21-16-1003, binding commitments for donations are eligible for the matching funds under this priority if the donation will be fully paid by December 31, 2020, and the state treasurer shall distribute to the university matching funds under this priority for any donation eligible for the

match upon receipt of proof of a binding commitment for the donation.

g. Funds from this appropriation shall be directed to the state treasurer to be deposited into an account which shall be held by the state treasurer for distribution to the University of Wyoming for research by university faculty related to unconventional oil and gas reservoirs pursuant to agreements between the university and private or non-Wyoming public entities. All funds appropriated in this footnote shall only be available for expenditure to the extent cash or cash equivalent matches are actually received by the University of Wyoming for the purposes of university staff conducting the specified research pursuant to those agreements. The university shall provide quarterly reports of matches received as required by the treasurer to implement this footnote. The treasurer on a quarterly basis shall match reported cash or cash equivalents by distributing to the university an amount equal to the amount of qualifying matches for the quarter. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, unexpended, unobligated funds appropriated under this priority shall not revert until June 30, 2018.

h. Funds from this appropriation shall be directed to the University of Wyoming to be expended as additional amounts under the same constraints as monies provided in 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 067, footnote 4.

j. Of this appropriation, the college may expend any amount necessary for purposes of the authorized design of the capital construction project.

k. In developing planning for and executing phase II of the top-tier science program, the renovation of the animal sciences-molecular biology wing of the animal science building to accommodate additional space for animal sciences shall be a priority of the university.

m. Of this appropriation, one million dollars ($1,000,000.00) shall only be expended in equal amounts as private matching funds in not less than ten thousand dollar ($10,000.00) increments are received by the department for job training and placement of eligible recipients in the temporary assistance for needy families program.

n. In its 2017-2018 budget request the university shall report to the joint appropriations interim committee on the expenditure of funds under this priority. The university shall include this appropriation in its 2017-2018 standard budget request.

o. If the military department is able to secure ingress and egress over the veterans' state cemetery road and bridge pursuant to Section 2, Section 007, footnote 7 of this act, the state loan and investment board is authorized to negotiate

the purchase of easements or property from the federal government to ensure expanded access for local residents and is authorized to expend a reasonable amount necessary from this appropriation to secure the easements or property.

p. The university shall include this appropriation in its 2017-2018 standard budget request.

q. Funds from this appropriation shall be deposited into the primary care support account created by W.S. 9-2-127(b) for providing grants under W.S. 9-2-127(c) and (d).

r. This appropriation shall only be expended for program improvements identified and recommended in the top tier science initiative report submitted in accordance with 2014 Wyoming Session Laws, Chapter 26, Section 317, and on file with the legislative service office. In its 2017-2018 budget request, the university shall report on expenditure of these funds and plans for future implementation of the report's recommendations together with corresponding budget needs and a proposed timeline to fully implement the task force recommendations. The report shall acknowledge the continuation of the molecular biology program within the college of agriculture and identify any operational changes necessary for continued operation of that program within the college of agriculture as the initiative is implemented. The report shall be made in consultation with the task force established pursuant to section 317 of this act. Proposed state, private and grant funding sources shall be developed in conjunction with the University of Wyoming board of trustees and the University of Wyoming foundation.

s. Funds from this appropriation shall be directed to the University of Wyoming for a master's degree program in counselor education.

t. Funds from this appropriation shall be directed to the legislative service office for purposes related to section 349 of this act.

u. Funds from this appropriation shall be directed to the University of Wyoming and shall only be expended for development and implementation of a university-wide irrigation system independent of the city of Laramie potable water system. The university is authorized and directed to pursue future funds for this project through the Wyoming water development commission.

w. Funds from this appropriation shall be directed to the state treasurer to be deposited in equal amounts in the endowment accounts created under W.S. 21-16-1103(a). These funds shall be expended to provide endowment matching funds in disciplines identified in a plan approved by the board of trustees of each community college, which plan shall contain an emphasis on disciplines directly related to Wyoming's economy.

[CONTINGENT APPROPRIATIONS FROM INVESTMENT EARNINGS DERIVEDIN FISCAL YEAR 2016]

Section 346. The state auditor shall calculate the amount by which earnings from the permanent Wyoming mineral trust fund attributable to the 2016 fiscal year are both in excess of the amount projected for such earnings in the consensus revenue estimating group's January 2015 report and less than the spending policy amount for fiscal year 2016 as determined pursuant to W.S. 9-4-719. The appropriations under this section shall not exceed the amount calculated by the state auditor. Notwithstanding any other provision of law, appropriations under this section shall not be transferred or expended for any other purpose and shall not be included in any agency's 2017-2018 standard budget request, unless otherwise specified. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds remaining from these appropriations shall revert as provided by law on June 30, 2018, except that appropriations in this section for any capital construction projects remain in effect until the project is completed and appropriations deposited to any other account or fund in this section shall remain in those accounts or funds. To the extent funds are available, the appropriations shall be made available as soon as practicable on or after June 30, 2016, but not later than sixty (60) days after the end of the 2016 fiscal year. In the event there are insufficient funds to accomplish the purposes of all appropriations in this section, appropriations shall be made in priority order, with the total appropriation funded for each priority before funding the next priority as specified. Prior to funding any priorities within this list after priority number two (2), any priorities not funded or fully funded in section 345 of this act shall first be funded from funds calculated under this section prior to funding any remaining priorities in this section as provided in section 345. From funds calculated under this section, the following sums of money, or so much thereof as necessary, are appropriated as follows:

Priority	Agency	Description	Amount ($)
1	006	Capitol bldg rehabilitation and restoration account[a]	37,500,000
2	045	Surface transportation – passing lanes[b]	5,000,000
3	067	University research aircraft	250,000
4	067	University science initiative[c]	30,000,000
5	004	Community college STEM and technical education matching funds[d]	15,000,000
6	067	University unconventional oil and gas research matching funds[e]	5,000,000
7	006	State facilities – Casper[f]	20,000,000
8	006	State facilities construction account[g]	25,000,000
9	045	Transportation – air services enhancement – assistance[h]	3,000,000

10	067	University – Corbett pool[i]	8,000,000
11	045	Wilson road bike path[k]	100,000
12	004	Industrial park savings account[m]	5,000,000
13	001	Disaster reserve account[n]	3,000,000
14	004	Wyoming public television matching funds[o]	1,000,000
15	039	Wyoming natural resource trust fund corpus deposit[p]	2,500,000
16	006	Construction management flex contingency	2,118,258
	TOTALS		162,468,258

a. Funds from this appropriation shall be deposited into the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j).

b. This appropriation shall only be expended for purposes of surface transportation – passing lane funding, consistent with priority number two (2) within the department of transportation's 2015-2016 supplemental budget request.

c. The state treasurer shall deposit this appropriation into the UW science initiative account created by section 317(c) of this act.

d. The state treasurer shall deposit this appropriation into the Wyoming community college endowment challenge fund created by W.S. 21-16-1103(a) but shall not distribute any portion of the appropriation to any of the seven (7) separate accounts for each Wyoming community college without further legislative authorization.

e. Funds from this appropriation shall be directed to the state treasurer to be deposited into an account which shall be held by the state treasurer for distribution to the University of Wyoming for research by university faculty related to unconventional oil and gas reservoirs pursuant to agreements between the university and private or non-Wyoming public entities. All funds appropriated in this footnote shall only be available for expenditure to the extent cash or cash equivalent matches are actually received by the University of Wyoming for the purposes of university staff conducting the specified research pursuant to those agreements. The university shall provide quarterly reports of matches received as required by the treasurer to implement this footnote. The treasurer on a quarterly basis shall match reported cash or cash equivalents by distributing to the university an amount equal to the amount of qualifying matches for the quarter. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, unexpended, unobligated funds appropriated under this priority shall not revert until June 30, 2018.

f. This appropriation shall be deposited into the Casper state facilities account which is hereby created. All funds within the account shall only be available for expenditure as specifically authorized by the legislature.

g. Funds from this appropriation shall be deposited in the state facilities construction account created by 2014 Wyoming Session Laws, Chapter 26, Section 300(h).

h. This appropriation shall only be expended for purposes of air services enhancement – assistance, unit 1002 within the department of transportation budget.

j. This appropriation shall be deposited to an account referenced in and subject to the same conditions established in 2014 Wyoming Session Laws, Chapter 26, Section 3, Section 067, footnote 2.

k. This appropriation shall be deposited into an account in the state treasurer's office and shall be available to the department of transportation if matched by not less than two hundred thousand dollars ($200,000.00) for the cooperative construction of the Moose-Wilson road bike path for continued historic access on these national park lands within Wyoming.

m. This appropriation shall be deposited into the industrial park savings account, which is hereby created. All funds within the account shall only be available for expenditure as specifically authorized by the legislature.

n. This appropriation shall be deposited into the disaster reserve account, which is hereby created. To the extent funds are available in the disaster reserve account the funds are continuously appropriated to the governor's office. The governor may only expend available funds on state planning for and responses to natural disasters including wildland fires, floods, tornadoes or similar events. The governor shall report to the joint appropriations interim committee immediately upon authorization of any expenditure from this account.

o. (a) If 2015 SF0059 is enacted into law, this appropriation shall be deposited into the Wyoming public television endowment account created by that act. If 2015 SF0059 is not enacted into law, this appropriation shall be deposited into the Wyoming public television endowment account, which is continued from 2008 Wyoming Session Laws, Chapter 48, Section 2, Section 057, footnote 1 and shall be administered as follows:

(i) Funds from the Wyoming public television endowment account shall be transferred by the state treasurer to a 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 amounts actually deposited to the matching funds account total 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 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); and

(iv) Income from earnings on the Wyoming public television endowment account shall be credited to the general fund.

p. Funds from this appropriation shall be directed to the state treasurer to be deposited into an account which shall be held by the state treasurer for distribution to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a). Such funds shall only be available for deposit into the Wyoming natural resource trust account to the extent cash or cash equivalent contributions are actually received by the state. On a quarterly basis the treasurer shall match received donations by depositing an amount equal to the amount of qualifying contributions for the quarter to the Wyoming wildlife and natural resource trust account.

[STATE FACILITIES - CASPER]

Section 347.

(a) The department of workforce services and the department of administration and information, construction management section, shall obtain an appraisal of the properties and facilities owned by the department of workforce services, located in Casper, Wyoming, prior to their disposal. The department of administration and information shall develop a plan to construct a new facility or facilities to accommodate the personnel currently located in the facilities which may be sold and other state personnel currently located in or around Casper, Wyoming, as the department of administration and information deems appropriate and efficient. No site shall be purchased nor shall any existing state-owned facility or facilities related to this project be sold without approval of the state building commission as provided in W.S. 9-5-102(a). The department of workforce services and department of administration and information shall prepare a report to be delivered to the joint appropriations interim committee and the state building commission on or before July 1, 2015. The report shall:

(i) Summarize the actions taken to assess facility needs in Casper, Wyoming, and those taken under this section;

(ii) Specify the anticipated disposition of the proceeds from any property or facility sales; and

(iii) Provide at least two (2) possible sites for the location and construction of a new facility or facilities.

[LAND ACQUISITION - HONOR FARM]

Section 348. There is appropriated up to two hundred fifty thousand dollars ($250,000.00) from the general fund to the department of corrections to purchase replacement property necessary for the department to carry on the institutional mission of the honor farm after the disposal of 302.18 acres of department of corrections' acquired institutional lands in Fremont County, provided that the proceeds received from the sale of department of corrections' acquired institutional land is insufficient to purchase replacement property that would allow the department to carry out its mission in a substantially similar manner.

[ENERGY PRODUCING STATES COALITION - MEMBERSHIP]

Section 349. The participation of Wyoming legislators in the energy producing states coalition, authorized by 2011 Wyoming Session Laws, Chapter 92, Section 1 and reauthorized by 2012 Wyoming Session Laws, Chapter 82, Section 1 is hereby continued.

[BORROWING AUTHORITY - EXECUTIVE BRANCH PROGRAMS]

Section 350.

(a) The governor is authorized to borrow from pooled fund investments up to twenty million dollars ($20,000,000.00) necessary to meet funding requirements to fight wildland fires in the event reserves in the office of state lands and investments' forestry division, homeland security natural disaster contingency and the governor's office disaster contingency budget have been exhausted. The governor shall report to the joint appropriations interim committee, the president of the senate and the speaker of the house immediately upon exercise of this authority and shall make a budget request at the next available opportunity to repay any expended funds not repaid from other sources. Interest paid on the amounts borrowed shall be the average interest rate earned on pooled fund investments in the previous fiscal year.

(b) At the recommendation of the director of the department of administration and information and with the approval of the governor, the state auditor and state treasurer are authorized to borrow from pooled fund investments up to twenty-two million dollars ($22,000,000.00) necessary to meet cash flow requirements of the employees' and officials' group health insurance plan. The governor shall report to the joint appropriations interim committee, the president of the senate and the speaker of the house immediately upon exercise of this authority. The director of the department of administration and information shall report to the joint appropriations interim committee and the governor within thirty (30) days of exercise of this loan authority with a recommen-

dation on the change of employee payroll deductions, an increase in employer paid premiums, other modifications to the plan or any combination thereof. Interest paid on the amounts borrowed shall be the average interest rate earned on pooled fund investments in the previous fiscal year.

[GAME AND FISH LARAMIE FORENSIC LABORATORY SALE]

Section 351. The game and fish department, through the construction management section of the department of administration and information, is authorized to sell the game and fish forensic laboratory in Laramie. The sale price shall be the greater of the current appraised value or the price paid for the facility, including any renovation or renovation design work procured by the state. Proceeds from the sale of the forensic laboratory are hereby appropriated to the game and fish commission. The game and fish commission, through the construction management section of the department of administration and information, shall only expend these funds for capital construction, modification and renovation of the game and fish regional office property in Laramie as approved by the game and fish commission. Any lease payments generated from the rental of the forensic laboratory are hereby appropriated to the game and fish commission. The lease payments and up to one million dollars ($1,000,000.00) of game and fish funds are authorized to be used for design, capital construction, modification and renovation of the game and fish regional office in Laramie.

[FORESTRY INITIATIVE]

Section 352. There is appropriated from the emergency fire suppression account created by W.S. 36-1-402(a) up to seven hundred five thousand dollars ($705,000.00) to the governor's office for the purposes of implementing the recommendations on the governor's task force on forests. One (1) time-limited full-time employee, serving as a partnership and outreach coordinator, is authorized to assist in implementing the recommendations. 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, 2016. The position and the appropriation within this section shall be considered one-time funding and shall not be included in any agency's 2017-2018 standard budget request.

[LIMITATION ON SALARY INCREASES]

Section 353.

(a) The 2017-2018 standard budget for 100 series personal services shall be less than or equal to the 2015-2016 100 series personal services appropriations from the general fund appropriated in all enacted laws, excluding benefit adjustments and allowable personal services transfers pursuant to 2014 Wyoming

Session Laws, Chapter 26, Section 308 as amended by this act and documented through the report required by W.S. 9-2-1011(c).

(b) The office of the attorney general and any specific position exempted by the governor and reported to the joint appropriations interim committee in the report required by W.S. 9-2-1011(c) are exempt from this section.

[SAGE GROUSE IMPLEMENTATION TEAM - REPORT]

Section 354. The sage grouse implementation team created by W.S. 9-19-101 shall report to the joint appropriations interim committee, joint minerals, business and economic development interim committee and joint travel, recreation, wildlife and cultural resources interim committee by November 1, 2015 on the scientific data of sage grouse captive breeding programs and recommendations on researching and establishing a successful sage grouse captive breeding program.

[EXPANDED FOREIGN TRADE EFFORTS]

Section 355. There is appropriated thirty-five thousand dollars ($35,000.00) from the general fund to the governor›s office for the purpose of developing new markets and expanding foreign trade efforts. Those efforts shall focus on expanding markets for Wyoming products, Wyoming energy and mineral commodities and targeted consumer advertising. The appropriation may be used for expenses associated with those efforts, including trade missions, contracting with consultants and recruiting international buyers of Wyoming materials, products and commodities.

[COMMUNITY COLLEGES – FUNDING MODEL FOR STATE APPROPRIATIONS]

Section 356. Not later than September 1, 2015, the joint appropriations interim committee shall review the funding model for community colleges and determine whether the model requires improvement or change. The report shall either recommend a new funding formula or recommend the structure of a task force to review the model. In such consideration, the committee shall determine if local limits on college expansion of facilities and programs should be limited to legislative oversight so as to regulate growth among community colleges.

[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 4, 2015.

Chapter 143

NICOTINE PRODUCTS REGULATION

Original House Bill No. 174

AN ACT relating to nicotine products; requiring the department of health to provide educational material to adult tobacco consumers on the continuum of risk of tobacco products; requiring liquid nicotine products to be sold in child resistant packaging; establishing a penalty for failure to meet child resistant packaging standards and authorizing enforcement by the department of agriculture; providing definitions; and providing for an effective date.

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

Section 1. W.S. 35-7-1801 and 35-7-1802 are created to read:

ARTICLE 18
VAPOR PRODUCT SAFETY

35-7-1801. Definitions.

(a) As used in this article:

(i) "Child resistant packaging" means packaging that meets the standards set forth in 16 C.F.R. 1700.15(b), as amended as of July 1, 2015, when tested in accordance with the method described in 16 C.F.R. 1700.20, as amended as of July 1, 2015;

(ii) "Liquid nicotine container" means a bottle or other container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in a vapor product. A liquid nicotine container shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed or intended for use in a vapor product provided that the cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer;

(iii) "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

35-7-1802. Child resistant packaging required.

(a) Any liquid nicotine container sold to consumers in this state shall be sold in child resistant packaging.

(b) Any person who sells a liquid nicotine container in violation of subsection (a) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than seven hundred fifty dollars ($750.00) for the first violation and by a fine of not more than one thousand five hundred dollars ($1,500.00) for each subsequent violation.

(c) This article shall be enforced by the consumer health services division of the department of agriculture. The division's inspection or enforcement duties under this subsection may be performed by a county or local department of health with which the division has a memorandum of understanding for inspections.

Section 2. W.S. 9-4-1204(a) and by creating a new subsection (k) is amended to read:

9-4-1204. Tobacco settlement funds; reduction of tobacco use.

(a) Using a science and experience based approach, the department of health shall develop and implement comprehensive tobacco prevention, cessation and treatment programs for Wyoming. ~~During the initial years,~~ These programs shall include peer reviewed science based educational materials on tobacco harm reduction and the comparative risks of alternative nicotine products, vapor products, smokeless tobacco products, cigarettes and other combustible tobacco products. The program should be tailored to provide the most cost effective reduction of tobacco related problems based on available funds for each year.

(k) As used in this section:

(i) "Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product," does not include any vapor product, tobacco product, cigarettes, smokeless tobacco product or any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;

(ii) "Smokeless tobacco product" means any tobacco product that consists of cut, ground, powdered or leaf tobacco that is intended to be placed in the oral or nasal cavity;

(iii) "Tobacco product" means any product that contains tobacco and is intended for human consumption, but not including an alternative nicotine product or vapor product;

(iv) "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor

product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

Section 3. This act is effective July 1, 2015.

Approved March 5, 2015.

Chapter 144

SEXUAL ASSAULT PROTECTION ORDERS

Original House Bill No. 17

AN ACT relating to criminal procedure; modifying provisions relating to stalking protection orders; providing for protection orders for victims of sexual assault; providing definitions; specifying confidentiality requirements; providing for extensions of orders; and providing for an effective date.

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

Section 1. W.S. 7-3-512 is created to read:

7-3-512. Confidentiality in court proceedings.

The court shall enter an order providing for the confidentiality of the name, address, city and state of residence or any other information identifying residence of all parties involved in the sexual assault for all orders issued under W.S.

7-3-508 and 7-3-509.

Section 2. W.S. 6-2-319(a), 7-3-506(a), 7-3-507(a), (b) and (e), 7-3-508(b), (c) and by creating new subsections (d) and (e), 7-3-509(a)(intro), (ii), (b) and by creating a new subsection (c), 7-3-510(b) and (d) and 7-3-511(a), (b)(i), (ii) and (c) are amended to read:

6-2-319. Names not to be released; restrictions on disclosures or publication of information; violations; penalties.

(a) Prior to the filing of an information or indictment in district court charging a violation of an offense under this article, neither the names of the alleged actor or the victim of the charged offense nor any other information reasonably likely to disclose the ~~identity~~ identities of the ~~victim~~ parties shall be released or negligently allowed to be released to the public by any public employee except as authorized by the judge with jurisdiction over the criminal charges. The actor's name may be released to the public to aid or facilitate an arrest. This subsection shall not apply if release of the name or information is necessary to enforce an order for protection against the alleged actor.

7-3-506. Definitions.

(a) As used in W.S. 7-3-506 through ~~7-3-511~~ 7-3-512:

(i) "Court" means the circuit court ~~or the district court~~ in the county where an alleged victim of stalking or sexual assault resides, or where the alleged perpetrator of the stalking or sexual assault is found;

(ii) "Order of protection" means a court order granted for the protection of a victim of stalking or a victim of sexual assault;

(iii) "Sexual assault" means any act made criminal pursuant to W.S. 6-2-302 and 6-2-303 and 6-2-314 through 6-2-318 or an attempt or conspiracy to commit such act;

~~(iii)~~(iv) "Stalking" means conduct as defined by W.S. 6-2-506(b).

7-3-507. Petition for order of protection; contents; requisites; indigent petitioners.

(a) A petition for an order of protection may be filed by a victim of stalking, or the district attorney on behalf of the alleged victim.~~, may file with the court a petition for an order of protection.~~ A petition for an order of protection for a victim of sexual assault may be filed by:

(i) The victim;

(ii) If the victim consents, the district attorney on behalf of the victim; or

(iii) Any person with legal authority to act on behalf of the victim if the victim is:

(A) A minor;

(B) A vulnerable adult as defined in W.S. 35-20-102(a)(xviii);

(C) Any other adult who, because of age, disability, health or inaccessibility, cannot file the petition.

(b) The petition shall be accompanied or supplemented by one (1) or more sworn affidavits setting out specific facts showing the alleged stalking or sexual assault and the identity of the alleged ~~stalker~~ perpetrator.

(e) A petition may be filed under this section whether or not the individual who is alleged to have engaged in a course of conduct prohibited under W.S. 6-2-506 or engaged in the conduct specified in W.S. 7-3-506(a)(iii) has been charged or convicted ~~under W.S. 6-2-506~~ for the alleged crime.

7-3-508. Temporary order of protection; setting hearing.

(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, sexual assault or of serious physical 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).

(c) A temporary order of protection issued under paragraph (b) of this section shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 7-3-510(c), and can result in immediate arrest. ~~and~~ Orders involving stalking shall also state that a violation may in some cases subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

(d) An ex parte temporary order of protection issued under this section shall not be admissible as evidence in any subsequent criminal proceeding or civil action for damages arising from the conduct alleged in the petition or the order.

(e) No testimony or evidence of the alleged actor in a hearing pursuant to subsection (a) of this section shall be admissible, including for impeachment purposes, or be deemed a waiver of any protection against self-incrimination under the constitution of the United States or of the state of Wyoming unless, prior to the hearing, an information or indictment has been filed in a district court charging the alleged actor of a violation of sexual assault as defined by W.S. 7-3-506(a)(iii).

7-3-509. Order of protection; contents; remedies; order not to affect title to property.

(a) Following a hearing under W.S. 7-3-508(a) and upon a finding that conduct constituting stalking or sexual assault has been committed, the court shall enter an order of protection ordering the respondent to refrain from any further acts of stalking or sexual assault involving the victim or any other person. As a part of any order of protection, the court may direct that the respondent:

(ii) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged offense and any other persons, including but not limited to members of the family or household of the victim, as the court may describe in the order. Prohibited contact under this paragraph includes telephone calls, mail, e-mail, texting, fax, contacting through social media using the internet or similar technology and any other form of communication.

(b) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 7-3-510(c)~~,~~ and can result in immediate arrest. ~~and~~ Orders involving stalking shall also state that a violation may in some cases subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

(c) A request by the victim for the perpetrator to violate an order of protec-

tion issued under this section or a temporary order of protection issued under W.S. 7-3-508 shall constitute an affirmative defense to a charge of violation of the order by the perpetrator.

7-3-510. Service of order; duration and extension of order; violation; remedies not exclusive.

(b) An order of protection granted by the court under W.S. 7-3-509 shall be effective for a fixed period of time ~~not to exceed one (1) year~~ as provided in paragraphs (i) and (ii) of this subsection. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time, not to exceed one (1) year each, if the court finds from specific facts that a clear and present danger to the victim continues to exist. The period of time for an original order of protection shall be as follows:

(i) For conduct constituting stalking, the order of protection shall not exceed one (1) year;

(ii) For conduct constituting sexual assault the order of protection shall not exceed the longer of:

(A) Six (6) months; or

(B) The point in time the respondent is charged with sexual assault or a related criminal offense and the court ordered bond conditions for pre-trial release are at least as restrictive as the original order of protection.

(d) The remedies provided by W.S. 7-3-506 through ~~7-3-511~~ 7-3-512 are in addition to any other civil or criminal remedy available under the law.

7-3-511. Emergency assistance by law enforcement officers; limited liability.

(a) A person who allegedly has been a victim of stalking or sexual assault may request the assistance of a law enforcement agency, which shall respond to the request in a manner appropriate to the circumstances.

(b) A law enforcement officer or agency responding to the request for assistance may take whatever steps are reasonably necessary to protect the victim, including:

(i) Advising the victim of the remedies available under W.S. 7-3-506 through ~~7-3-511~~ 7-3-512 and the availability of shelter, medical care, counseling, safety planning, victim's rights counseling and other services;

(ii) Advising the victim, when appropriate, of the procedure for initiating proceedings under W.S. 7-3-506 through ~~7-3-511~~ 7-3-512 or criminal proceedings and the importance of preserving evidence; and

(c) Any law enforcement agency or officer responding to a request for assistance under W.S. 7-3-506 through ~~7-3-511~~ 7-3-512 is immune from civil

liability when complying with the request, provided that the agency or officer acts in good faith and in a reasonable manner.

Section 3. This act is effective July 1, 2015.

Approved March 5, 2015.

Chapter 145

TRESPASS-LANDOWNER LIABILITY

Original House Bill No. 108

AN ACT relating to property; specifying the duty of care a landowner owes to a trespasser; providing definitions; and providing for an effective date.

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

Section 1. W.S. 34-19-201 through 34-19-204 are created to read:

ARTICLE 2
LIABILITY OF LANDOWNERS TO TRESPASSERS

34-19-201. Definitions.

(a) As used in this article:

(i) "Land" means land, including state land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;

(ii) "Owner" means the owner of an interest in land, a tenant, renter, lessee, including a lessee of state lands, lawful occupant or person in control of the premises;

(iii) "Trespasser" means a person or persons who enter or remain upon land in the possession of another without a privilege to do so created by the owner's consent or otherwise.

34-19-202. Duty of owner of land to trespasser.

Except as provided in W.S. 34-19-203, an owner of land owes no duty of care to a trespasser and is not liable for any injury to a trespasser, except that the owner owes a duty not to willfully or wantonly injure a trespasser.

34-19-203. Artificial conditions highly dangerous to trespassing children.

(a) An owner of land is subject to liability for physical harm to a child trespassing on the land caused by an artificial condition upon the land if:

(i) The place where the condition exists is one upon which the owner knows or has reason to know that a child is likely to trespass;

(ii) The condition is one of which the owner knows or has reason to know and which he realizes or should realize will involve an unreasonable risk of

death or serious bodily harm to the child;

(iii) The child because of his youth does not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;

(iv) The utility to the owner of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to the child involved; and

(v) The owner fails to exercise reasonable care to eliminate the danger or otherwise to protect the child.

34-19-204. Conflicts.

If a statute other than a statute in this article prescribes a standard or duty of care that differs from that prescribed in this article, the other standard or duty of care shall control over the provisions of this article.

Section 2. The provisions of this act shall apply to claims for relief based on injuries to a trespasser that occur on or after July 1, 2015.

Section 3. This act is effective July 1, 2015.

Approved March 5, 2015.

Chapter 146

TRESPASSING TO COLLECT DATA

Original Senate File No. 12

AN ACT relating to crimes and offenses; creating the crimes of trespassing to unlawfully collect resource data and unlawful collection of resource data; limiting use of unlawfully collected data; providing for expungement; providing definitions; and providing for an effective date.

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

Section 1. W.S. 6-3-414 is created to read:

6-3-414. Trespassing to unlawfully collect resource data; unlawful collection of resource data.

(a) A person is guilty of trespassing to unlawfully collect resource data if he:

(i) Enters onto open land for the purpose of collecting resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter or access the land to collect resource data; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to enter or access the land to collect the specified resource data.

(b) A person is guilty of unlawfully collecting resource data if he enters onto private open land and collects resource data without:

(i) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter the private land to collect the specified resource data; or

(ii) Written or verbal permission of the owner, lessee or agent of the owner to enter the land to collect the specified resource data.

(c) Trespassing to unlawfully collect resource data and unlawfully collecting resource data are punishable as follows:

(i) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars ($1,000.00), or both;

(ii) By imprisonment for not less than ten (10) days nor more than one (1) year, a fine of not more than five thousand dollars ($5,000.00), or both, if the person has previously been convicted of trespassing to unlawfully collect resource data or unlawfully collecting resource data.

(d) As used in this section:

(i) "Collect" means to take a sample of material, acquire, gather, photograph or otherwise preserve information in any form from open land which is submitted or intended to be submitted to any agency of the state or federal government;

(ii) "Open land" means land outside the exterior boundaries of any incorporated city, town, subdivision approved pursuant to W.S. 18-5-308 or development approved pursuant to W.S. 18-5-403;

(iii) "Peace officer" means as defined by W.S. 7-2-101;

(iv) "Resource data" means data relating to land or land use, including but not limited to data regarding agriculture, minerals, geology, history, cultural artifacts, archeology, air, water, soil, conservation, habitat, vegetation or animal species. "Resource data" does not include data:

(A) For surveying to determine property boundaries or the location of survey monuments;

(B) Used by a state or local governmental entity to assess property values;

(C) Collected or intended to be collected by a peace officer while engaged in the lawful performance of his official duties.

(e) No resource data collected in violation of this section is admissible in evidence in any civil, criminal or administrative proceeding, other than a prosecution for violation of this section or a civil action against the violator.

(f) Resource data collected in violation of this section in the possession of

any governmental entity as defined by W.S. 1-39-103(a)(i) shall be expunged by the entity from all files and data bases, and it shall not be considered in determining any agency action.

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

Approved March 5, 2015.

Chapter 147

VETERANS IN-STATE TUITION

Original Senate File No. 101

AN ACT relating to education; amending provisions for resident tuition for military veterans, their spouses and children as specified; and providing for an effective date.

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

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

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

(e) Effective for the ~~2014~~ 2015 summer school session and each semester thereafter, ~~any person who is a military veteran who does not qualify as a resident pursuant to subsection (d) of this section~~ an applicant for resident tuition who is a veteran or eligible individual, as described in 38 U.S.C. 3679(c)(2), shall qualify as a resident for purposes of tuition at the University of Wyoming or Wyoming community college if the ~~person~~ applicant provides:

(i) A certificate or other evidence of ~~honorable discharge from~~ the veteran's qualifying service in the uniformed services of the United States;~~:~~

(ii) Documented evidence at the time of enrollment that: ~~the veteran has taken steps to establish residency in Wyoming.~~

(A) The applicant for resident tuition intends to live in Wyoming during the term of enrollment;

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

(C) If the applicant is a spouse or child of the veteran, the applicant is a transferee pursuant to 38 U.S.C. 3311(b)(9) or 3319 of the veteran's eligibility for educational benefits.

(g) ~~Once a military veteran~~ A person who has qualified for resident tuition

under subsection (e) of this section~~, the veteran~~ shall remain qualified in subsequent years ~~upon complying with paragraph (c)(ii) of this section~~ if the person pursues one or more courses of education while remaining continuously enrolled, other than during regularly scheduled breaks, lives in the state during the term of enrollment and, if the person is eligible through a transfer of eligibility pursuant to 38 U.S.C. 3319, the transfer has not been validly revoked.

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

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

(iii) Establish residency requirements, which shall include provisions for military veterans, their spouses and children consistent with the requirements of W.S. 21-17-105(e);

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

Approved March 5, 2015.

Chapter 148

DRY BEAN RESEARCH

Original Senate File No. 4

AN ACT relating to agriculture; creating the dry bean commission; providing powers and duties; creating the dry bean commission account; requiring assessments from dry bean growers and handlers as provided; providing definitions; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 11-49-101 through 11-49-108 are created to read:

CHAPTER 49
BEAN RESEARCH

11-49-101. Definitions.

(a) As used in this act:

(i) "Commission" means the bean commission established under W.S. 11-49-102;

(ii) "Department" means the state department of agriculture;

(iii) "Director" means the director of the state department of agriculture or his designee;

(iv) "Dry edible beans" includes all market classes and varieties of dry edible beans produced in Wyoming including beans intended for use as seed;

(v) "Grower" means any person engaged in growing, or causing to be

grown, dry edible beans on one (1) acre or more in Wyoming. "Grower" may include an owner and tenant jointly or a partnership, association, corporation, cooperative, trust, sharecropper or any other business unit, device or arrangement;

(vi) "Handler" means any person, no matter where the person is located, who is engaged in the operation of buying, selling, shipping or distributing dry beans grown in Wyoming which he has purchased or acquired from a grower or which he is shipping on behalf of a grower;

(vii) "This act" means W.S. 11-49-101 through 11-49-108.

11-49-102. Dry bean commission established; composition; appointment; term; removal; vacancies; reimbursement for expenses.

(a) There is created the Wyoming bean commission. For administrative purposes the commission shall be within the department of agriculture. The commission shall be composed of six (6) members initially appointed by the governor. The director or his designated representative shall serve ex officio without vote. The appointed commission members shall consist of four (4) growers residing in Wyoming with at least one (1) of the members residing in Laramie, Platte or Goshen County, Wyoming. Two (2) members shall be handlers with dry bean processing facilities located in Wyoming. The governor may remove any member he appoints as provided in W.S. 9-1-202.

(b) The terms of office for the initial appointments to the commission shall be two (2) terms of four (4) years and two (2) terms of two (2) years for the grower members. The initial terms of office for the handler members shall be one (1) term of four (4) years and one (1) term of two (2) years. Upon the expiration of each of these terms, the commission shall conduct by mail an election to fill the open membership. Only growers and handlers who paid dry bean assessments in the previous two (2) calendar years shall be eligible to vote in or stand for election, which shall be conducted in March of each odd-numbered year. If a vacancy occurs, the governor shall appoint a person for the unexpired term.

(c) The governor shall declare the office of any appointed or elected member of the commission vacant when he finds that the member:

(i) Is no longer a grower or handler;

(ii) Is unable to perform his duties; or

(iii) Has become a resident of another state.

(d) Members of the commission shall serve without compensation but shall receive mileage and per diem as provided by law for state employees.

11-49-103. Powers and duties of the commission.

(a) The commission shall:

(i) Receive and disburse funds under the provisions of this act to be used

in administering the provisions of this act;

(ii) Annually elect a chairman and vice chairman from among its members. No chairman shall succeed himself more than once;

(iii) Meet not less than two (2) times each year in conjunction with the crop research foundation of Wyoming and at such other times as called by the chairman or when requested by three (3) or more members of the commission;

(iv) Keep a permanent record of its proceedings and report annually to the governor and the joint agriculture, state and public lands and water resources interim committee respecting its activities as provided in W.S. 9-2-1014;

(v) If the commission determines that it is advisable to implement a research, promotion or market program, prepare and submit a proposed program to the director together with a budget and cash flow statement. Funds shall only be dispersed to the crop research foundation in accordance with the submitted budget and cash flow statement.

(b) The commission may:

(i) Conduct or contract for scientific research to discover and develop improved varieties, production techniques and end-use products;

(ii) Conduct or contract for programs of consumer education and market development;

(iii) Disseminate information on dry edible beans based on scientific research;

(iv) Study state and federal legislation with respect to matters concerning the dry edible bean industry;

(v) Sue and be sued as a commission, without individual liability, for acts of the commission within the scope of the powers and duties conferred upon it by this act;

(vi) Enter into contracts to carry out the purpose of the commission as provided in this act;

(vii) Appoint advisory groups composed of representatives from organizations, institutions or business related to or interested in the welfare of the dry edible bean industry;

(viii) Make grants to research agencies for financing special or emergency studies, or for purchase or acquisition of facilities necessary to carry out the purposes of the commission;

(ix) Appoint subordinate officers and employees of the commission, prescribe their duties and fix their compensation;

(x) Cooperate with any local, state or nationwide organization or agency engaged in work or activities similar to or related to those of the commission,

and enter into contracts with those organizations or agencies for carrying on joint programs;

(xi) Adopt rules and regulations necessary to carry out the provisions of this act;

(xii) Adopt, rescind, modify or amend all proper regulations, orders and resolutions for the exercise of its powers and duties.

11-49-104. Authority to accept grants.

The commission may accept grants, donations, contributions or gifts from any source for expenditures for any purpose consistent with the powers and duties conferred on the commission.

11-49-105. Contributions allowed.

From the funds it receives, the commission may pay or contribute to outside organizations to carry out work and programs approved by the commission.

11-49-106. Dry bean commission account; assessment rate; collection and payment of assessment.

(a) All monies received by the commission shall be deposited in the state treasury. The state treasurer shall deposit the monies to the credit of the dry bean commission account which is hereby created. Interest earned on monies in the account shall be deposited to the credit of the account. All monies in the account including earned interest shall be expended only for the purposes authorized by this act.

(b) Assessments collected by department under this section shall be deposited with the state treasurer to the credit of the account created by subsection (a) of this section. Monies received by the commission under this subsection shall be used to administer this act.

(c) The commission shall at the end of each quarter reimburse the department for collection and administrative costs incurred by the department in collecting the assessment under subsection (b) of this section. The amount reimbursed shall equal one percent (1%) of the assessments collected during the quarter and shall be deposited with the state treasurer.

(d) The amount of the assessment collected under this section shall be as follows:

(i) For growers, thirty-four hundredths percent (0.34%) of the value of the settlement to the grower;

(ii) For handlers, seventeen hundredths percent (0.17%) of the value of the settlement to the grower;

(iii) After July 1, 2017, the commission by rule may change the assessment levied under this section provided that the proportion shall be two-thirds (2/3) on the grower and one-third (1/3) on the handler and the total levy shall

not exceed one percent (1%) of the value of the settlement to the grower.

(e) The assessment rate as determined under subsection (d) of this section shall be paid by the respective grower and handler who are primarily liable. The first handler of beans sold or contracted in a commercial channel shall collect the required assessment from the grower and shall remit the assessment from the grower and the handler to the department not later than the fifteenth day of the month immediately following the quarter in which the beans were sold or contracted. The first time each year that a handler submits assessments under this section, the handler shall also submit a list of the name and address of all growers that the handler collected assessments from in the immediately preceding year.

(f) If dry beans are mortgaged or pledged as security for a loan from a governmental agency, the assessment under this section shall be deducted from the proceeds of the loan at the time of the disbursement of the loan. If there is an overage of dry beans at the time of settlement of the loan, the over payment shall be credited to the account of the grower.

(g) Dry beans stored in private or public storage within the state shall not be liable for an assessment under this section until a sale of the beans is made.

(h) A grower who through his activities also qualifies as a handler under this act or a grower who ships, sells or otherwise disposes of beans to a handler or for storage outside of the jurisdiction of this act shall remit to the department the full amount of the assessment due under this section. Dry beans which originate from any other state that collects a similar assessment and the state bases the assessment on the location of the first sale shall be treated as if they were grown within Wyoming if the beans are handled first by a Wyoming handler. Not later than November 1 each year, the commission shall determine any states that collect a similar assessment as provided under this section and shall notify all handlers of those states.

11-49-107. Refund.

(a) Any person who has paid any assessment as provided in this act is entitled to a prompt refund of the contribution from the commission upon request. A claim for a refund shall be made to the commission not less than thirty (30) nor more than ninety (90) days from the date of the sale upon which the assessment was based. The claim shall be made on a form prescribed and furnished by the commission. No assessment paid by a handler is refundable under this section unless the grower has also claimed a refund under this section for the matching portion of the assessment.

(b) Before processing any claim for refund under this section, the commission may require any additional information or affirmation under penalty of perjury it deems necessary to determine the validity of the claim.

11-49-108. Surety bond required to receive or disburse funds.

Any person authorized by the commission to receive or disburse funds, as provided by this act, shall post with the commission a surety bond in an amount the commission determines sufficient, for which the cost or premium shall be paid by the commission.

Section 2. This act is effective July 1, 2015.

Approved March 5, 2015.

Chapter 149

BUILDING CODE REGULATION

Original Senate File No. 142

AN ACT relating to fire protection; restricting the interpretation or enforcement of building codes or standards as specified; specifying the application of certain building codes; and providing for an effective date.

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

Section 1. W.S. 35-9-163 is created to read:

35-9-163. Enforcement of building codes; application of building codes to specific uses.

(a) Except as provided in this article for any county or municipality requesting and granted local enforcement authority pursuant to W.S. 35-9-121, no state or local official authorized to enforce the provisions of this article shall interpret or enforce any building codes or standards adopted by the state or local governmental entity in a way that is more stringent or burdensome than required by the standards or codes.

(b) Notwithstanding any other provision of law, short term rental of detached one (1) and two (2) family dwellings and townhomes shall not be regulated as a commercial use for purposes of fire, building and electrical standards and shall not be subject to regulation under the International Building Code.

Section 2. This act is effective July 1, 2015.

Approved March 5, 2015.

Chapter 150

STATE PARK OFFICERS-BENEFITS

Original Senate File No. 58

AN ACT relating to the Wyoming retirement system; providing for limited participation in the law enforcement retirement plan by peace officers employed by the department of state parks and cultural resources as specified; providing for contributions; making an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-3-432 by creating a new subsection (o) is amended to read:

9-3-432. Law enforcement officers; contributions; benefit eligibility; service and disability benefits; death benefits; benefit options.

(o) Any peace officer as defined by W.S. 6-1-104(a)(vi)(P) shall be eligible for disability benefits and death benefits under this section if the peace officer's disabilities or death are duty connected. Contributions for the benefits shall be paid as follows:

(i) The department of state parks and cultural resources shall pay into the account from general or nongeneral fund sources a contribution equal to one percent (1%) of the salary paid to the officer. No additional contribution shall be imposed upon the state for benefits provided peace officers under this subsection;

(ii) Contributions under this subsection shall be made monthly to the account in accordance with W.S. 9-3-413 and are subject to the provisions of W.S. 9-3-413 for delinquent contributions;

(iii) Contributions under this subsection shall be paid by the employer from the source of funds used to pay peace officer salaries in order to be treated as employer contributions for the sole purpose of determining tax treatment under the United States Internal Revenue Code, § 414(h).

Section 2. Peace officers eligible for coverage under W.S. 9-3-432(o) on the effective date of this act may elect coverage under that subsection no later than August 1, 2015. The election shall be irrevocable. Death and disability benefits shall be payable under W.S. 9-3-432(o) to members who timely elect coverage under this section irrespective of whether the disability condition arose out of an injury or illness that occurred prior to the date of coverage. Benefits shall not be payable, however, if the application for benefits was made prior to the effective date of this act. If no election is made under this section, eligibility for death and disability benefits shall be as otherwise provided under W.S. 9-3-422.

Section 3. There is appropriated fifteen thousand dollars ($15,000.00) from the general fund to the Wyoming retirement board for deposit to the retirement account established by W.S. 9-3-407. This appropriation is to fund additional actuarial liability resulting from the increase in member benefits for existing park rangers due to this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose.

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

Approved March 5, 2015.

Chapter 151

EXEMPTION-WATER UTILITIES

Original House Bill No. 31

AN ACT relating to public utilities; exempting from regulation as a public utility metered and other direct sales of water by a person to his tenant as specified; and providing for an effective date.

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

Section 1. W.S. 37-1-101(a)(vi)(H) by creating a new subdivision (VIII) is amended to read:

37-1-101. Definitions.

(a) As used in chapters 1, 2, 3, 12 and 17 of this title:

(vi) "Public utility" means and includes every person that owns, operates, leases, controls or has power to operate, lease or control:

(H) None of the provisions of this chapter shall apply to:

(VIII) Metered and other direct sales of water by a person to his tenants when the metered or other direct sales are solely for purposes of allocating usage among tenants and includes no additional fees or charges.

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

Approved March 5, 2015.

Chapter 152

EXPEDITED EMT LICENSING

Original Senate File No. 136

AN ACT relating to emergency medical services licensing; providing for the conditional licensing of emergency medical service personnel; requiring the promulgation of rules as specified; removing any requirement that the legislature approve agency rules; and providing for an effective date.

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

Section 1. W.S. 33-36-103(b) and by creating new subsection (d) is amended to read:

33-36-103. Rules and regulations; procedure; initiation of proceedings.

(b) All rules, regulations and proceedings of the division shall be promulgated and conducted in compliance with the Wyoming Administrative Procedure Act. ~~The rules and regulations prescribed and adopted may not be implemented until submitted to the Wyoming legislature for review and approval under~~

~~procedures as the legislature may prescribe.~~

(d) The division shall prescribe rules and regulations which provide for the conditional licensure of applicants who have satisfied all licensing requirements adopted under this act except any requirements related to criminal history screenings and fingerprinting. A conditional license shall not be issued without a sworn statement from an applicant, on a form prepared by the division, establishing all facts and circumstances which, if true, would fully qualify the applicant for licensure. The division may refuse to issue a conditional license to any applicant whose application or sworn statement reveals the existence of any fact upon which licensure could be denied. A conditional license shall be revoked or not issued at any time the division gains knowledge of any fact that would disqualify the applicant from licensure.

Section 2. This act is effective July 1, 2015.

Approved March 6, 2015.

Chapter 153

KEVIN'S LAW

Original Senate File No. 81

AN ACT relating to public health; creating a lifesaver program; specifying program components; authorizing rulemaking; authorizing grants 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. 19-13-117 is created to read:

19-13-117. Lifesaver programs; process for grants; administration; account established; rules; grant criteria.

(a) The office of homeland security shall administer a lifesaver program to provide grants to counties for search and rescue designed to quickly find a person suffering from Down syndrome, brain injuries, autism, Alzheimer's or other dementia related disorders who wanders and becomes lost and missing. The program shall operate on a county basis, under which participants wear transmitters to allow the county sheriff's departments to electronically locate participants if necessary.

(b) The office of homeland security shall establish by rule and regulation an application procedure and calendar for grants under this section and adopt other rules as necessary to implement this section.

(c) In administering this program, the office of homeland security and counties shall establish a policy of including private sector participants to the fullest extent possible unless a viable private sector solution does not exist.

(d) Grant applications shall include, but not be limited to:

(i) An estimate of the number of people who might qualify for assistance in the county;

(ii) An estimate of the startup cost;

(iii) A statement of the number of personnel available for tracking lost persons; and

(iv) A statement of the local resources available to support ongoing operation of a lifesaver program.

(e) The office of homeland security shall provide grants, subject to the following:

(i) Grants to any one (1) county shall not exceed twenty-five thousand dollars ($25,000.00) of state funds in any calendar year;

(ii) The director of the office of homeland security shall prioritize the grant awards in accordance with the respective needs of each county for tracking services and the availability of local funding sources, as documented in the applications submitted.

(f) A grant recipient under this section shall use the grant monies only for startup costs associated with the contracting or purchasing of emergency response kits or services which shall include equipment and services necessary to track and triangulate searches, as well as transmitters or any other related equipment.

(g) The lifesaver program 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 office of homeland security is specifically empowered to accept grants, gifts, transfers, bequests and donations to the account. Funds in the account shall only be expended by the office of homeland security for the purpose of providing grants under this section.

Section 2. There is appropriated one hundred twenty-five thousand dollars ($125,000.00) from the general fund to the lifesaver program account. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2016. This appropriation shall only be expended for the purpose of grants to counties pursuant to W.S. 19-13-117. 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, 2016. This appropriation shall be included in the office of homeland security's 2017-2018 standard biennial budget request.

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

Approved March 6, 2015.

Chapter 154

PRECINCT COMMITTEEPERSON ELECTIONS

Original Senate File No. 33

AN ACT relating to elections; amending provisions related to the election of precinct committeemen and committeewomen; amending the certification and notice requirements for precinct elections; establishing a term of office; amending county central committee meeting requirements; specifying those precinct committeemen and committeewomen who qualify to vote to fill vacancies in office; and providing for an effective date.

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

Section 1. W.S. 22-4-101(b) and by creating new subsections (d) and (e), 22-4-104 and 22-18-111(a)(iii)(A) are amended to read:

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

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

(d) No later than forty-five (45) days after the date of the primary election, the county canvassing board or a canvassing board appointed by the county clerk consisting of two (2) electors and the county clerk, shall provide to each county chairman the certified election results for precinct committeemen and committeewomen and a list of persons who received write-in votes for precinct

committeemen or committeewomen.

(e) Except for the term beginning after the canvass of the 2014 primary election, the term of office for all precinct committeemen and committeewomen shall be two (2) years and shall begin on the first Monday in January of the year following their election. The term for committeemen and committeewomen elected at the 2014 primary election shall end on the first Monday in January of 2017.

22-4-104. County central committee organizational meeting; notice of meetings.

The county central committee shall meet and organize under the direction of the county chairman at the time and place determined by the county chairman within thirty (30) days after the county chairman has ~~received notice from the county clerk that all of its members have been certified elected~~ received the certified election results of all members elected to the committee. The county chairman shall also publish a notice of all meetings of the county central committee in a newspaper of general county circulation not less than two (2) days prior to a meeting.

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

(a) Any vacancy in any other elective office in the state except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body, or as otherwise provided in this section, by appointment of a temporary successor. The person appointed shall serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January. Provided, if a vacancy in a four (4) year term of office occurs in the term's second or subsequent years after the first day for filing an application for nomination pursuant to W.S. 22-5-209, no election to fill the vacancy shall be held and the temporary successor appointed shall serve the remainder of the unexpired term. The following apply:

(iii) If a vacancy occurs in the office of a member of the state legislature:

(A) For vacancies other than resignations, the board of county commissioners of the county or counties in which the vacancy occurs shall immediately notify in writing the chairman of the state central committee of the political party which the former incumbent represented at the time of his election under W.S. 22-6-120(a)(vii), or at the time of his appointment if not elected to office. For resignations, the governor shall notify the appropriate state central committee or the appropriate board of county commissioners in accordance with W.S. 28-1-106. For all vacancies in which the incumbent represented a political party at the time of his election or appointment to the office, the state central committee of the political party of the former incumbent shall notify the precinct committeemen and committeewomen for that party for each pre-

cinct within the legislative district which is vacant and arrange a meeting of those precinct committeemen and committeewomen at which they will select a list of three (3) persons qualified to fill the vacancy. Only those persons serving as committeemen and committeewomen at least thirty (30) days prior to the vacancy, or if the vacancy occurs within thirty (30) days after ~~a primary election, including precinct committeemen and committeewomen elected at that primary~~ the first Monday in January in odd-numbered years, those precinct committeemen and committeewomen elected at the immediate past primary election and those selected by appointment prior to December 2 of the year in which the election occurred for vacant positions, shall be authorized to vote under this subparagraph. The meeting shall be held not later than fifteen (15) days after the state central committee is notified of the vacancy. The state central committee of each political party shall establish procedures for conducting the vote required under this subparagraph and may delegate the authority to call the meeting required under this subparagraph;

Section 2. This act is effective July 1, 2015.

Approved March 6, 2015.

Chapter 155

COMMUNITY JUVENILE SERVICES BOARDS-CREATION

Original House Bill No. 215

AN ACT relating to community juvenile services boards; authorizing counties to form community juvenile service boards as administrative boards; and providing for an effective date.

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

Section 1. W.S. 14-9-105(a)(intro) is amended to read:

14-9-105. Community juvenile services boards; advisory boards.

(a) A county may, in accordance with the Wyoming Joint Powers Act, enter into an agreement with one (1) or more counties, any or all cities within the county or counties, and any or all school districts within the county or counties, to form a joint powers board or, by an agreement among the entities specified in this subsection, to serve as a community juvenile services board under this act. Any board formed under this subsection shall comply with the requirements specified in W.S. 16-1-105. The board formed under this subsection shall include, at a minimum, representation from five (5) of the following entities within the jurisdictional boundaries of the community juvenile services board:

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 156

FOREIGN BUSINESS ENTITIES-REINSTATEMENT

Original House Bill No. 235

AN ACT relating to foreign corporations and foreign limited liability partnerships; providing procedures for reinstatement of foreign corporations and limited liability partnerships as specified; providing for appeals; providing an appropriation; and providing for effective dates.

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

Section 1. W.S. 17-16-1535 and 17-16-1536 are created to read:

D. Reinstatement

17-16-1535. Reinstatement following revocation of certificate of authority.

(a) An officer or other person with proper authority at the time a foreign corporation had its certificate of authority revoked under W.S. 17-16-1531 may apply to the secretary of state for reinstatement of its certificate of authority within two (2) years after the effective date of revocation. Reinstatement may be denied by the secretary of state if the corporation has been the subject of a secretary of state and law enforcement investigation pertaining to fraud or any other violation of state or federal law, or if there is other reason to believe the corporation was engaged in illegal operations. The application shall:

(i) Recite the name of the corporation and the effective date of the revocation of its certificate of authority;

(ii) State that the ground or grounds for revocation either did not exist or have been eliminated;

(iii) Reserved;

(iv) If the foreign corporation's certificate of authority was revoked for failing to deliver its annual report or pay the annual license taxes to the secretary of state when due pursuant to W.S. 17-16-1630, include payment of fees and taxes then delinquent and a reinstatement certificate fee prescribed pursuant to W.S. 17-16-122;

(v) If the foreign corporation's certificate of authority was revoked for failure to maintain a registered agent, include payment of a two hundred fifty dollar ($250.00) reinstatement fee and payment of any fees and taxes then delinquent; and

(vi) Include proof that the foreign corporation is currently in good standing in the state of formation.

(b) If the secretary of state determines that the application contains the information required by subsection (a) of this section and that the information is correct, he shall cancel the certificate of revocation and prepare a certificate of

reinstatement that recites his determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the corporation under W.S. 17-28-104.

(c) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the revocation of the certificate of authority and the foreign corporation resumes carrying on its business as if the revocation had never occurred.

(d) The foreign corporation shall retain its registered corporate name during the two (2) year reinstatement period.

(e) If more than two (2) years has elapsed since the revocation of a foreign corporation's certificate of authority, the foreign corporation may reapply for a certificate of authority to transact business pursuant to W.S. 17-16-1503. If the foreign corporation continues transacting business in Wyoming after the two (2) year period elapsed, the foreign corporation shall be subject to the penalty for transacting business without authority as set forth in W.S. 17-16-1502(d).

(f) A person who files any document under this section without proper corporate authority to do so is in violation of W.S. 6-5-308.

17-16-1536. Appeal from denial of reinstatement.

(a) If the secretary of state denies a foreign corporation's application for reinstatement following administrative revocation, he shall serve the corporation under W.S. 17-28-104 with a written notice that explains the reason or reasons for denial.

(b) The foreign corporation may appeal the denial of reinstatement to the district court within thirty (30) days after service of the notice of denial is perfected. The foreign corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of the secretary of state's certificate of revocation, the foreign corporation's application for reinstatement and the secretary of state's notice of denial.

(c) The court may summarily order the secretary of state to reinstate the foreign corporation's certificate of authority or may take other action the court considers appropriate.

(d) The court's final decision may be appealed as in other civil proceedings.

Section 2. W.S. 17-14-1006, 17-16-1533 and 17-21-1104 by creating a new subsection (n) are amended to read:

17-14-1006. Cancellation of registration.

(a) A foreign limited partnership may cancel its registration by filing with the secretary of state a certificate of cancellation signed and sworn to by a general partner. A cancellation does not terminate the authority of the secretary of state to accept service of process on the foreign limited partnership with re-

spect to causes of action arising out of the transactions of business in this state.

(b) The registration to transact business of a foreign limited liability partnership is subject to the same revocation and reinstatement provisions as applicable to foreign corporations authorized to transact business in this state pursuant to W.S. 17-16-1530 through 17-16-1536.

17-16-1533. Applicability of chapter 29 to foreign limited liability companies.

To the extent not inconsistent with the Wyoming Limited Liability Company Act, W.S. 17-29-101 through 17-29-1102 and the provisions of this chapter, a limited liability company organized in another jurisdiction may do business in Wyoming by complying with ~~W.S. 17-16-1501 through 17-16-1507, 17-16-1520, 17-16-1530 through 17-16-1532 and 17-28-101 through 17-28-111~~ the applicable provisions of this article. The certificate of ~~organization~~ authority of a limited liability company organized in another jurisdiction may be revoked and reinstated as provided in ~~W.S. 17-16-1530 through 17-16-1532~~ this act.

17-21-1104. Applicability of act to foreign and interstate commerce.

(n) A foreign registered limited liability partnership whose registration has lapsed for failure to pay fees or failure to maintain a registered agent in this state as provided in this article may apply to the secretary of state for reinstatement within two (2) years after the effective date of lapse as provided in W.S. 17-21-1107.

Section 3. Effective immediately, there is appropriated from the general fund to the secretary of state one-time funding of forty-seven thousand dollars ($47,000.00) to implement the purposes of this act. Any unexpended, unobligated funds appropriated under this section shall revert on June 30, 2016 as provided by law.

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 January 1, 2016.

Approved March 9, 2015.

Chapter 157

DISTANCE EDUCATION TASK FORCE

Original House Bill No. 11

AN ACT relating to the study of distance education for informing recalibration of the education resource block grant model; establishing a task force; establishing duties; requiring reporting; and providing for an effective date.

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

Section 1.

(a) For the purposes of informing the 2015 recalibration of the education resource block grant model required by W.S 21-13-309(t), there is created a task force on distance education, chaired by the state superintendent of public instruction.

(b) The task force shall review distance education programs provided by or in cooperation with Wyoming school districts to students in grades kindergarten through twelve (12). The review shall include programs provided under W.S. 21-2-202(a)(xxxi), 21-13-330, 21-20-201 and programs using resources provided by the education resource block grant model. The taskforce shall compile a report containing recommendations for the following:

(i) Programmatic requirements for the delivery of quality distance education programs statewide that provide equal access and opportunity for all students enrolled in a Wyoming school district;

(ii) Guidance to ensure compliance with statewide education standards and student assessment and accountability requirements under W.S. 21-2-202, 21-2-204, 21-2-304 and 21-9-101, including but not limited to data collection requirements;

(iii) In consultation with the professional teaching standards board, professional certification requirements for distance education instructors;

(iv) A review of distance education that can be used to provide greater transparency in accounting for administering distance education program;

(v) Requirements for partnership agreements, if necessary, for school districts electing to collaborate in the delivery of a distance education program;

(vi) Guidance to ensure compliance with the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400.

Section 2. Commencing June 15, 2015, the department shall provide monthly progress reports on the work of the task force to the legislative service office. The legislative service office shall provide the reports to the appropriate legislative committees to ensure the progress reports are incorporated into the 2015 block grant model recalibration process. Not later than October 15, 2015, the department shall provide a final report documenting the recommendations of

the taskforce to the legislative service office for distribution to the appropriate legislative committee.

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

Approved March 9, 2015.

Chapter 158

ELECTRICAL SAFETY AND FIRE PREVENTION-AMENDMENTS

Original House Bill No. 166

AN ACT relating to electrical safety and fire prevention; updating references; removing requirements relating to elevators in buildings as specified; clarifying duties of the state fire marshal and cities and revising experience requirements for limited technician and low voltage technician licenses; extending local inspection bodies authority over appeals as specified; providing for rulemaking; and providing for an effective date.

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

Section 1. W.S. 16-6-501(a)(intro) and (b) through (d), 16-6-502, 35-9-102(a)(xi) and (xiii), 35-9-121(d) and 35-9-126(a) are amended to read:

16-6-501. Building plans and specifications; required facilities; elevators; curb ramps; inspections; exceptions.

(a) The plans and specifications for the construction of or additions to all buildings for general public use built by the state or any governmental subdivision, school district or other public administrative body within the state, shall provide facilities and features conforming with the specifications set forth in the ~~publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent No. A117.1-1961) as approved October 31, 1961, by the American Standards Association, now called the American National Standards Institute, Inc. Elevators shall be installed in multiple-story buildings to serve all levels normally used by the general public. Elevators shall have the following features:~~ accessibility and supplemental accessibility requirements of the 2012 edition of the International Building Code.

(b) Every curb or sidewalk to be constructed or reconstructed in Wyoming, where both are provided and intended for public use, whether constructed with public or private funds, shall provide a ramp at points of intersection between pedestrian and motorized lines of travel and no less than two (2) curb ramps per lineal block. Design for curb ramps shall ~~take into consideration the needs of all physically handicapped persons including blind pedestrians. Existing design standards will be available from the governor's committee for employment of the handicapped. If future improvements in the curb ramp design will ben-~~

~~efit handicapped and elderly persons, designs stipulated in this article may be altered after full hearings on the proposed changes by the administrator of the division of vocational rehabilitation, the program manager of the governor's committee on employment of people with disabilities and the state fire marshal~~ be designed in accordance with the current Americans With Disabilities Act accessibility guidelines.

(c) Except as provided in this subsection, the state fire marshal or city engineer, or their designee, shall inspect any structure described in subsection (a) of this section at the request of any person. Curb ramps shall be inspected by the city at the request of any person and shall be modified or reconstructed by the contracting authority to meet the requirements of W.S. 16-6-501 through 16-6-504.

(d) Exceptions for good cause may be granted by the state fire marshal ~~in consultation with the administrator of the division of vocational rehabilitation, the program manager of the governor's committee on employment of people with disabilities, and the occupational health and safety commission chairman~~ for any structure described in subsection (a) of this section or by the city for curb ramps.

16-6-502. Building plans and specifications; state fire marshal; review and approval.

All plans and specifications for the construction of or additions to buildings for general public use, built by the state or any governmental subdivision, school district or other public administrative body within this state, shall be submitted for review and approval by the state fire marshal, who shall approve if he finds the plans provide facilities which conform to the specifications set forth in ~~"American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent No. A117.1-1961) as approved October 31, 1961, by the American Standards Association, now called the American National Standards Institute, Inc., and W.S. 16-6-501, subject however to the waiver specified above~~ the accessibility and supplemental accessibility requirements of the 2012 edition of the International Building Code.

35-9-102. Definitions.

(a) As used in W.S. 35-9-101 through 35-9-130:

(xi) "Limited technician" means a person licensed by the department who has ~~two (2) years experience~~ met the minimum experience requirements as prescribed by board rules and regulations in the portion of the electrical wiring industry covered by his limited license. ~~and~~ The limited technician shall have technical knowledge to install and supervise the installation of electrical equipment associated with the type of limited electrical license held in accordance with the National Electrical Code and city, county and state ordinances

and regulations;

(xiii) "Low voltage technician" means a person licensed by the department who has ~~two (2) years experience~~ met the minimum experience requirements as prescribed by board rules and regulations in the portion of the electrical wiring industry covered by his low voltage license. ~~and~~ The low voltage technician shall have technical knowledge to install and supervise the installation of electrical equipment associated with the type of low voltage electrical license held in accordance with the National Electrical Code and city, county and state ordinances and regulations;

35-9-121. Local enforcement.

(d) A municipality or county which has enforcement authority under this section shall create its own appeals boards to determine the suitability of alternate materials and types of construction and to interpret and grant variances from adopted codes or standards. The boards shall be appointed and removed by the governing body of the municipality or county, but the person making the decision upon which the appeal is based shall not be a member of the appeal board.

35-9-126. Licensing of master electricians, journeymen electricians, low voltage technicians, limited technicians; temporary permits; reciprocal licenses; master electrician of record for only 1 electrical contractor; technician of record for only 1 low voltage or limited electrical contractor.

(a) Applicants for master electrician, journeymen electrician, low voltage technician and limited technician licenses shall apply to the chief electrical inspector on a form furnished by the department and accompanied by the required examination fee. The form shall state the applicant's full name, his address, the extent of his experience and other information required by the department. An applicant who complies with the rules of the ~~department~~ board, is qualified, successfully completes the examination and pays the required license fee shall be issued the proper license by the chief electrical inspector which bears the date of issue. A master license, low voltage technician license and limited technician license shall expire on July 1 in the third year following the year of issue. A journeyman license shall expire on January 1 in the third year following the year of issue. ~~A low voltage technician license shall expire on July 1 in the third year following the year of issue. A limited technician license shall expire on July 1 in the third year following the year of issue.~~ Credit for time spent in any electrical school shall be given to master electricians, journeyman electricians, low voltage technicians or limited technicians for time spent in classes up to a total of two (2) years, or four thousand (4,000) hours, on the work experience requirements.

Section 2. W.S. 16-6-501(a)(i) through (v) and 35-9-126(e) through (g) are repealed.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 159

HIGHWAY FUNDING

Original House Bill No. 100

AN ACT relating to fuel taxes; restricting the expenditure of a specified portion of fuel taxes; requiring a report; and providing for an effective date.

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

Section 1. W.S. 39-17-111(d)(iv) and 39-17-211(d)(ii)(C) are amended to read:

39-17-111. Distribution.

(d) After certifying the amounts provided by subsection (c) of this section, the department shall certify the balance of taxes collected under this article to the state treasurer who shall distribute the remainder into the accounts within the state highway fund created under this subsection as follows:

(iv) Fifty-seven and one-half percent (57.5%) to the state highway account. Any funds deposited to the highway fund under this paragraph which are attributable to the increase in fuel taxes authorized by 2013 Wyoming Session Laws, Chapter 49, Section 1 and effective July 1, 2013 shall be separately accounted for by the department of transportation. The department shall provide a comprehensive report on revenue and expenditures attributable to the 2013 increase to the joint appropriations interim committee and the joint transportation, highways and military affairs interim committee on or before November 15 of each year, from the effective date of this act through November 15, 2020.

39-17-211. Distribution.

(d) The state treasurer shall:

(ii) Distribute monthly the remainder as follows:

(C) The remaining revenues shall be credited to the state highway fund for the maintenance, construction and reconstruction of state highways. Any funds deposited to the highway fund under this subparagraph which are attributable to the increase in fuel taxes authorized by 2013 Wyoming Session Laws, Chapter 49, Section 1 and effective July 1, 2013 shall be separately accounted for by the department of transportation. The department shall provide a comprehensive report to the joint appropriations interim committee and the joint transportation, highways and military affairs interim committee on or before November 15 of each year, from the effective date of this act through

November 15, 2020.

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

Approved March 9, 2015.

Chapter 160

PAC-CAMPAIGN LIMITS AND FUNDING

Original House Bill No. 38

AN ACT relating to elections; amending Wyoming's political action committee campaign contribution limits as specified; allowing organizations to bear PAC related costs as specified; and providing for an effective date.

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

Section 1. W.S. 22-25-102(k) and (m) is amended to read:

22-25-102. Contribution of funds or election assistance restricted; limitation on contributions; right to communicate; civil penalty.

(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:

(i) 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;~~.~~

(ii) Bearing any portion of a political action committee's administrative costs or costs of soliciting contributions.

(m) Except as otherwise provided in this section, no political action committee shall contribute directly or indirectly more than ~~seven thousand five hundred dollars ($7,500.00) to any candidate for statewide political office or three thousand dollars ($3,000.00)~~ five thousand dollars ($5,000.00) per election to any candidate for ~~other~~ political office other than statewide political office. For purposes of this subsection the primary, general and special elections shall be deemed separate elections. No candidate for political office shall accept, directly or indirectly, contributions which violate this subsection. Contributions to a candidate's campaign committee shall be considered to be contributions to the candidate. This subsection does not limit political contributions by political parties, nor expenditures by a candidate from his own funds nor from his

candidate's campaign committee funds.

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

Approved March 9, 2015.

Chapter 161

INSURANCE COVERAGE-EARLY REFILLS OF PRESCRIPTION EYE DROPS

Original House Bill No. 183

AN ACT relating to insurance; requiring coverage of early refills of prescription eye drops under health insurance policies as specified; providing for applicability; and providing for an effective date.

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

Section 1. W.S. 26-20-501 is created to read:

ARTICLE 5
PRESCRIPTION EYE DROP REFILL COVERAGE

26-20-501. Prescription eye drop refill coverage required.

(a) All individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by any insurer including any nonprofit corporation and individual and group service contracts or certificates issued by a health maintenance organization which provide coverage for prescription eye drops shall provide coverage for the following:

(i) A renewal of prescription eye drops if:

(A) The renewal is requested by the insured at least twenty-three (23) days for a thirty (30) day supply of eye drops, forty-five (45) days for a sixty (60) day supply of eye drops or sixty-eight (68) days for a ninety (90) day supply of eye drops from the later of the date that the original prescription was distributed to the insured or the date that the last renewal of the prescription was distributed to the insured; and

(B) The original prescription states that additional quantities are needed and that the renewal requested by the insured does not exceed the number of additional quantities needed.

(ii) One (1) additional bottle of prescription eye drops if:

(A) A bottle is requested by the insured or the practitioner at the time the original prescription is filled; and

(B) The original prescription states that one (1) additional bottle is

needed by the insured for use in a day care center or school. The additional bottle shall be limited to one (1) every three (3) months.

(b) The benefits provided under this section shall be subject to the same annual deductibles, copayments or coinsurance established for all other covered benefits within a given policy. Private third party payors may not reduce or eliminate coverage due to the requirements of this section.

(c) This section shall apply to both private and public health benefit plans, as defined in W.S. 26-1-102(a)(xxxiii) and (xxxiv), delivered or issued on or after July 1, 2015.

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 162

PRACTICE OF LAW-AMENDMENTS

Original House Bill No. 214

AN ACT relating to the practice of law; amending, updating and repealing provisions related to the practice of law as specified; and providing for an effective date.

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

Section 1. W.S. 33-5-102, 33-5-105, 33-5-108 through 33-5-112, 33-5-114 and 33-5-116(a) are amended to read:

33-5-102. State board of law examiners; date, rules and quorum for meetings; election of officers; supreme court to prescribe rules.

The state board of law examiners shall hold at least two (2) regular meetings each year for the examination of applicants, at times and places as prescribed by rules of the supreme court. Special meetings may be held as determined by the board from time to time. At all meetings, a majority of the board constitutes a quorum. The board shall select a chairman ~~and secretary~~ from its membership. ~~All examinations shall be in writing upon questions prepared or approved by the board.~~ The supreme court shall prescribe rules not inconsistent with this act to carry out the purposes of this act ~~and secure a system of uniform examination~~ for admission to the bar of this state.

33-5-105. Applications for admission to bar; qualifications of applicants.

No one shall be admitted to the bar of this state who shall not be an adult ~~citizen of the United States and a person~~ of good moral character~~. No one shall be examined unless he shall give satisfactory evidence of having studied law at least three (3) years in a law school approved by the state board of law examiners, or shall give satisfactory evidence of having attended a law school as herein provided for a period of at least one (1) year, and in addition thereto shall have~~

~~studied law at least two (2) years in the office of a member of the bar, or one (1) of the judges of this state, or shall give satisfactory evidence of having attended a law school as herein provided for a period of two (2) years, and in addition thereto shall have studied law at least one (1) year in the office of a member of the bar, or one (1) of the judges of this state. Said study must have been actually and not constructively commenced and continued~~ who has been awarded a juris doctor degree from a law school accredited by the American Bar Association.

33-5-108. Bar examinations; generally.

The examination of any applicant to the bar of this state shall be conducted pursuant to rules of the supreme court.~~, upon written questions prepared or approved by the board, in the presence of one (1) or more examiners, the district judge or some other discreet and competent person selected by the board or a majority of its members. The questions and answers shall be returned to the board by the person conducting the examination and the board shall report thereon as in other cases.~~

33-5-109. Bar examinations; no assistance or advice except as permitted.

At any examination of applicants for admission to the bar, it shall be unlawful to permit the person being examined to receive, during the examination and after the questions have been submitted to ~~him~~ the person, any assistance or advice from any other person or persons, book or memorandum except as provided by rules of the supreme court to accommodate persons with disabilities.

33-5-110. Admission of foreign attorneys on motion.

Any person who may have been admitted to practice as an attorney in the highest court of any other state or territory~~, and who shall have been engaged in practice therein may, in the discretion of the supreme court, be admitted to practice in the courts of this state without an examination, upon presentation of his certificate of such admission, and upon showing to the satisfaction of the court that he is still in good standing as an attorney in the courts of such other state or territory, and that he is a person of good moral character. The court may adopt rules for the proof of such qualifications~~ may be admitted to the bar of this state pursuant to the rules of the supreme court for admission on motion.

33-5-111. Attorneys admitted pro hac vice to try pending case.

Members of the bar of any other state, district or territory of the United States, who may be employed as counsel in any case pending before any of the courts of this state, may be admitted pro hac vice for all the purposes of the case in which they are so employed, by the court before which said case is pending, ~~without examination~~ pursuant to rules of the supreme court.

33-5-112. Oath of attorney; attorney not to be surety on official or judicial bond.

No person shall be deemed admitted to the bar until he shall have taken and

filed an oath as provided in this section. The oath shall be to the effect that he will support, obey, and defend the constitution of the United States, and the constitution and laws of this state, and that he will faithfully and honestly and to the best of his ability discharge the duties of an attorney and counselor-at-law. The ~~said~~ oath may be administered by the clerk~~,~~ or one (1) of the justices of the supreme court, ~~in or out of court, or by~~ a district judge in his district~~,~~ or the clerk of court in his county.~~, and when not taken in the supreme court in open session the same~~ The oath may be administered in another state or territory of the United States by a judge or justice of a court of general jurisdiction or an appellate court. The oath shall be reduced to writing, signed by the person taking, and certified to by the officer administering the same and filed in the office of the clerk of the supreme court. ~~If taken in open court the journal shall show that fact. No practicing attorney shall be taken on any official bond, or bond in any legal proceeding in the district in which he may reside.~~

33-5-114. Penalty for deceit or collusion.

An attorney and counselor who is guilty of deceit or collusion, or consents thereto, with intent to deceive a court or judge, or a party to an action or proceeding, or brings suit or commences proceedings without authority therefor, ~~is liable to be disbarred, and~~ shall forfeit to the injured party treble damages, to be recovered in a civil action.

33-5-116. Payment of annual license fee; fiscal year of state bar.

(a) All members of the state bar shall ~~by the second week of October~~ pay to the treasurer of the state bar, as a license fee for the ensuing year, an annual license fee in an amount to be established by the board of commissioners of the Wyoming state bar pursuant to ~~W.S. 33-1-201~~ the bylaws of the state bar. Honorary and retired members may be exempted completely from the payment of any fees or allowed to pay less than the regular license fee in the discretion of the board of commissioners. Fees shall constitute a fund to be held and disbursed by the treasurer upon order of the board.

Section 2. W.S. 33-5-115 is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 163

RESTORATION OF VOTING RIGHTS BY DEPARTMENT OF CORRECTIONS

Original House Bill No. 15

AN ACT relating to criminal procedure; amending and conforming provisions relating to restoration of voting rights to felons; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 7-13-105(b)(intro), (i), (ii), (c), by creating a new subsection (d) and by amending and renumbering (d) as (e), 7-13-401(f), 7-13-402(f), 7-19-103(a)(ii), 18-16-102(a)(ix)(E), 22-3-102(e)(iv) and 25-1-104 by creating a new subsection (k) are amended to read:

7-13-105. Certificate of restoration of rights; procedure for restoration in general; procedure for restoration of voting rights for nonviolent felonies; filing requirements.

(b) The department of corrections shall issue a certificate of restoration of voting rights as provided in this subsection and subsection (c) of this section. Upon issuance of a certificate, voting rights lost pursuant to W.S. 6-10-106 shall be deemed restored. The department of corrections shall issue a person convicted of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events ~~may apply in writing to the state board of parole for a certificate which restores the person's voting rights lost pursuant to W.S. 6-10-106. The application shall specifically state that the requirements of this subsection have been met and shall be on a form approved by the state board of parole. The state board of parole shall issue~~ a certificate ~~restoring a person's voting rights~~ of restoration of voting rights if:

(i) The ~~applicant~~ person has ~~never~~ not been convicted of any other felony other than convictions arising out of the same occurrence or related course of events for which restoration of rights is ~~sought~~ certified;

(ii) ~~All of the applicant's terms of~~ The person has completed all of his sentence, ~~are expired, or in the case of probation, the applicant has completed all probation periods~~ including probation or parole; and

(c) ~~Upon receipt of the written application under subsection (b) of this section, the board shall review the materials and make an initial determination of eligibility. Should the board deny the application at this initial determination, the applicant shall have the right to request a contested case hearing before the board as provided by and in accordance with the Wyoming Administrative Procedure Act. The decision of the board after such hearing shall be deemed a final administrative determination, shall be in writing, and, shall in the case of a denial of the application, state the findings of the board and the reasons for the denial and shall not be subject to judicial review under W.S. 16-3-114.~~ The department of corrections shall issue a certificate of restoration of voting rights to eligible persons as follows:

(i) For persons convicted within Wyoming of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events, the department shall require an application for restoration before issuing a certificate to eligible persons who completed their sentence before January 1, 2016. The department shall not require an application for restoration before

issuing a certificate to eligible persons who complete their sentence after January 1, 2016;

(ii) For persons convicted outside of Wyoming or under federal law of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events, the department shall require an application for restoration before issuing a certificate to an eligible person.

(d) The department's denial of a certificate of restoration of voting rights is a final action of the agency subject to judicial review. The clerk of the district court and the division of criminal investigation shall cooperate with the department of corrections in providing information necessary for determining a person's eligibility to receive a certificate of restoration of voting rights. The department of corrections shall notify the secretary of state when any person's voting rights have been restored. If the person was convicted in Wyoming, the department shall submit the certificate of restoration of voting rights to the clerk of the district court in which the person was convicted and the clerk shall file the certificate in the criminal case in which the conviction was entered.

~~(d)~~(e) As used in this section:~~,~~

(i) "Same occurrence or related course of events" means the same transaction or occurrence or a series of events closely related in time or location;

(ii) "Violent felony" means as defined by W.S. 6-1-104(a)(xii), including offenses committed in another jurisdiction which if committed in this state would constitute a violent felony under W.S. 6-1-104(a)(xii). ~~As used in this section,~~ "Nonviolent felony" includes all felony offenses not otherwise defined as violent felonies.

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

(f) Three (3) or more members of the board may constitute a hearing panel empowered to review applications for parole, grant paroles or revoke paroles. Fewer than three (3) members of the board, as may be provided by rule of the board, may withdraw or revoke good time, restore or reinstate good time, ~~make initial determinations of eligibility and restore voting rights pursuant to W.S. 7-13-105(b) and (c),~~ make recommendations to the governor to grant commutations of sentences and review inmate matters, other than the grant or denial of parole, brought before the board. A decision by a majority of the members of a panel under this subsection is the decision of the board.

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

(f) The promulgation of substantive rules by the board, the conduct of its hearings and its final decisions are specifically exempt from all provisions of the Wyoming Administrative Procedure Act including the provisions for judi-

cial review under W.S. 16-3-114 and 16-3-115. ~~This exception shall not apply to the provisions authorizing a contested case hearing under W.S. 7-13-105(c).~~ The board's rules and regulations shall be filed in the office of the secretary of state.

7-19-103. Definitions.

(a) As used in this act:

(ii) "Criminal history record information" means information, records and data compiled by criminal justice agencies on individuals for the purpose of identifying criminal offenders consisting of identifiable descriptions of the offenders and notations or a summary of arrests, detentions, indictments, information, pre-trial proceedings, nature and disposition of criminal charges, sentencing, rehabilitation, incarceration, correctional supervision and release. Criminal history record information is limited to information recorded as the result of the initiation of criminal proceedings. It does not include intelligence data, analytical prosecutorial files, investigative reports and files or statistical records and reports in which individual identities are not ascertainable, <u>any document relating to restoration of voting rights,</u> or any document signed by the governor granting a pardon, commutation of sentence, reprieve, remission of fine or forfeiture~~;~~ or a restoration of civil rights<u>,</u>~~ by the governor or restoration of voting rights by the state board of parole;~~

18-16-102. Definitions.

(a) As used in this act:

(ix) "Qualified elector" means a natural person who:

(E) Has not been convicted of a felony or if convicted has had his civil rights <u>or voting rights</u> restored; and

22-3-102. Qualifications; temporary registration.

(e) The secretary of state is authorized to provide for the verification of certain voter registration data in accordance with the following:

(iv) The secretary of state<u>,</u> ~~and~~ the state board of parole <u>and the department of corrections</u> shall enter into an agreement to match information in the voter registration system with records regarding restoration of voting rights maintained by the state board of parole <u>or the department of corrections</u> in order to verify voter qualifications;

25-1-104. Creation of department of corrections; duties; inspections of state institutions; regulation of prisoner produced goods.

<u>(k) The department of corrections shall issue certificates of restoration of voting rights pursuant to W.S. 7-13-105(b) and (c).</u>

Section 2. W.S. 7-13-402(h) is repealed.

Section 3. This act shall not affect the validity of voting rights restored prior

to the effective date of this act.

Section 4. There is appropriated from the general fund to the secretary of state twenty-five thousand eight hundred dollars ($25,800.00) for the period beginning March 15, 2015 and ending June 30, 2016.

Section 5.

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

(b) Except as provided by subsection (a) of this section, this act is effective January 1, 2016.

Approved March 9, 2015.

Chapter 164

EXPUNGEMENT OF MISDEMEANORS

Original Senate File No. 18

AN ACT relating to criminal procedure; providing for the expungement of records of conviction of misdemeanors as specified; repealing related provisions; and providing for an effective date.

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

Section 1. W.S. 7-13-1501(a)(intro) and (i) is amended to read:

7-13-1501. Petition for expungement of records of conviction of misdemeanors; filing fee; notice; objections; hearing; definitions.

(a) A person who has pleaded guilty or nolo contendere to or been convicted of a misdemeanor ~~under W.S. 6-2-501(a) or (b), 6-2-504(a), 6-2-510(a), 6-2-511(a) or 6-6-102, or those same misdemeanors 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 five (5) years have passed <u>for nonstatus offenses and at least one (1) year has passed for status offenses as defined by W.S. 7-1-107(b)(iii)</u> since the expiration of the terms of sentence imposed by the court, including any periods of probation or the completion of any program ordered by the court;

Section 2. W.S. 7-13-1501(a)(ii) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 165

MICROBREWERIES-MINIMUM BARREL REQUIREMENT

Original Senate File No. 144

AN ACT relating to alcoholic beverages; amending the production minimum for microbreweries; and providing for an effective date.

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

Section 1. W.S. 12-1-101(a)(xix) is amended to read:

12-1-101. Definitions.

(a) As used in this title:

(xix) "Microbrewery" means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifteen thousand (15,000) barrels per year and no less than ~~one hundred (100)~~ fifty (50) barrels per year;

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 166

WYOMING PHARMACY ACT AMENDMENTS

Original Senate File No. 99

AN ACT relating to professions and occupations; amending membership and duties of the state board of pharmacy; amending the rate of compensation received by board members as specified; amending requirements of the Wyoming Pharmacy Act as specified; providing for electronic pharmacist examinations; allowing for electronic memorandum for prescription records; repealing archaic provisions related to the sale of poison by pharmacists; and providing for an effective date.

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

Section 1. W.S. 33-24-102(a), 33-24-103(d), 33-24-108(b), 33-24-117, 33-24-118, 33-24-120, 33-24-135(d) and 33-24-136(a) and (b) are amended to read:

33-24-102. State board of pharmacy; generally.

(a) There is created a state board of pharmacy whose duty is to carry out the purposes and to enforce the provisions of this act. The board shall consist of ~~seven (7)~~ nine (9) voting members consisting of ~~four (4)~~ five (5) pharmacists, one (1) physician, one (1) dentist or veterinarian, ~~and~~ one (1) member of the public and one (1) ~~ex officio~~ pharmacy technician, who shall be appointed by the governor, by and with the advice and consent of the senate. ~~Members of the now existing board of pharmacy shall continue in office as voting members as if regularly appointed under this act. Their terms shall expire in accordance with their original appointments and be filled in accordance with the provisions of~~

~~W.S. 28-12-101. The ex officio member shall have no vote and shall have no part of licensing procedures or license suspension or revocation actions.~~

33-24-103. State board of pharmacy; qualifications of members; limitation on terms; prohibited affiliations.

(d) A pharmacy technician licensed pursuant to article 3 of this chapter and actively practicing as a pharmacy technician in Wyoming shall be eligible to be ~~an ex officio~~ a voting member of the board if the person is a United States citizen and a resident of this state and at the time of appointment has been employed as a pharmacy technician in Wyoming continuously for at least five (5) years.

33-24-108. State board of pharmacy; creation of indebtedness; compensation of members; employment and compensation of staff; legal counsel.

(b) Out of the fees collected and funds assessed by the board, each of the members of the board shall receive ~~compensation at the rate of fifty dollars ($50.00)~~ salary in the same manner and amount as members of the Wyoming legislature for each full or partial day actually engaged in the duties of his office and shall be reimbursed for per diem and mileage as provided in W.S. 33-1-302(a)(vii). Per diem and mileage expenses shall be paid from the board's account.

33-24-117. Examination required.

The applicant shall pass ~~a written and practical~~ an examination, which has been adopted by the board, in a manner satisfactory to a reasonable board. The ~~written~~ examination shall be, so far as the board shall deem practicable, on such subjects as are prescribed in the curriculum and taught in the accredited colleges and universities which offer courses of study leading to the degree above described and required, on the ethical and practical aspects of the practice of pharmacy which will confront a successful applicant in the practice of the profession in Wyoming, and on the laws and rules relating thereto. The ~~practical~~ examination shall be ~~held at a place designated by the board~~ offered in the manner prescribed by ~~it~~ the board.

33-24-118. Registration of applicant; issuance of license; contents of license or certificate of registration.

Upon an applicant passing the ~~written and practical examinations~~ examination the board shall cause his name and residence to be registered in a ~~book~~ record kept by it for that purpose; and if the application is complete and there are no known grounds for denial of the license requested, the board shall issue to the applicant a license as evidence of his eligibility to practice pharmacy. The license, or certificate of registration shall contain, along with the other advisory information, the name of the person to whom issued, the date of issuance, and a special registration number designed by the board for exclusive identification of the registrant.

33-24-120. Records as prima facie evidence.

The board shall keep a record ~~book~~ in which shall be recorded the names and addresses and pertinent information of all applicants and such other matters as shall afford a full record of its activities; the records or transcripts therefrom, duly certified by the secretary of the board, ~~with the seal of the board attached,~~ shall be prima facie evidence before all the courts of this state of the entries therein contained.

33-24-135. Internship.

(d) Each prospective intern shall be licensed by the board upon payment of a fee and shall register ~~in writing immediately upon beginning any period of service~~ by application giving the intern's name and address.~~, address of the pharmacy at which service is undertaken and the name, address and registration number of each preceptor at that place. Upon terminating each period of service, the intern shall immediately notify the board in writing. The first notice of undertaking internship shall include a complete statement of the intern's qualifications therefor, attested to under oath by the intern. Forms therefor will be provided by the board.~~ Under its regulations the board may provide for consideration and acceptance of internship served in other jurisdictions.

33-24-136. Filing memorandum of prescription; labels generally; prescription defined; counseling and patient profiles.

(a) Every person who prepares, compounds, processes, packages or repackages, dispenses, fills or sells or offers for sale, at retail or in connection with operation of a health care facility, any prescription, shall place the written ~~memorandum~~ or electronic record of the prescription in a separate file marked and kept for that purpose, and shall affix a label to the container in which the prescribed substance is dispensed bearing the name and address of the pharmacy and initials of the dispensing pharmacist, or of the preceptor if the dispenser is an intern, the date on which the prescription is filed in the pharmacy's files, the name of the person who prescribed the substance, the name of the patient or customer for whom the prescription was made and directions for use by the patient as directed on the prescription by the prescriber.

(b) "Prescription" means an order for medication by a person licensed and authorized by the state board of medicine, the state board of dental examiners, the state board of nursing, the state board of registration in podiatry, the state board of examiners in optometry or the state board of veterinary medicine which is dispensed to or for an ultimate user, but does not include an order for medication which is dispensed for immediate administration to the ultimate user. Each prescription ~~memorandum~~ record shall be maintained and ~~open~~ available for inspection by agents of the board for a period of two (2) years from the date it is filed.

Section 2. W.S. 33-24-137 and 33-24-138 are repealed.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 167

WATER DEVELOPMENT-AMENDMENTS

Original Senate File No. 51

AN ACT relating to water development; providing amendments to the water development program; providing for contingencies; clarifying authority of the Wyoming water development commission regarding specified interstate projects and programs; and providing for an effective date.

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

Section 1. W.S. 41-2-118(a)(xiii), (xiv) and by creating a new paragraph (xv), 99-3-1106(a)(intro), (iii), (vii), (b)(intro), (iii), (iv) and (vii) and 99-3-1304(j)(intro), (iii) and (vii) are amended to read:

41-2-118. Powers, duties, salaries and expenses of commission.

(a) The commission shall:

(xiii) Represent or advocate the state's interests in negotiations and construction of water projects assigned by the legislature or the governor;~~ and~~

(xiv) Have authority to temporarily defer the principal amount due on debt service payments for money loaned to an irrigation district, watershed improvement district, conservation district or a conservancy district for construction of water development projects whenever the governor has declared that a drought emergency exists within the affected district's service area. The district shall be eligible for the temporary deferral of the principal amount due, provided the interest payments on the remaining principal amount are paid and current. The commission shall amend the amortization schedule to reflect the length of time from the date the affected district seeks the temporary deferral to the date the governor declares the emergency drought condition no longer exists;~~.~~ and

(xv) With the approval of the governor, have the authority to enter into contracts and agreements with the United States of America or its duly authorized representative agency to accept federal funds through grants or matching funds or from other sources for project costs pertaining to the utilization of Wyoming's water resources.

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

There are created the following sponsor's ~~inflations~~ contingency funds:

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

(iii) Project description: The establishment of a fund to provide supple-

mental funding for sponsors' existing Level III new development construction projects where construction budgets have been rendered insufficient due to inflation, ~~and the rapid~~ or an unexpected increase in material cost, change in materials or increase in the quantities of materials necessary to complete the final project design;

(vii) Appropriation: There is appropriated from water development account I to the commission two million dollars ($2,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2015~~ 2017; and

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

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III rehabilitation construction projects where construction budgets have been rendered insufficient due to inflation, ~~and the rapid~~ or an unexpected increase in material cost, change in materials or increase in the quantities of materials necessary to complete the final project design;

(iv) Total project budget: ~~Eight hundred thousand dollars ($800,000.00)~~ One million three hundred thousand dollars ($1,300,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~eight hundred thousand dollars ($800,000.00)~~ one million three hundred thousand dollars ($1,300,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2015~~ 2017; and

99-3-1304. Level III construction projects – rehabilitation.

(j) Project Sponsor's ~~Inflation~~ Contingency Fund - Rehabilitation:

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III rehabilitation construction projects where construction budgets have been rendered insufficient due to inflation, ~~and the rapid~~ or an unexpected increase in material cost, change in materials or increase in the quantities of materials necessary to complete the final project design;

(vii) Appropriation: There is appropriated from water development account II to the commission five hundred thousand dollars ($500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account ~~I~~ II on July 1, ~~2013~~ 2017;

Section 2. Upper Colorado River Basin Fund Memorandum of Agreement.

(a) Pursuant to a Memorandum of Agreement (MOA) entered into on Janu-

ary 24, 2011, by and among the states of Colorado, New Mexico, Utah and Wyoming; the Colorado River Energy Distributors Association, Inc. (CREDA); the Department of the Interior, Bureau of Reclamation; and the Department of Energy, Western Area Power Administration, the state of Wyoming has certain specified rights to apply for and recommend the expenditure of a percentage of collected revenues defined under section 5(e) of the Colorado River Storage Project Act, codified beginning at 43 U.S.C. § 620, as amended and supplemented, identified in the MOA as CRSPA. The MOA will expire on September 30, 2025, unless modified or extended.

(b) The MOA provides that each signatory state, including the state of Wyoming, may apply for a percentage of collected revenues, accounted for under the terms of the MOA, as funding assistance for qualifying projects or activities within the Upper Colorado River Basin. Qualifying projects or activities are those which further the purposes of CRSPA, as amended and supplemented, are within the Bureau of Reclamation's authorities and are recommended by the signatory states and CREDA. It is the responsibility of each signatory state to prioritize and recommend proposed projects or activities within the state for participation under the MOA.

(c) The Wyoming water development commission shall evaluate, prioritize and recommend to the Bureau of Reclamation proposed qualifying projects within the state of Wyoming for participation under the MOA.

(d) The commission shall establish criteria and administrative procedures for the evaluation, prioritization and recommendation of proposed qualifying projects within the state of Wyoming for participation under the MOA.

(e) The establishment of criteria and administrative procedures for the evaluation, prioritization and recommendation of qualifying projects under this section, and the decisions of the commission relating to the evaluation, prioritization and recommendation to the Bureau of Reclamation of qualifying projects for participation under the MOA, are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115.

(f) The authority granted to the commission under this section and any criteria or administrative procedures established pursuant to this section shall be effective only so long as the MOA is in effect or collected revenues remain available to fund qualifying projects, whichever is later.

Section 3. BSP - Colorado River Basin States Salinity Control Program.

(a) Congress created the Colorado River Basin Salinity Control Program (Program) in 1974 with the enactment of the Colorado River Basin Salinity Control Act, Public Law 93-320. The Program is a cooperative effort among water users in the Colorado River Basin, the seven Colorado River Basin states, the USDA - Natural Resources Conservation Service (NRCS), the Bureau of

Reclamation and the Bureau of Land Management to reduce the amount of salt in the Colorado River and its impacts on water users.

(b) Section 205 of the Colorado River Basin Salinity Control Act directs the Bureau of Reclamation to expend funds from the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund. The Basin States Program (BSP) was created with the amendment of the original 1974 Act and provides that cost share obligations be met through an up-front cost share. Expenditures from the BSP may be used to cost share in the implementation of salinity control measures and the Bureau of Reclamation has determined Wyoming, through the Wyoming Water Development Commission, to be an appropriate partner in the BSP.

(c) Program project sponsors: Eligible public entities in the Green River and Little Snake River drainages in Wyoming; eligible private entities located in the Green River or Little Snake River drainages in Wyoming that qualify for on-farm federal assistance.

(d) Program purpose: Reduce salinity in the surface waters of the Colorado River and its tributaries in Wyoming.

(e) Project description: Cost effectively reduce salinity and conduct planning studies for salinity control activities.

(f) Program budget: Two million eight hundred thousand dollars ($2,800,000.00) total grant budget authorizing the Bureau of Reclamation to provide incremental grants for the Program.

(g) State appropriation: none.

(h) Special conditions:

(i) The Wyoming water development commission shall accept, evaluate and rank proposed qualifying projects within the state of Wyoming for participation in the Program;

(ii) The commission shall recommend its ranking of proposed qualifying projects to the Bureau of Reclamation. The Bureau of Reclamation retains final authority on all funding decisions;

(iii) With the concurrence of the Bureau of Reclamation, the commission may award grants to eligible project sponsors;

(iv) Project sponsors shall substantiate the public benefit that will accrue due to participation in the Program;

(v) The commission shall establish criteria and administrative procedures for the acceptance, evaluation and ranking of qualifying projects within the state of Wyoming for participation in the Program;

(vi) The establishment of criteria and administrative procedures for the acceptance, evaluation and ranking of qualifying projects under this section,

and the decisions of the commission relating to the acceptance, evaluation and ranking of qualifying projects for participation under the Colorado River Basin States Program, are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115;

(vii) The authority granted to the commission under this section, and any criteria or administrative procedures established pursuant to this section, shall be effective only so long as the Colorado River Basin States Program is in operation or there are still Program grant dollars to be spent, whichever is later.

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

Approved March 9, 2015.

Chapter 168

OMNIBUS WATER BILL-PLANNING

Original Senate File No. 55

AN ACT relating to water development projects; authorizing specified Level I and Level II studies and providing appropriations; requiring reports; providing for reversion of remaining 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:

[2015-2016 WATER PROGRAM]
[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

Section 1. LEVEL I RECONNAISSANCE STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not obligated by contract prior to July 1, 2018 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 2017 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

PROJECT	LOCATION	APPROPRIATION
Bear River Watershed Study	Lincoln/Uinta Counties	$375,000
Broken Wheel Ranch Master Plan	Lincoln County	100,000
Bryon Master Plan	Big Horn County	130,000
Centennial Well and Master Plan	Albany County	175,000
Cowley Master Plan	Big Horn County	135,000
Middle North Platte-Glendo Watershed Study	Converse, Albany, Goshen, Platte, Natrona, Niobrara Counties	375,000
Opal Master Plan	Lincoln County	100,000
Powder/Tongue Northeast Groundwater Analysis	Campbell, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston Counties	275,000
Powder/Tongue Northeast River Basin Plan Update	Campbell, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston Counties	375,000
Upper Laramie River Watershed Study	Albany County	375,000
Upper Snake River Watershed Study	Teton County	375,000
Statewide Water Research	Statewide	397,338
Total appropriation for Section 1		$3,187,338

Section 2. LEVEL II FEASIBILITY STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not obligated by contract prior to July 1, 2018 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 2017 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

PROJECT	LOCATION	APPROPRIATION
Clearmont Test Well Study	Sheridan County	$750,000
Green River/Rock Springs/ Sweetwater County JPB		

Pipeline Feasibility Study	Sweetwater County	125,000
High Meadow Ranch Level II	Sublette County	500,000
Newcastle Madison Well	Weston County	$1,450,000
Total appropriation for Section 2		$2,825,000

Section 3. LEVEL I RECONNAISSANCE STUDIES – REHABILITATION. The following sums of money are appropriated from water development account II, as created by W.S. 41-2-124(a)(ii), to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not obligated by contract prior to July 1, 2018 shall revert to water development account II. The commission shall submit a report to the legislature on each of the following studies prior to the 2017 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

PROJECT	LOCATION	APPROPRIATION
Deaver Irrigation District Master Plan Update	Park, Big Horn Counties	$162,000
LeClair Irrigation District Master Plan	Fremont County	175,000
Total appropriation for Section 3		$337,000

Section 4. LEVEL II FEASIBILITY STUDIES – REHABILITATION. The following sums of money are appropriated from water development account II, as created by W.S. 41-2-124(a)(ii), to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not obligated by contract prior to July 1, 2018 shall revert to water development account II. The commission shall submit a report to the legislature on each of the following studies prior to the 2017 legislative session:

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

PROJECT	LOCATION	APPROPRIATION
Dry Creek Irrigation District Master Plan	Lincoln County	$150,000

Heart Mountain Canal Rehabilitation	Park County	110,000
Total appropriation for Section 4		$260,000

Section 5. LEVEL II FEASIBILITY STUDIES – STORAGE. The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not obligated by contract prior to July 1, 2018 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 2017 legislative session:

[LEVEL II FEASIBILITY STUDIES - STORAGE]

PROJECT	LOCATION	APPROPRIATION
Big Sandy Enlargement	Sublette, Sweetwater Counties	$2,000,000
Clear Creek Storage	Johnson County	700,000
Greybull Valley Irrigation District Storage Enlargement	Big Horn, Park Counties	300,000
Meeks Cabin Dam Enlargement	Uinta County	600,000
Middle Piney Reservoir	Sublette County	150,000
New Fork Lake Dam Enlargement	Sublette County	300,000
Nowood River Storage-Alkali Cr.	Big Horn, Washakie Counties	4,000,000
Nowood River Storage-Meadowlark Lake	Big Horn, Washakie Counties	300,000
Shell Valley Storage-Leavitt Reservoir	Big Horn County	4,500,000
Total appropriation for Section 5		$12,850,000

Section 6. REVERSIONS – NEW DEVELOPMENT. The following reconnaissance study, having been suspended by the commission, shall be cancelled and all remaining funds appropriated to the commission for the study, shall revert on the effective date of this act to water development account I, as created by W.S. 41-2-124(a)(i).

[REVERSION - LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

PROJECT	LOCATION	REMAINING APPROPRIATION
North Fork Shoshone Water Supply (2014 Appropriation)	Park County	$113,036.38
Total reversions for Section 6		$113,036.38

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

Approved March 9, 2015.

Chapter 169

MEDICAID-CHIROPRACTOR SERVICES-2

Original Senate File No. 90

AN ACT relating to medical services; specifying that services of a chiropractic doctor are authorized for medical assistance; and providing for an effective date.

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

Section 1. W.S. 42-4-103(a)(v) is amended to read:

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(v) The professional services of a licensed and certified physician, ~~or~~ osteopathic physician or chiropractic doctor;

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 170

EMERGENCY CARE-STROKE AND ACUTE HEART ATTACK PATIENTS

Original Senate File No. 88

AN ACT relating to health care facilities; providing for designation of hospitals as acute stroke ready centers; requiring emergency medical services providers to adopt protocols for stroke and acute heart attack patients as specified; requiring a report; and providing for an effective date.

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

Section 1. W.S. 35-2-1001(a)(intro), (iii), by creating a new paragraph (v)

and (d) by creating a new paragraph (v) is amended to read:

35-2-1001. Designation of heart attack and stroke centers.

(a) The department of health shall establish by rule and regulation the process for recognition and designation of hospitals as any one (1) or more of the following:

(iii) Comprehensive stroke centers; ~~and~~

(v) Acute stroke ready centers.

(d) The department shall adopt rules and regulations to enforce this article, which shall include all of the following:

(v) Evidence based prehospital care protocols for emergency medical services providers to assess, treat and transport stroke and acute heart attack patients. The office of emergency medical services shall work in coordination with licensed emergency medical providers in developing the protocols which shall include:

(A) Plans for the triage and transport of stroke patients to the closest comprehensive or primary stroke center or, when appropriate, to an acute stroke ready center;

(B) Plans for the triage and transport of acute heart attack patients to the closest receiving or referring center within a specified time after a patients report of symptoms.

Section 2. The department of health shall submit a one-time report to the joint labor, health and social services interim committee by October 1, 2016, describing how many acute stroke ready centers have been designated as a result of this act, what protocols have been developed to assess, treat and transport stroke and acute heart attack patients, and any other relevant information the committee may need to determine whether additional legislation may be necessary to enhance services statewide for stroke and acute heart attack patients.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 171

WYOMING FAIR HOUSING ACT

Original Senate File No. 132

AN ACT relating to housing discrimination; defining prohibited practices; providing for conciliation and hearings; providing penalties; and providing for an effective date.

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

Section 1. W.S. 40-26-101 through 40-26-145 are created to read:

ARTICLE 26
WYOMING FAIR HOUSING ACT

40-26-101. Short title.

This act may be cited as the "Wyoming Fair Housing Act."

40-26-102. Definitions.

(a) As used in this act:

(i) "Aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice or believes that the person will be injured by a discriminatory housing practice that is about to occur;

(ii) "Complainant" means a person, including the enforcing authority that files a complaint under W.S. 40-26-118;

(iii) "Conciliation" means the informal negotiations among an aggrieved person, the respondent, and the enforcing authority to resolve issues raised by a complaint or by the investigation of the complaint;

(iv) "Conciliation agreement" means a written agreement resolving the issues in conciliation;

(v) "Disability" means a mental or physical impairment that substantially limits at least one (1) major life activity, a record of this impairment, or being regarded as having this impairment. The term does not include current illegal use or addiction to any drug or illegal or federally controlled substance and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite;

(vi) "Discriminatory housing practice" means an act prohibited by W.S. 40-26-103 through 40-26-109 or conduct that is an offense under W.S. 40-26-145;

(vii) "Dwelling" means any structure or part of a structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families or vacant land that is offered for sale or lease for the construction or location of a structure or part of a structure as previously described. "Dwelling" includes a lot leased for the purpose of placing on the lot a transportable home as defined in W.S. 31-1-101(a)(xxiv);

(viii) "Enforcing authority" means a Wyoming state agency or nonprofit incorporated in Wyoming that has been accepted as an enforcing authority for Wyoming by the department of housing and urban development;

(ix) "Familial status" means one (1) or more minors being domiciled with a parent or another person having legal custody of the minor or minors, or the designee of the parent or other person having such custody with the written permission of the parent or other person. The protections afforded against dis-

crimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any minor;

(x) "Family" includes a single individual;

(xi) "Respondent" means a person accused of a violation of this chapter in a complaint of discriminatory housing practice or a person identified as an additional or substitute respondent under W.S. 40-26-121 or an agent of an additional or substitute respondent;

(xii) "To rent" includes to lease, sublease, or let, or to grant in any other manner, for a consideration, the right to occupy premises not owned by the occupant.

40-26-103. Sale or rental.

(a) A person may not refuse to sell or rent, after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or in any other manner make unavailable or deny a dwelling to an individual because of race, color, religion, sex, disability, familial status, or national origin.

(b) A person may not discriminate against an individual in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with a sale or rental of a dwelling because of race, color, religion, sex, disability, familial status or national origin.

(c) This section does not prohibit discrimination against an individual because the individual has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

40-26-104. Publication.

A person may not make, print or publish or effect the making, printing or publishing of a notice, statement or advertisement that is about the sale or rental of a dwelling and that indicates any preference, limitation or discrimination or the intention to make a preference, limitation or discrimination because of race, color, religion, sex, disability, familial status or national origin.

40-26-105. Inspection.

A person may not represent to an individual because of race, color, religion, sex, disability, familial status or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

40-26-106. Entry into neighborhood.

A person may not, for profit, induce or attempt to induce another to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of an individual of a particular race, color, religion, sex, disability, familial status or national origin.

40-26-107. Disability.

(a) A person may not discriminate in the sale or rental of, or make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(i) The buyer or renter;

(ii) An individual residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(iii) Any individual associated with the buyer or renter.

(b) A person may not discriminate against an individual in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:

(i) That individual;

(ii) An individual residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(iii) Any individual associated with that individual.

(c) In this section, discrimination includes:

(i) A refusal to permit, at the expense of the individual having a disability, a reasonable modification of existing premises occupied or to be occupied by the individual if the modification may be necessary to afford the individual full enjoyment of the premises, except that, in the case of a rental, the landlord may condition, when it is reasonable to do so, permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(ii) A refusal to make a reasonable accommodation in rules, policies, practices or services if the accommodation may be necessary to afford the individual equal opportunity to use and enjoy a dwelling; or

(iii) The failure to design and construct a covered multifamily dwelling in a manner that allows the public use and common use portions of the dwellings to be readily accessible to and usable by individuals having a disability, that allows all doors designed to allow passage into and within all premises within the dwellings to be sufficiently wide to allow passage by an individual who has a disability and who is in a wheelchair, and that provides all premises within the dwellings contain the following features of adaptive design:

(A) An accessible route into and throughout the dwelling;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later installation of grab bars; and

(D) Kitchens and bathrooms that are usable and have sufficient space in which an individual in a wheelchair can maneuver.

(d) Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for individuals having physical disabilities, as that standard exists on July 1, 2015, satisfies the requirements of adaptive design in paragraph (c)(iii) of this section.

(e) The adaptive design requirements of subparagraph (c)(iii)(A) of this section do not apply to a building the first occupancy of which occurred on or before March 13, 1991.

(f) This section does not require a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals whose tenancy would result in substantial physical damage to the property of others.

(g) Covered multifamily dwellings are buildings consisting of four (4) or more units if the buildings have one (1) or more elevators and ground floor units in other buildings consisting of four (4) or more units.

40-26-108. Residential real estate related transaction.

A person whose business includes engaging in residential real estate related transactions may not discriminate against an individual in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status or national origin. A residential real estate related transaction is the selling, brokering or appraising of residential real property or the making or purchasing of loans or the provision of other financial assistance to purchase, construct, improve, repair, maintain a dwelling, or to secure residential real estate. Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, disability, familial status or national origin.

40-26-109. Brokerage services.

A person may not deny an individual access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against an individual in the terms or conditions of access, membership or participation in the organization, service or facility because of race, color, religion, sex, disability, familial status or national origin.

40-26-110. Sales and rentals exempted.

(a) W.S. 40-26-103 through 40-26-109 do not apply to the sale or rental of a single family house sold or rented by the owner if the owner does not own more than three (3) single family houses at any one (1) time or own any interest in, nor is there owned or reserved on the person's behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the

sale or rental of more than three (3) single family houses at any one (1) time. In addition, the house must be sold or rented without the use of the sales or rental facilities or services of a licensed real estate broker, agent or of a person in the business of selling or renting dwellings, or of an employee or agent of any such broker, agent, or person; or the publication, posting or mailing of a notice, statement or advertisement prohibited by W.S. 40-26-104. The exemption provided in this subsection applies only to one (1) sale or rental in a twenty-four (24) month period, if the owner was not the most recent resident of the house at the time of the sale or rental. For the purposes of this subsection, a person is in the business of selling or renting dwellings if the person:

(i) Within the preceding twelve (12) months, has participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(ii) Within the preceding twelve (12) months, has participated as agent, other than in the sale of the person's own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(iii) Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(b) W.S. 40-26-103 and 40-26-105 through 40-26-109 do not apply to the sale or rental of the rooms or units in a dwelling containing living quarters occupied by or intended to be occupied by not more than four (4) families living independently of each other, if the owner maintains and occupies one (1) of the living quarters as the owner's residence.

40-26-111. Religious organization, private club, and appraisal exemption.

(a) This chapter does not prohibit a religious organization, association or society or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose to individuals of the same religion or giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color or national origin.

(b) This chapter does not prohibit a private club that is not in fact open to the public and that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of the lodging to its members or from giving preference to its members, unless membership in the club is restricted because of race, color or national origin.

(c) This chapter does not prohibit a person engaged in the business of furnishing appraisals of real property from considering in those appraisals factors other than race, color, religion, sex, disability, familial status or national origin.

40-26-112. Housing for elderly exempted.

(a) The provisions of this chapter relating to familial status and age do not apply to housing that the secretary of housing and urban development determines is specifically designed and operated to assist elderly individuals under a federal program; the enforcing authority determines is specifically designed and operated to assist elderly individuals under a state program; is intended for, and solely occupied by, individuals sixty-two (62) years of age or older; or is intended and operated for occupancy by at least one (1) individual fifty-five (55) years of age or older for each unit as determined by enforcing authority rules. In determining whether housing qualifies as housing for elderly because it is intended and operated for occupancy by at least one (1) individual fifty-five (55) years of age or older for each unit, the enforcing authority shall adopt rules that require at least the following factors:

(i) That at least eighty percent (80%) of the units are occupied by at least one (1) individual fifty-five (55) years of age or older per unit; and

(ii) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for individuals fifty-five (55) years of age or older.

(b) Housing may not be considered to be in violation of the requirements for housing for elderly under this section by reason of:

(i) Individuals residing in the housing as of July 1, 2015, who do not meet the age requirements of this section, provided that new occupants of the housing meet the age requirements; or

(ii) Unoccupied units, provided that the units are reserved for occupancy by individuals who meet the age requirements of this section.

40-26-113. Effect on other law.

(a) This chapter does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards.

(b) This chapter does not affect a requirement of nondiscrimination in any other state or federal law.

40-26-114. Duties and powers of enforcing authority.

The enforcing authority shall administer this chapter. The enforcing authority may adopt rules necessary to implement this chapter, but substantive rules adopted by the enforcing authority shall impose obligations, rights and remedies that are the same as are provided in federal fair housing regulations. Within the limits of legislative appropriations, the enforcing authority shall foster prevention of discrimination under this chapter through education for the public, landlords, publishers, real estate licensees, lenders and sellers on the rights and responsibilities provided under this chapter and ways to respect those pro-

tected rights. The enforcing authority shall emphasize conciliation to resolve complaints.

40-26-115. Complaints.

As provided by W.S. 40-26-118 through 40-26-135, the enforcing authority shall receive, investigate, seek to conciliate and act on complaints alleging violations of this chapter.

40-26-116. Cooperation with other entities.

The enforcing authority shall cooperate with and may provide technical and other assistance to federal, state, local and other public or private entities that are designing or operating programs to prevent or eliminate discriminatory housing practices.

40-26-117. Gifts and grants; fair housing fund; continuing appropriation.

The enforcing authority may accept grants from the federal government for administering this chapter. Grants received shall be deposited with the state treasurer in an account created for the fair housing act. Monies deposited into the account are to be appropriated to the enforcing authority on a continuing basis for the purposes of administering this chapter.

40-26-118. Complaint.

(a) The enforcing authority shall investigate complaints of alleged discriminatory housing practices. An aggrieved person may file a complaint with the enforcing authority alleging the discriminatory housing practice. The enforcing authority may file a complaint. A complaint shall be in writing and shall contain such information and be in such form as prescribed by the enforcing authority. A complaint shall be filed on or before the first anniversary of the date the alleged discriminatory housing practice occurs or terminates, whichever is later. A complaint may be amended at any time.

(b) On the filing of a complaint, the enforcing authority shall give the aggrieved person notice that the complaint has been received, advise the aggrieved person of the time limits and choice of forums under this chapter, and not later than the tenth day after the date of the filing of the complaint or the identification of an additional or substitute respondent under W.S. 40-26-121, serve on each respondent a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this chapter and a copy of the original complaint.

40-26-119. Answer.

(a) Not later than the tenth day after the date of receipt of the notice and copy of the complaint under W.S. 40-26-118(b), a respondent may file an answer to the complaint. An answer shall be in writing, under oath, and in the form prescribed by the enforcing authority.

(b) An answer may be amended at any time. An answer does not inhibit the investigation of a complaint.

40-26-120. Investigation.

(a) If the federal government has referred a complaint to the enforcing authority or has deferred jurisdiction over the subject matter of the complaint to the enforcing authority, the enforcing authority shall investigate the allegations set forth in the complaint.

(b) The enforcing authority shall investigate all complaints and, except as provided by subsection (c) of this section, shall complete an investigation not later than the hundredth day after the date the complaint is filed or, if it is impracticable to complete the investigation within the one hundred (100) day period, shall dispose of all administrative proceedings related to the investigation not later than the first anniversary after the date the complaint is filed.

(c) If the enforcing authority is unable to complete an investigation within the time periods prescribed by subsection (b) of this section, the enforcing authority shall notify the complainant and the respondent in writing of the reasons for the delay.

40-26-121. Additional or substitute respondent.

The enforcing authority may join a person not named in the complaint as an additional or substitute respondent if during the investigation the enforcing authority determines that the person is alleged to be engaged, to have engaged, or to be about to engage in the discriminatory housing practice upon which the complaint is based. In addition to the information required in the notice under W.S. 40-26-118(b), the enforcing authority shall include in a notice to a respondent joined under this section the reasons for the determination that the person is properly joined as a respondent.

40-26-122. Conciliation.

The enforcing authority shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the enforcing authority, to the extent feasible, engage in conciliation with respect to the complaint. A conciliation agreement between a respondent and the complainant is subject to enforcing authority approval. A conciliation agreement may provide for binding arbitration or another method of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.

40-26-123. Temporary or preliminary relief.

The enforcing authority may authorize a claim for relief for temporary or preliminary relief pending the final disposition of a complaint, if the enforcing authority concludes after the filing of the complaint that prompt judicial action is necessary to carry out the purposes of this chapter. A temporary restrain-

ing order or other order granting preliminary or temporary relief under this section is governed by the applicable statutes and the Wyoming Rules of Civil Procedure. The filing of a claim for relief under this section does not affect the initiation or continuation of administrative proceedings under W.S. 40-26-131.

40-26-124. Investigative report.

The enforcing authority shall prepare a final investigative report, including the names of and dates of contacts with witnesses, a summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts, a summary description of other pertinent records, a summary of witness statements, and answers to interrogatories. A final report under this section may be amended if additional evidence is discovered.

40-26-125. Reasonable cause determination.

(a) The enforcing authority shall determine from the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The enforcing authority shall make this determination not later than the one hundredth day after the date a complaint is filed unless making the determination is impracticable, or the enforcing authority approves a conciliation agreement relating to the complaint.

(b) If making the determination within the period is impracticable, the enforcing authority shall give in writing to the complainant and the respondent the reasons for the delay. If the enforcing authority determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the enforcing authority shall, except as provided by W.S. 40-26-127, immediately issue a charge on behalf of the aggrieved person.

40-26-126. Charge.

(a) A charge issued under W.S. 40-26-125 shall consist of a short and plain statement of the facts on which the enforcing authority finds reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, shall be based on the final investigative report, and is not limited to the facts or grounds alleged in the complaint.

(b) Within three (3) days after issuing a charge, the enforcing authority shall send a copy of the charge with information about the election under W.S. 40-26-130 to each respondent and each aggrieved person on whose behalf the complaint was filed.

(c) The enforcing authority shall include with a charge sent to a respondent a notice of the opportunity for a hearing under W.S. 40-26-131.

40-26-127. Land use law.

If the enforcing authority determines that the matter involves the legality of a state or local zoning or other land use law or ordinance, the enforcing authority

may issue a charge and proceed with the appropriate action.

40-26-128. Dismissal.

If the enforcing authority determines that no reasonable cause exists to believe that a discriminatory housing practice that is the subject of a complaint has occurred or is about to occur, the enforcing authority shall promptly dismiss the complaint. The enforcing authority shall make public disclosure of each dismissal.

40-26-129. Pending civil trial.

The enforcing authority may not issue a charge alleging a discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.

40-26-130. Election of judicial determination.

A complainant, a respondent, or an aggrieved person on whose behalf a complaint was filed may elect to have the claims asserted in the charge decided in a civil action as provided by W.S. 40-26-136. The election shall be made not later than the twentieth day after the date the person having the election receives service under W.S. 40-26-126(b) or, in the case of the enforcing authority, not later than the twentieth day after the date the charge is issued. The person making the election shall give notice to the enforcing authority and to all other complainants and respondents to whom the charge relates.

40-26-131. Administrative hearing.

If a timely election is not made under W.S. 40-26-130, the enforcing authority shall provide for a hearing on the charge. A hearing under this section on an alleged discriminatory housing practice may not continue after the beginning of the trial of a claim for relief commenced by the aggrieved person under federal or state law seeking relief with respect to the discriminatory housing practice.

40-26-132. Administrative penalties.

(a) If the enforcing authority determines at a hearing under W.S. 40-26-131 that a respondent has engaged in or is about to engage in a discriminatory housing practice, the enforcing authority may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs and other injunctive or equitable relief.

(b) To vindicate the public's interest, the enforcing authority may assess a civil penalty against the respondent in an amount that does not exceed:

(i) Eleven thousand dollars ($11,000.00) if the respondent has been found by order of the enforcing authority or a court to have committed a prior discriminatory housing practice; or

(ii) Except as provided by subsection (c) of this section, twenty-seven thousand dollars ($27,000.00) if the respondent has been found by order of the enforcing authority or a court to have committed one (1) other discriminatory housing practice during the five (5) year period ending on the date of the filing of the charges and fifty-five thousand dollars ($55,000.00) if the respondent has been found by the enforcing authority or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of filing of the charge.

(c) If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has previously been found to have committed acts constituting a discriminatory housing practice, the civil penalties in subsection (b) of this section may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.

(d) The enforcing agency shall sue to recover a civil penalty due under this section. Funds collected under this section shall be paid to the state treasurer for deposit in the common school fund in the county in which the offense occurred.

40-26-133. Effect of enforcing authority order.

An enforcing authority order under W.S. 40-26-132 does not affect a contract, sale, encumbrance or lease that is consummated before the enforcing authority issues the order and involves a bona fide purchaser, encumbrancer or tenant who did not have actual notice of the charge filed under this chapter.

40-26-134. Licensed or regulated business.

If the enforcing authority issues an order with respect to a discriminatory housing practice that occurs in the course of a business subject to a licensing or regulation by a governmental agency, the enforcing authority, not later than the thirtieth day after the date the order is issued, shall send copies of the findings and the order to the governmental agency and recommend to the governmental agency appropriate disciplinary action.

40-26-135. Order in preceding five years.

If the enforcing authority issues an order against a respondent against whom another order was issued within the preceding five (5) years under W.S. 40-26-133, the enforcing authority shall send a copy of each order to the attorney general.

40-26-136. Attorney general action for enforcement.

If a timely election is made under W.S. 40-26-130, the attorney general may file not later than the thirtieth day after the date of the election a claim for relief in a district court. Venue for an action is in the county in which the alleged discriminatory housing practice occurred or is about to occur. An aggrieved

person may intervene in the action. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under W.S. 40-26-129 through 40-26-143. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

40-26-137. Pattern or practice case; penalties.

(a) The attorney general may file a claim for relief in district court for appropriate relief if the enforcing authority has reasonable cause to believe that a person is engaged in a pattern or practice of resistance to the full enjoyment of a right granted under this chapter or a person has been denied a right granted by this chapter and that denial raises an issue of general public importance.

(b) In an action under this section, the court may:

(i) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this chapter as necessary to assure the full enjoyment of the rights granted by this chapter;

(ii) Award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs; and

(iii) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed fifty thousand dollars ($50,000.00) for a first violation and one hundred thousand dollars ($100,000.00) for a second or subsequent violation.

(c) A person may intervene in an action under this section if the person is a person aggrieved by the discriminatory housing practice or a party to a conciliation agreement concerning the discriminatory housing practice.

40-26-138. Subpoena enforcement.

The enforcing authority or another party at whose request a subpoena is issued under this chapter, may enforce the subpoena in appropriate proceedings in district court.

40-26-139. Civil action.

(a) An aggrieved person may file a civil action in district court not later than the second year after the date of the occurrence or the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.

(b) The two (2) year period does not include any time during which an administrative hearing under this chapter is pending with respect to a complaint

or charge under this chapter based on the discriminatory housing practice. This subsection does not apply to actions arising from the breach of a conciliation agreement.

(c) An aggrieved person may file a claim for relief whether a complaint has been filed under W.S. 40-26-118 and without regard to the status of any complaint filed under that section.

(d) If the enforcing authority has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file a claim for relief with respect to the alleged discriminatory housing practice that forms the basis of the complaint except to enforce the terms of the agreement.

(e) An aggrieved person may not file a claim for relief with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the enforcing authority if the enforcing authority has begun a hearing on the record under this chapter with respect to the charge.

40-26-140. Relief granted.

If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, reasonable attorney's fees, court costs, and subject to W.S. 40-26-142, a permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

40-26-141. Effect of relief granted.

Relief granted under W.S. 40-26-139 through 40-26-143 does not affect a contract, sale, encumbrance or lease that is consummated before the granting of the relief and involves a bona fide purchaser, encumbrancer or tenant who did not have actual notice of the filing of a complaint or civil action under this chapter.

40-26-142. Intervention by attorney general.

The attorney general may intervene in an action under W.S. 40-26-139 through 40-26-143 if the attorney general certifies that the case is of general public importance. The attorney general may obtain the same relief as is available to the attorney general under W.S. 40-26-137(b).

40-26-143. Prevailing party.

A court in an action brought under this chapter or the enforcing authority in an administrative hearing under W.S. 40-26-131 may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party.

40-26-144. Intimidation or interference; penalty.

(a) A person commits an offense if the person, without regard to whether

the person is acting under color of law, by force or threat of force, intentionally intimidates or interferes with an individual:

(i) Because of the individual's race, color, religion, sex, disability, age, familial status, national origin or status with respect to marriage or public assistance and because the individual is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in a service, organization or facility relating to the business of selling or renting dwellings; or

(ii) Because the individual is or has been or to intimidate the individual from:

(A) Participating, without discrimination because of race, color, religion, sex, disability, familial status or national origin in an activity, service, organization or facility described by paragraph (i) of this subsection;

(B) Affording another individual opportunity or protection to so participate; or

(C) Lawfully aiding or encouraging other individuals to participate, without discrimination because of race, color, religion, sex, disability, familial status or national origin, or status with respect to marriage or public assistance, in an activity, service, organization, or facility described in paragraph (i) of this subsection.

(b) It is a discriminatory practice to coerce, intimidate, threaten or interfere with any individual in the exercise or enjoyment of, or on account of the individual having exercised or enjoyed, or on account of the individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.

(c) An offense under subsection (a) or (b) of this section is a misdemeanor.

40-26-145. Records exempt.

A complaint filed with the enforcing authority under W.S. 40-26-118 is an open record. Information obtained during an investigation conducted by the enforcing authority under this chapter can be used in any judicial proceedings or administrative hearing relating to the complaint under this chapter or before the administrative closure of a complaint by the enforcing authority. The enforcing authority may disclose to the complainant or the respondent, or representatives of the complainant or respondent, information obtained during an investigation if deemed necessary by the enforcing authority for securing an appropriate resolution of a complaint. The enforcing authority may disclose information obtained during an investigation to a federal agency if necessary for the processing of complaints under an agreement with the agency. Individually identifiable health information obtained during an investigation may not be

disclosed by the enforcing authority except to a federal agency if necessary for the processing of complaints under an agreement with the agency. Statements made or actions taken during conciliation efforts relating to a complaint under this chapter may not be disclosed by the enforcing authority, except to a federal agency if necessary for the processing of complaints under an agreement with the agency, and may not be used as evidence in a subsequent proceeding under this chapter without the written consent of the parties to the conciliation. A conciliation agreement is an open record unless the complainant and respondent agree that it is not and the enforcing authority determines that disclosure is not necessary to further the purposes of this chapter.

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 172

TRIBAL LIAISONS

Original Senate File No. 50

AN ACT relating to administration of the government; amending provisions relating to tribal liaisons; repealing and conforming provisions; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-1-221 is amended to read:

9-1-221. Tribal liaison program; qualifications of liaisons; removal; duties.

(a) There is created a tribal liaison program. The purpose of the program shall be to encourage mutual respect, understanding and leadership between the state and the Northern Arapaho tribe and the Eastern Shoshone tribe.

(b) The governor ~~may employ a tribal liaison, who~~ shall select and employ two (2) persons to serve as tribal liaisons and to administer the tribal liaison program as provided in this section. Before making a selection, the governor shall solicit a list of nominations from the Eastern Shoshone business council and the Northern Arapaho business council. The selection of the liaisons shall be with the advice and consent of the senate in accordance with W.S. 28-12-101 through 28-12-103. If the legislature has adjourned, the governor may make temporary selections in the manner provided for in W.S. 28-12-101(b). Each liaison shall be a qualified elector of the state and ~~who~~ may be removed by the governor as provided in W.S. 9-1-202. The ~~liaison~~ liaisons shall:

(i) Aid, assist and advise the governor on state-tribal relations including the coordination of programs and other activities between the state and tribal governments. The tribal ~~liaison~~ liaisons may maintain offices within the state as directed by the governor;~~.~~

(ii) Facilitate communication between the tribes and the office of the governor, executive branch agencies, the select committee on tribal relations and the legislature;

(iii) Stand for reappointment one (1) time every two (2) years unless sooner removed by the governor pursuant to W.S. 9-1-202 after consultation with the tribes.

(c) The governor's office, in conjunction with the tribal liaisons, shall report to the select committee on tribal relations on the successes, opportunities and future issues of the tribal liaison program on or before December 1 of each year.

Section 2. 2005 Wyoming Session Laws, Chapter 144, Sections 1 and 2 is repealed.

Section 3. Of the amounts appropriated to the office of the governor by 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 001 and pursuant to footnote 3 of that section, the office of the governor is authorized to expend two hundred thousand dollars ($200,000.00). These funds shall be expended for the purpose of employing two (2) tribal liaisons and funding the tribal liaison program required by this act. This appropriation shall be for the period beginning July 1, 2015 and ending June 30, 2016. A request to continue funding for the program and the tribal liaison positions in the amount of four hundred thousand dollars ($400,000.00) shall be included in the governor's 2017-2018 exception budget request and shall not be included in the governor's 2017-2018 standard biennial budget request.

Section 4. For the period beginning July 1, 2015 and ending June 30, 2016, the office of the governor is authorized two (2) at-will employee contract positions to fill the two (2) tribal liaison positions required by this act.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 9, 2015.

Chapter 173

WATER QUALITY

Original Senate File No. 126

AN ACT relating to water quality; requiring development of water quality standards as specified; and providing for an effective date.

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

Section 1. W.S. 35-11-302 by creating a new subsection (c) is amended to read:

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

(c) Nothing in this act shall be construed to supersede or abrogate any valid water right. It is recognized that diversion of water caused by the exercise of a valid water right is an allowable practice. The administrator shall:

(i) Develop water quality standards for surface waters where hydrologic modification resulting from the exercise of valid water rights precludes the attainment of existing water quality standards;

(ii) Prepare a schedule to develop appropriate water quality standards based on the completion of a use attainability analysis for any waters that have been identified pursuant to 33 U.S.C. § 1315(b) where dams, diversions or other types of hydrologic modification preclude the attainment of any existing water quality standard.

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

Approved March 9, 2015.

Chapter 174

RIGHT TO TRY

Original Senate File No. 3

AN ACT relating to public health and safety; authorizing provision of certain investigational drugs, biological products and devices by manufacturers; providing for availability and coverage of investigational drugs, biological products and prohibiting actions against licenses of physicians as specified; specifying that no private cause of action against manufacturers and other entities is created; providing definitions; exempting conflicting provisions; and providing for an effective date.

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

Section 1. W.S. 35-7-1801 through 35-7-1806 are created to read:

ARTICLE 18
RIGHT TO TRY ACT

35-7-1801. Short title.

This article is known and may be cited as the "Right To Try Act."

35-7-1802. Definitions.

(a) As used in this article:

(i) "Eligible patient" means a person who has:

(A) A terminal illness;

(B) Considered all other treatment options currently approved by the

United States food and drug administration;

(C) Received a recommendation from a physician for an investigational drug, biological product or device;

(D) Given written, informed consent for the use of the investigational drug, biological product or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient's behalf; and

(E) Documentation from a physician that the person meets the requirements of this paragraph.

(ii) "Investigational drug, biological product or device" means a drug, biological product or device that has successfully completed phase one of a clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial;

(iii) "Terminal illness" means a disease that, without life-sustaining procedures, will soon result in death or a state of permanent unconsciousness from which recovery is unlikely.

35-7-1803. Availability of investigational drugs, biological products or devices; insurance coverage.

(a) A manufacturer of an investigational drug, biological product or device may make the drug, product or device available to eligible patients in accordance with the provisions of this section. Nothing in this section shall be construed to require a manufacturer to make available any drug, product or device.

(b) A health care insurer may, but is not required to, provide coverage for the cost of an investigational drug, biological product or device.

(c) Nothing in this section expands the coverage provided in W.S. 26-20-301.

35-7-1804. Action against physician license prohibited.

Notwithstanding any other provision of law, the Wyoming state board of medicine shall not revoke, fail to renew, suspend or take any other action against a physician's license issued pursuant to W.S. 33-26-101 et seq., based solely on the physician's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product or device, as long as the recommendations are consistent with medical standards of care.

35-7-1805. Access to investigational drugs, biological products and devices.

An official, employee or agent of this state shall not block or attempt to block an eligible patient's access to an investigational drug, biological product or device. Counseling, advice or a recommendation consistent with medical standards of care from a licensed health care provider is not a violation of this section.

35-7-1806. No cause of action created.

This article does not create a private cause of action against a manufacturer of an investigational drug, biological product or device, or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product or device, so long as the manufacturer or other person or entity is complying in good faith with the terms of this article.

Section 2. W.S. 35-7-118 is amended to read:

35-7-118. New drugs.

(a) No person shall sell, offer for sale, hold for sale or give away any new drug unless an application with respect thereto has been approved and the approval has not been withdrawn under section 505 of the federal act.

(b) This section does not apply to a drug intended solely for investigational use by physicians pursuant to W.S. 35-7-1802(a)(i)(C).

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 175

RIGHT TO FARM

Original Senate File No. 9

AN ACT relating to the Wyoming Right to Farm and Ranch Act; guaranteeing the right to farm and ranch as specified; providing exceptions; providing a definition; and providing for an effective date.

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

Section 1. W.S. 11-44-104 is created to read:

11-44-104. Right to farm.

(a) To protect agriculture as a vital part of the economy of Wyoming, the rights of farmers and ranchers to engage in farm or ranch operations shall be forever guaranteed in this state.

(b) Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain, existing or previously enacted laws or rules or any other property rights.

(c) As used in this section "farm and ranch operations" includes any farm or ranch practice recognized as generally accepted under the provisions of W.S. 11-44-103 and any agricultural or livestock management practice recognized as generally accepted under the provisions of W.S. 11-29-115.

Section 2. W.S. 11-44-102(a)(iii) is amended to read:

11-44-102. Definitions.

(a) As used in this act:

(iii) "This act" means W.S. 11-44-101 through ~~11-44-103~~ 11-44-104.

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

Approved March 9, 2015.

Chapter 176

ADULT FOSTER CARE PILOT PROJECT

Original Senate File No. 85

AN ACT relating to the Long Term Care Choices Act; amending criteria for licensing of adult foster care pilot projects; conforming definitions; amending criteria for the adult foster care pilot program; and providing for an effective date.

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

Section 1. W.S. 35-2-901(a)(xxiv), 42-6-102(a)(ii) and 42-6-105(a)(vi), (c) and (d) are amended to read:

35-2-901. Definitions; applicability of provisions.

(a) As used in this act:

(xxiv) "Adult foster care home" means a home where care is provided for up to five (5) adults who are not related to the provider by blood, marriage or adoption, except in special circumstances, in need of long term care in a home like atmosphere. ~~Clients in the home shall have private rooms which may be shared with spouses and shall have individual handicapped accessible bathrooms.~~ "Adult foster care home" does not include any residential facility otherwise licensed or funded by the state of Wyoming. The homes shall be regulated in accordance with this act and with the Wyoming Long Term Care Choices Act, which shall govern in case of conflict with this act;

42-6-102. Definitions.

(a) As used in this act:

(ii) "Adult foster care home" means any family home or facility in which residential care is provided in a homelike environment for five (5) or fewer adults who are not related to the provider by blood, marriage or adoption, except in special circumstances. "Adult foster care home" does not include any residential facility otherwise licensed or funded by the state of Wyoming. The homes shall be regulated in accordance with W.S. 35-2-901 through 35-2-912 and this act which shall govern in case of conflict;

42-6-105. Adult foster care homes; licensure; suspension or revocation.

(a) The department may initiate and license an adult foster care pilot project subject to the following:

(vi) The pilot program shall consist of no more than ~~five (5)~~ ten (10) adult care foster homes. At least three (3) of the homes shall be in counties with a population of thirty thousand (30,000) or less.

(c) If, in the professional judgment of the state health officer, there is a clear and present threat to the health or safety of a resident client, the state health officer may close an adult care foster home and transfer the residents to another place. The department shall also initiate proceedings pursuant to subsection (b) of this section within three (3) working days.

(d) The department shall complete a criminal records check on any individual employed by adult foster care homes and on any individual, other than a resident client or a resident client's spouse, who at the time of licensure is expected to live in the adult foster care home or who, after licensure, lives or comes to live in the adult foster care home. The department may refuse to license a facility or prohibit the individual from living in the facility if he has been convicted of a felony indicating he may abuse a resident or steal from a resident.

Section 2. W.S. 42-6-105(a)(iv) and (v) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 177

CHARTER SCHOOL ELIGIBILITY-BONUS PAYMENTS

Original Senate File No. 91

AN ACT relating to charter schools; providing for charter school participation in legislatively funded school district salary adjustment; and providing for an effective date.

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

Section 1. W.S. 21-3-313 by creating a new subsection (c) and 21-3-314(c) by creating a new paragraph (iii) are amended to read:

21-3-313. Charter schools; employee options.

(c) Effective school year 2015-2016 and each school year thereafter, employees of a charter school shall, for purposes of this subsection, be included as payroll of the school district and shall be eligible to participate in any salary adjustment for school district employees which is funded by the legislature and is in addition to the foundation program amount computed under W.S. 21-13-309(p). Any amount computed and allocated pursuant to this subsec-

tion shall be used exclusively by the governing body of the charter school for charter school employee salary adjustments as determined by the governing body.

21-3-314. Students counted among district ADM; determination of charter school funding.

(c) As part of the charter school contract, the charter school and the school district shall agree on funding and any services to be provided by the school district to the charter school. The charter school and the school district shall begin discussions on the contract using the following revenue assumptions:

(iii) The charter school shall be entitled to the benefit of one hundred percent (100%) of the amount generated by the payroll of its employees in allocating any school district salary adjustment pursuant to W.S. 21-3-313(c).

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 178

SCHOOL ATHLETIC SAFETY

Original Senate File No. 98

AN ACT relating to the Recreation Safety Act; modifying definitions; clarifying that required safety protocols for concussion related injuries are subject to immunity provisions as provided; 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)(ii) and (iii) and 21-3-110(a)(xxxii)(intro) are amended to read:

1-1-122. Definitions.

(a) As used in this act:

(ii) "Provider" means any person or governmental entity which for profit or otherwise, offers or conducts a sport or recreational opportunity or regulates an interscholastic sport or recreational opportunity. This act does not apply to a cause of action based upon the design or manufacture of sport or recreational equipment or products or safety equipment used incidental to or required by the sport or recreational opportunity;

(iii) "Sport or recreational opportunity" means commonly understood sporting activities including baseball, softball, football, soccer, basketball, swimming, hockey, wrestling, cheerleading, rodeo, 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 rec-

reational opportunities and includes the use of private lands for vehicle parking and land access related to the sport or recreational opportunity;

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

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

(xxxii) Commencing school year 2011-2012, adopt protocols to address risks associated with concussions and other head injuries resulting from athletic injuries. Implementation of this paragraph shall be subject to the immunity provisions of the Wyoming Governmental Claims Act. The protocols shall:

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 179

STATE EDUCATION ACCOUNTABILITY AND ASSESSMENT

Original Senate File No. 8

AN ACT relating to education accountability; conforming law as specified to Powers v. State, 2014 WY 15, 318 P.3d 300 and Powers v. State, No. 180-673 (1st Jud. Dist. Ct. Apr. 18, 2014); modifying administration of the statewide job skills assessment test and the college entrance exam; delaying implementation and modifying development of phase II for teacher and school leader accountability; providing for phase I school accountability implementation and refinement; prescribing oversight and use of district assessment systems in state accountability; modifying the process for incorporation of revised state standards into assessments; modifying state criteria for high school graduation; providing for continuation of select accountability and advisory committees; establishing a technical advisory group to study alternative school accountability; establishing a taskforce to study statewide assessment; eliminating item type restrictions on the statewide student assessment for grades nine (9) and ten (10) for one (1) year; requiring reporting requirements; providing appropriations; 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)(xxx) and by creating a new paragraph (xxxvi), 21-2-204(f)(iv) through (vii) and 21-3-110(a)(xxix), as amended by 2015 Senate Enrolled Act 18 (SF0010) conforming Wyoming Statute to Powers v. State, 2014 WY 15, 318 P.3d 300 and Powers v. State, No. 180-673 (1st Jud. Dist. Ct. Apr. 18, 2014), 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:

(xxx) Effective school year 2012-2013 and each school year thereafter, in consultation and coordination with local school districts, by rule and regulation establish a program of administering a standardized, curriculum based, achievement college entrance examination, computer-adaptive college placement assessment and a job skills assessment test selected by the state superintendent to all students in the eleventh and twelfth grades throughout the state

in accordance with this paragraph. The examinations and tests selected by the state superintendent shall be administered throughout the United States and shall be relied upon by institutions of higher education. The college entrance examination shall at a minimum test in the areas of English, reading, writing, mathematics and science for all students in grade eleven (11). The jobs skills assessment test shall be optional for all students in grade eleven (11) or twelve (12) and shall at a minimum test in the areas of applied math, reading for information and locating information. The state superintendent shall pay all costs associated with administering the college entrance examination, the computer-adaptive college placement assessment and the jobs skills assessment test and shall schedule a day during which examinations shall be provided. The date for statewide administration of the college entrance examination in grade eleven (11) shall be ~~selected so that following receipt of scores, students may timely register for senior year classes which may be necessary to allow the student to qualify for a state provided scholarship~~ established by the state superintendent in a manner that best meets the needs of students and school districts. The computer adaptive college placement assessment shall be optional and all students in grade twelve (12) shall be provided at least one (1) opportunity to take the assessment during the school year. The state superintendent may enter into agreements with an administrator of the college entrance examination and the computer-adaptive college placement assessment and an administrator of the jobs skills assessment test and adopt rules as necessary to ensure compliance with any requirements of an administrator, such as a secure environment. Waivers may be granted for the examinations and tests required by this paragraph for students with disabilities in accordance with the provisions of the federal No Child Left Behind Act of 2001 and the federal Individuals with Disabilities Education Act. Alternate assessments and accommodations shall be offered by the state superintendent in accordance with rule and regulation;

(xxxvi) Commencing school year 2015-2016, in conjunction with the school district accreditation process required under W.S. 21-2-304(a)(ii) and as a component of the statewide education accountability system created under W.S. 21-2-204, conduct a review of each school district's assessment system once every five (5) years to ensure alignment with the uniform state education standards promulgated by the state board, and to ensure district adherence to the uniform graduation standards prescribed by the state board under W.S. 21-2-304(a)(iii). Reviews undertaken pursuant to this paragraph, together with findings, shall be reported to the state board and any deficiencies determined by the review shall be addressed through the statewide system of support established under W.S. 21-2-204(f).

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(f) A progressive multi-tiered system of support, intervention and consequences to assist schools shall be established by the state board, and shall con-

form to the January 2012 education accountability report as defined by subsection (k) of this section. The system shall clearly identify and prescribe the actions for each level of support, intervention and consequence. Commencing with school year 2014-2015, and each school year thereafter, the state superintendent shall take action based upon system results according to the following:

(iv) Schools designated as meeting expectations shall file an improvement plan with the school district superintendent and the department. The plan shall be based upon an evaluation of the strengths and deficiencies of specific indicator scores that identifies appropriate improvement goals with an explanation of the measures and methods chosen for improvement, the processes to be implemented to deliver the improvement measures, identification of relevant timelines and benchmarks and an articulation of the process for measuring success of the methods chosen to increase performance. The state superintendent shall appoint a representative ~~from the department~~ in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district, if requested, in identifying and securing the necessary resources to support the goals as stated by the school and the district;

(v) Schools designated as partially meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. The state superintendent shall appoint a representative ~~from the department~~ in accordance with paragraph (vii) of this subsection to monitor the school's progress towards meeting the specified goals and implementation of the processes, measures and methods as contained in the school's plan. The representative shall assist the district in identifying and securing the necessary resources to support the goals as stated by the school and the district. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may require that the school be subject to paragraph (vi) of this subsection;

(vi) Schools designated as not meeting expectations shall file an improvement plan in accordance with paragraph (iv) of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. <u>In addition, the evaluation of a district's student assessment system as provided by paragraph (vii) of this subsection may be undertaken in that school year immediately following any school year in which a school within the district has been designated as not meeting expectations.</u> The state superintendent shall appoint a representative ~~from the department~~ in accordance with paragraph (vii) of this subsection to assist in drafting the improvement plan, including the selection of programs and interventions to improve student performance. The representative shall perform duties as required by paragraph (v) of this subsection. The plan shall be recommended by the school district superintendent and approved by the local board of trustees prior to submis-

sion to the department. The plan shall describe the personnel and financial resources within the education resource block grant model as defined by W.S. 21-13-101(a)(xiv) necessary for implementation of the measures and methods chosen for improvement and shall specify how resources shall be reallocated, if necessary, to improve student performance;~~. Failure to meet improvement goals as specified in the plan for two (2) consecutive years may be grounds for dismissal of the school principal;~~

(vii) A representative shall be appointed by the state superintendent, in consultation with the local board of trustees, for all schools designated under paragraphs (iv) through (vi) of this subsection to serve as a liaison between the school district leadership and the department. The representative shall be an employee of the department, an employee of a Wyoming school district or any combination, and may require more than one (1) individual for schools requiring substantial intervention and support. Additionally, one (1) representative may be assigned to more than one (1) school. Among other duties as may be requested by the district or department, the representative shall review and ~~approve~~ provide suggestions on the improvement plans submitted by schools in accordance with paragraphs (iv) through (vi) of this subsection, and may review and evaluate district student assessment systems implemented under W.S. 21-3-110(a)(xxiv) to ensure alignment with the uniform state education standards. After one (1) year of a school not meeting expectations under paragraph (vi) of this subsection, approval of the improvement plan by the representative appointed under this subsection shall be required. Requested resources for improvement plan implementation, or the reallocation of existing resources for plan implementation, shall be based upon a comprehensive review of the available research. Justification for resource allocation or reallocation shall be incorporated within the written improvement plan. The representative shall possess expertise appropriate to particular strategies incorporated within improvement plans to enable necessary plan evaluation, and shall be commensurate with the level of intervention, support and consequences to be administered under this subsection. The state superintendent shall annually report to the state board on the progress of each school in meeting annual goals and overall improvement targets, fully describing the effectiveness and deficiencies of efforts to improve school performance in performance categories prescribed by this section;

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

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

(xxix) Beginning in school year 2012-2013, and each school year thereafter, administer a program where all students enrolled in the eleventh and twelfth grades in the district shall be required to take or be provided the opportunity to take, on a date specified by the state superintendent, a standardized, curriculum based, achievement college entrance examination, a

computer-adaptive college placement assessment or for students enrolled in eleventh or twelfth grade, a jobs skills assessment test in accordance with W.S. 21-2-202(a)(xxx). Each school district shall provide the opportunity for all home school and private school students in the eleventh and twelfth grades and residing within the district to take the examinations or for students in the eleventh or twelfth grade, the jobs skills assessment test, at no cost to the student on the same date administered to all eleventh and twelfth grade public school students in the state. The results of the examinations or jobs skills assessment test taken ~~shall~~ may be included in each student's transcript;

Section 2. W.S. 21-2-204(d)(v), (vi) and (e)(intro), 21-2-304(a)(iii)(intro), (iv), (b)(xv) and (xvi), 21-3-110(a)(xv), (xvii), (xviii), (xix), (xxiv), (xxv), (xxx), by creating a new paragraph (xxxiv) and (b), 21-7-102(a)(ii)(A) and (B) and 21-7-110(a)(vii) are amended to read:

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(d) Beginning in school year 2013-2014, and each school year thereafter, the department of education shall compute and report an overall school performance rating measured by student performance on those performance indicators specified under subsection (c) of this section. Any school through its school district may seek informal review of any overall school performance rating or other performance determination in accordance with the following:

(v) Not later than ~~thirty (30)~~ fifteen (15) days after a ~~decision has been issued by the panel under paragraph (iv) of this subsection~~ school receives its final rating or other performance determination from the department of education, the school district may seek an informal review with the state board. The state board shall make a final determination as to the performance rating or other performance determination within ~~sixty (60)~~ thirty (30) days after receipt of the request for review;

(vi) The state board shall promulgate rules and regulations governing the informal review process before ~~both the panel and~~ the board as conducted under this subsection.

(e) The state board, through the department of education, shall compile, evaluate and determine the target levels for an overall school performance rating and for content level performance. The board shall execute this determination ~~by the board shall be developed~~ through a prescribed deliberative process informed by a panel comprised of broad based representation from both public education and the community at-large. The target levels for school performance on all performance indicators measured under subsection (c) of this section shall conform to the January 2012 education accountability report as defined by subsection (k) of this section and shall be used by the state board through the department to:

21-2-304. Duties of the state board of education.

(a) The state board of education shall:

(iii) By rule and regulation and in consultation and coordination with local school districts, prescribe uniform student content and performance standards for the common core of knowledge and the common core of skills specified under W.S. 21-9-101(b), and promulgate uniform standards for programs addressing the special needs of student populations specified under W.S. 21-9-101(c) that ensure these student populations are provided the opportunity to learn the common core of knowledge and skills as prescribed by the uniform student content and performance standards pursuant to this paragraph. Student content and performance standards prescribed under this paragraph shall include standards for graduation from any high school within any school district of this state. ~~and shall describe required performance levels in order to achieve proficiency of the common core of knowledge and common core of skills prescribed under W.S. 21-9-101(b).~~ The ability to prescribe content and performance standards shall not be construed to give the state board of education the authority to prescribe textbooks or curriculum which the state board is hereby forbidden to do. Graduation standards imposed under this paragraph shall require the successful completion of the following components, as evidenced by passing grades or by the successful performance on competency-based equivalency examinations:

(iv) Effective school year 2013-2014, and each school year thereafter, require district administration of common benchmark adaptive assessments statewide in reading and mathematics for grades one (1) through eight (8) in accordance with W.S. 21-3-110(a)(xxiv). The board shall also establish, in consultation with local school districts, requirements for students to earn a high school diploma as evidenced by course completion and as measured by each district's assessment system prescribed by rule and regulation of the state board and required under W.S. 21-3-110(a)(xxiv). ~~Beginning school year 2014-2015, and each school year thereafter, each district's assessment system shall include a measure or multiple measures for purposes of determining completion of high school graduation requirements. The state board shall by rule and regulation establish guidelines for district development of this measure or measures, and shall through the department of education, provide support to districts in developing each district's measure or measures.~~ Once every five (5) years and on a staggered basis, the state board shall through the department, ~~annually~~ review and approve each district's assessment system designed to determine the various levels of student performance as aligned with the uniform state standards and the attainment of high school graduation requirements~~. A high school diploma shall provide for one (1) of the following endorsements which shall be stated on the transcript of each student:~~ as evidenced by course completion. In addition and following review, refinement and revision of student content and performance standards adopted under paragraph (a)(iii) of

this section and reviewed under subsection (c) of this section, the board shall establish a process to ensure district assessment systems are aligned with the refined and revised standards within three (3) full school years following adoption of revised standards;

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(xv) Not later than July 1, ~~2016~~ 2019, promulgate rules and regulations for the implementation and administration of a comprehensive school district teacher performance evaluation system based in part upon defined student academic performance measures as prescribed by law, upon longitudinal data systems and upon measures of professional practice according to standards for professional practice prescribed by board rule and regulation. The evaluation system shall clearly prescribe standards for highly effective performance, effective performance, performance in need of improvement and ineffective performance. Rules and regulations adopted under this paragraph shall to the extent the statewide accountability system is not compromised, allow districts the opportunity to refine the system to meet the individual needs of the district. The performance evaluation system shall also include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to teachers performing unsatisfactorily, which are designed to improve instruction and student achievement;

(xvi) Not later than July 1, ~~2015~~ 2018, promulgate rules and regulations for implementation and administration of a comprehensive performance evaluation system for school and district leadership, including superintendents, principals and other district or school leaders serving in a similar capacity. The performance evaluation system shall be based in part upon defined student academic performance measures as prescribed by law, upon longitudinal data systems and upon measures of professional practice according to standards prescribed by board rule and regulation. The system shall also allow districts opportunity to refine the system to meet the individual needs of the district and shall include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to district administrative personnel performing unsatisfactorily, designed to improve leadership, management and student achievement;

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

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

(xv) Provide an educational program within the schools under its jurisdiction in compliance with uniform state standards prescribed under W.S. 21-9-101 and 21-9-102 and by rule and regulation of the state board and on or before November 1 of each school year, report to the department evidence of the alignment of its assessment system with the uniform state standards provided within its schools;

(xvii) Not later than school year ~~2016-2017~~ 2019-2020 and each school year thereafter, require the performance of each initial contract teacher to be evaluated summatively based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xviii) Not later than school year ~~2016-2017~~ 2019-2020 and each school year thereafter, establish a teacher performance evaluation system and require the performance of each continuing contract teacher to be evaluated summatively based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv). The teacher shall receive a copy of each evaluation of his performance;

(xix) Not later than school year ~~2016-2017~~ 2019-2020 and each school year thereafter, based in part upon student achievement measures established by the state board of education under W.S. 21-2-304(b)(xv), performance evaluations shall serve as a basis for improvement of instruction, enhancement of curriculum program implementation, measurement of both individual teacher performance and professional growth and development and the performance level of all teachers within the school district, and as documentation for unsatisfactory performance that may lead to dismissal, suspension and termination proceedings under W.S. 21-7-110;

(xxiv) Establish a student assessment system to measure student performance relative to the uniform student content and performance standards in all content areas for which the state board has promulgated standards pursuant to W.S. 21-2-304(a)(iii). To the extent required by W.S. 21-2-204 and ~~21-2-304(a)(vii)~~ 21-2-304(a)(vi), the district assessment system shall be integrated with the statewide assessment system and the statewide accountability system. Components of the district assessment system required by this paragraph shall be designed and used to determine the various levels of student performance ~~and attainment of high school graduation as described~~ in all content areas of the uniform student content and performance standards relative to the common core of knowledge and skills prescribed under W.S. 21-9-101(b). ~~Beginning school year 2014-2015 and each school year thereafter, a component of the district assessment system shall include a measure or multiple measures used to determine satisfactory completion of high school graduation requirements and developed in accordance with guidelines established by the state board.~~ The district shall ~~on or before August 1, 2015, and each August 1 thereafter,~~ report to the state board in accordance with W.S. 21-2-304(a)(iv) on its assessment system established under this paragraph. Beginning school year 2013-2014 and each school year thereafter, a component of the district assessment system shall include common benchmark adaptive assessments for reading and mathematics in grades two (2) through eight (8), common to all districts statewide, administered at least two (2) times during

any one (1) school year and administered once in grade one (1). An additional component of the district assessment system shall continue the longitudinal study of summer school program effectiveness which uses a single common benchmark adaptive assessment in reading and mathematics administered for summer school and extended day intervention and remediation programs in accordance with W.S. 21-13-334(h)(iv);

(xxv) At minimum~~, provide the three (3) endorsements on high school transcripts specified under W.S. 21-2-304(a)(iv) and may provide additional endorsements~~ and on or before November 1 of each school year, report to the department of education evidence that the district is compliant with high school graduation standards imposed by the state board under W.S. 21-2-304(a)(iii);

(xxx) Not later than school year ~~2015-2016~~ 2018-2019 and each school year thereafter, in addition to paragraphs (xvii), (xviii) and (xix), require the performance of each school district leader, including superintendents and principals and other district or school leaders serving in a similar capacity to be evaluated in accordance with the statewide education accountability system established under W.S. 21-2-204. Not later than August 15, ~~2016~~ 2019 and August 15 of each school year thereafter, in accordance with rules and regulations of the state board, the district board shall also provide the state board written reports verifying school district leader performance and providing performance scores~~, necessary for continued employment~~;

(xxxiv) Effective school year 2015-2016, in conjunction with district accreditation, as a component of the statewide education accountability system and in accordance with W.S. 21-2-202(a)(xxxvi), be subject to a review by the department of education once every five (5) years on the alignment of the district's assessment system with the uniform state education standards promulgated by the state board, and the district's adherence to the uniform graduation standards prescribed by the state board under W.S. 21-2-304(a)(iii).

(b) On or before June 1, ~~2017~~ 2020 and June 1 of each school year thereafter, each school district superintendent shall provide a report to the board of trustees identifying all teachers and on or before June 1, ~~2016~~ 2019, and June 1 of each school year thereafter, identifying all school and district leaders within the district whose performance, through evaluations conducted under paragraphs (a)(xvii) through (xix) and (xxx) of this section, has been determined in need of improvement or ineffective for that school year. The report shall include a summary of mentoring and other professional development activities made available to the identified school and district leaders and teachers to improve instruction and student achievement. Not later than July 1, ~~2016~~ 2019 for school and district leaders, and July 1, ~~2017~~ 2020 for district teachers, and July 1 of each school year thereafter, the board shall file a report with the department of education certifying compliance with this subsection.

21-7-102. Definitions.

(a) As used in this article the following definitions shall apply:

(ii) "Continuing Contract Teacher":

(A) Any initial contract teacher who has been employed by the same school district in the state of Wyoming for a period of three (3) consecutive school years, has had his contract renewed for a fourth consecutive school year and, beginning school year ~~2016-2017~~ 2019-2020 and each school year thereafter, has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time; or

(B) A teacher who has achieved continuing contract status in one (1) district, and who without lapse of time has taught two (2) consecutive school years and has had his contract renewed for a third consecutive school year by the employing school district, and, beginning school year ~~2016-2017~~ 2019-2020 and each school year thereafter, has performed satisfactorily on performance evaluations conducted by both districts under W.S. 21-3-110(a)(xvii) during this period of time.

21-7-110. Suspension or dismissal of teachers; notice; hearing; independent hearing officer; board review and decision; appeal.

(a) The board may suspend or dismiss any teacher, or terminate any continuing contract teacher, for any of the following reasons:

(vii) Beginning school year ~~2016-2017~~ 2019-2020 and each school year thereafter, inadequate performance as determined through performance evaluation tied to student academic growth for at least two (2) consecutive years completed in accordance with W.S. 21-3-110(a)(xvii) through (xix);

Section 3. W.S. 21-2-204(d)(iv) and 21-2-304(a)(iv)(A) through (C) are repealed.

Section 4.

(a) Notwithstanding 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 314, the select committee on statewide education accountability shall continue through December 31, 2016. The chairman of the senate education committee and the chairman of the house education committee shall continue to serve as cochairmen of the select committee. Members of the select committee shall be appointed for terms commencing with the sixty-third legislature as provided by 2011 Wyoming Session Laws, Chapter 184, Section 4(b) to serve on the select committee through December 31, 2016. Select committee members shall receive compensation, per diem and travel expense reimbursement in the manner and amount prescribed under W.S. 28-5-101. The appointing authority for any member who vacates membership shall fill the vacancy.

(b) Notwithstanding 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 314(b), the advisory committee shall continue to assist the select committee as the select committee deems necessary through December 31,

2015. The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(d), as amended by 2013 Wyoming Session Laws, Chapter 195, Section 3, shall continue to serve on the advisory committee. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed to the advisory committee which is not an employee of a governmental subdivision or a member of a political subdivision, board or commission shall receive per diem and travel expenses in the manner and amount provided state employees under W.S. 9-3-103.

(c) The legislative service office shall staff the select committee and the advisory committee. The department of education and other state agencies shall provide information and other assistance as requested by the select committee or the advisory committee. The legislative service office may retain consultants as necessary to staff and advise the select committee in executing responsibilities prescribed by this act. The management council may expend funds appropriated by the legislature for approved contractual agreements between the council and professional consultants on behalf of the select committee.

(d) The select committee on statewide education accountability shall continue its study of phase II of the statewide education accountability system. In continuation of the study of Phase II, the advisory committee shall consider existing teacher performance evaluation systems utilized by Wyoming school districts and, to the extent possible, incorporate the systems or concepts of the systems into the teacher and leader evaluation systems required by Phase II. Student achievement and growth shall not be weighted in excess of twenty percent (20%) as evidence of teacher performance in the continued study of Phase II.

(e) The advisory committee, together with the department of education, shall periodically report to the select committee on the teacher and leader evaluation and accountability system. On or before October 15, 2015, a final report shall be submitted to the joint education interim committee and the select committee by the advisory committee on findings pertaining to system implementation, together with any recommendations. Following receipt of this final report, the select committee and the joint education interim committee shall meet to consider the final report and any necessary enabling legislation. The joint education interim committee and the select committee shall report findings and recommendations to the legislature for consideration during the 2016 budget session, including necessary enabling legislation.

(f) Any report submitted pursuant to subsection (e) of this section by the advisory committee, and prepared with the assistance of a consultant, shall be approved by a majority of the members of the advisory committee prior to submission to the joint education interim committee and the select committee.

Section 5.

(a) Upon the effective date of this act, the department of education shall immediately convene a technical advisory group, consisting of professionals with appropriate expertise, to develop a valid and reliable accountability model as required by the Wyoming Accountability in Education Act specifically for alternative schools operating under W.S. 21-13-309(m)(v)(B). The model for alternative schools shall conform to the principles and purposes specified within the January 2012 education accountability report as defined under W.S. 21-2-204(k). The technical advisory group shall work in consultation with the advisory committee to the select committee for statewide education accountability as reauthorized under section 4(b) of this act. Not later than October 15, 2015, the department shall report recommendations for model implementation to the joint education interim committee and the select committee on statewide education accountability. Recommendations shall include necessary enabling legislation to implement the recommendations. The joint education interim committee and the select committee on statewide education accountability shall report recommendations in the department's report to the legislature for consideration during the 2016 budget session.

(b) Notwithstanding any other provision of law, for school years 2014-2015 and 2015-2016 only, alternative schools operating under W.S. 21-13-309(m)(v)(B) shall solely receive informational reporting under the Wyoming Accountability in Education Act and shall be exempt from school level performance ratings and aggregate district scoring as computed and determined for schools in accordance with W.S. 21-2-204(e) and reported under W.S. 21-2-204(h).

(c) Any member appointed to the technical advisory group which is not an employee of a governmental subdivision or 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 from amounts appropriated under section 7(a) of this act.

Section 6.

(a) The state board shall conduct a review and evaluation of the statewide assessment system established by W.S. 21-2-304(a)(v) which not only fulfills the requirements of the statewide education accountability system prescribed under W.S. 21-2-204 and complies with statewide assessment and accreditation requirements imposed upon the state board under W.S. 21-2-304, but strives for a high quality, rigorous and effective assessment adhering to principles of sound education policy and test measurement, with due consideration given to cost, testing time requirements for students and assessment burdens placed upon school districts. The study shall review assessment options available to the state and shall recommend an approach for the state in continuance of a statewide assessment system required by law. In implementing this subsection, the following apply:

(i) The state board shall assemble a task force to assist with the assessment review and evaluation. The task force shall be comprised of representatives of small and large school districts and schools from all geographic regions of the state and shall at minimum include representatives from district and school administration, school district assessment and curriculum program administrators, elementary and secondary school teachers, school district board members, state higher education representatives, member of the Wyoming business community and parents of children enrolled in Wyoming public schools;

(ii) The task force shall be assembled no later than April 1, 2015. Any member appointed to the task force which is not an employee of a governmental subdivision or 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 from amounts appropriated under section 7(a) of this act;

(iii) As authorized under section 7(b) of this act, the legislative service office, through acquired professional consulting expertise, and the department of education, shall assist the state board in its review and evaluation required by this subsection;

(iv) On or before October 15, 2015, the state board shall report to the joint education interim committee and the select committee on findings and recommendations developed from its review and evaluation conducted under this subsection. In addition to recommending an approach for the future statewide assessment system, recommendations shall provide necessary mechanisms and processes to support the transition from the statewide assessment system existing on the effective date of this act to the student assessment developed and recommended under this subsection.

(b) The state board and department of education, in implementing W.S. 21-2-202, 21-2-304 and 21-3-110, as amended by sections 1 and 2 of this act, pertaining to school district assessment systems and high school graduation requirements, shall periodically report progress to the joint education interim committee and the select committee. A report with final recommendations on guidelines shall be included within the October 15, 2015, report required under subsection (a) of this section.

(c) Following receipt of this final report, the joint education interim committee and the select committee shall meet to consider the final report and any necessary enabling legislation. The joint education interim committee and the select committee shall report any findings and recommendations to the Wyoming legislature prior to the 2016 budget session, including implementing legislation and a timeline for implementation when applicable.

(d) Notwithstanding any other provision of law, for school year 2015-2016 only, the administration of the statewide student assessment for grades 9 and

10 required under W.S. 21-2-204 and 21-2-304(a)(v) shall include the ability to utilize constructed response items.

(e) The state board, with assistance from the state superintendent, shall immediately request the United States department of education allow an exemption from the requirements under the federal No Child Left Behind Act to allow for administration of the statewide student assessment in grades three (3), five (5), seven (7), nine (9) and eleven (11), or an alternative grade band assessment configuration, to assess reading, math and science for purposes of complying with the assessment requirements of the federal act. The state board shall report each month to the select committee on statewide education accountability and the joint education interim committee on the status of this request. Not later than October 15, 2015, the state board shall submit a final report to the select committee on statewide accountability and the joint education interim committee on the action taken under this subsection and any additional waivers or exceptions necessary to administer the statewide student assessment system contemplated under this subsection.

Section 7.

(a) For the period commencing on the effective date of this section and ending June 30, 2016, from amounts appropriated to units 1327 and 1328 of the student achievement and support program contained within 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 206, and from amounts appropriated to the department by 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 206, Footnote 5, up to seven hundred fifty thousand dollars ($750,000.00) or as much thereof as is necessary, may be expended by the department to provide a system of support to school districts in conformance with W.S. 21-2-204(f). The system shall be in place in sufficient time to provide system support to districts based upon 2014 performance ratings computed under W.S. 21-2-204(d). This appropriation may be expended for acquisition of necessary professional consulting expertise. The department shall report expenditures of amounts appropriated under this subsection to members of the select committee on statewide education accountability and the joint appropriations interim committee on or before December 31, 2015.

(b) The state board may from amounts appropriated to the department by 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 206, Footnote 5, expend up to twenty-five thousand dollars ($25,000.00) for purposes of providing support and administration of the assessment taskforce established under Section 6 of this act. This appropriation may be expended for per diem and other expenses of the task force. The state board shall report expenditures to the select committee on statewide education accountability by not later than December 31, 2015. In addition to support provided under this subsection to the state board of education, the legislative service office, through acquired professional consulting expertise, shall assist the department and state board

in carrying out the support and administration of the assessment taskforce established under Section 6 of this act.

(c) For the period beginning upon the effective date of this section and ending June 30, 2016, thirty-five thousand dollars ($35,000.00) is appropriated from the school foundation program account to the legislative service office for necessary expenses of the select committee on statewide education accountability and the advisory committee continued under this act, as necessary to carry out this act.

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

Approved March 9, 2015.

Chapter 180

STATE BUDGET DEVELOPMENT

Original Senate File No. 141

AN ACT relating to the administration of government; specifying accounts from which state budget recommendations may be directed; specifying statutory budget reserve amounts apply to supplemental and emergency budgets; specifying that agency budget requests and other resources shall be utilized to interpret and implement provisions of the appropriations bill as specified; and providing for an effective date.

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

Section 1. W.S. 9-2-1012(e), 9-2-1013(d)(ii) and 28-1-113 by creating a new subsection (d) are amended to read:

9-2-1012. Duties of budget division; transmittal of standard budget and manual; return of completed exception and expanded budgets; submission to governor; disposition of excess general fund appropriations; submission of selected budget information to joint appropriations interim committee.

(e) In preparing the overall state budget for distribution to the legislature, <u>including any supplemental or emergency changes to the budget,</u> the governor shall recommend to the legislature that not less than five percent (5%) of estimated general fund receipts for the next biennial budget period shall be appropriated from the general fund to the budget reserve account within the earmarked fund. This appropriation shall be in addition to any fund balance within the budget reserve account. At the end of each biennial budget period, general fund appropriations for the biennium in excess of expenditures including encumbrances during the biennium, as identified by the state auditor in accordance with the provisions of W.S. 9-2-1008 and 9-4-207, shall be transferred into the budget reserve account. All funds in the budget reserve account shall be invested by the state treasurer and earnings therefrom shall be credited

into the general fund. Appropriations to the account shall not lapse at the end of any fiscal period. Expenditures from the budget reserve account shall be by legislative appropriation only.

9-2-1013. State budget; distribution of copies to legislators; copies and reports of authorizations.

(d) In addition to the items contained in subsection (a) of this section and notwithstanding any other recommendations made by the governor, the state budget shall also include the governor's recommendations for appropriations for the ensuing two (2) years, or if a supplemental budget request, the remainder of the budget period, subject to the following:

(ii) The total recommended appropriations under this subsection for any two (2) fiscal year budget period shall not exceed the total estimated revenues for that two (2) year period. The total estimated revenues computed under this paragraph shall not include increases in existing revenue sources which would be available to the state only after enactment of legislation in addition to existing law, but shall include the unencumbered balances in all other accounts in all other expendable funds subject to this section, and as further provided herein, as those funds are identified in accordance with standards promulgated by the governmental accounting standards board, but specifically excluding pension funds, nonexpendable trust funds, debt service funds and intragovernmental funds, that would be available for that budget period. Funds within the permanent Wyoming mineral trust fund reserve account created under W.S. 9-4-719(b), the common school permanent fund reserve account created under W.S. 9-4-719(f) or funds within five percent (5%) of estimated general fund receipts for the next biennium to be appropriated to the budget reserve account as required by W.S. 9-2-1012(e) shall not be included in total estimated revenues computed under this paragraph;

28-1-113. Joint meetings of legislative standing committees; introduction and passage of budget bill.

(d) To the extent not inconsistent with any enacted law or clear expression of legislative intent to the contrary, each agency's budget request as recommended by the governor to the joint appropriations interim committee, any other budgetary explanatory material submitted to the joint appropriations interim committee by the governor and the budget hearings before the joint appropriations interim committee shall guide the interpretation and implementation of appropriations and related language contained within the general appropriations bill or bills appropriating funds to be expended for the operation of a state agency, including programs, purposes and number of employees specified within each agency.

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 181

WYOMING INFRASTRUCTURE AUTHORITY AMENDMENTS

Original Senate File No. 24

AN ACT relating to public utilities; removing territorial limits on Wyoming infrastructure authority projects; and providing for an effective date.

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

Section 1. W.S. 37-5-305(a) and 37-5-403(a) are amended to read:

37-5-305. Bonds.

(a) In addition to the powers otherwise herein granted to the authority, in order to accomplish its purposes, ~~and finance projects it owns,~~ it shall have the power to borrow money and evidence the borrowing in the issuance and sale of bonds or other obligations of the authority, the principal and interest of which shall be payable solely out of revenues herein authorized to be dedicated and pledged for the payment.

37-5-403. Authority revenue bonds; issuance; amount.

(a) ~~In order to finance projects not owned by the authority,~~ T~~h~~e authority may issue and have outstanding bonds to finance electric transmission facilities~~;~~ as well as other facilities and related infrastructure~~, which shall be located at least partially within Wyoming~~ consistent with the purposes provided in W.S. 37-5-303(a), in an amount not to exceed one billion dollars ($1,000,000,000.00). The authority shall have contracts sufficient to justify the issuance of bonds.

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

Approved March 9, 2015.

Chapter 182

LOTTERY COMMISSION REPORTING REQUIREMENTS

Original Senate File No. 130

AN ACT relating to the Wyoming lottery; requiring reports to the joint travel, recreation, wildlife and cultural resources interim committee; and providing for an effective date.

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

Section 1. W.S. 9-17-109(a)(vii) and 9-17-128(a)(i), (iv) and (v) are amended to read:

9-17-109. Duties of chief executive officer.

(a) The chief executive officer of the corporation shall direct and supervise

all administrative and technical activities in accordance with the provisions of this chapter and with the regulations, policies and procedures adopted by the board. It shall be the duty of the chief executive officer to:

(vii) Report quarterly to the department of audit, the joint revenue interim committee, the joint travel, recreation, wildlife and cultural resources interim committee and the board a full and complete statement of lottery revenues and expenses for the preceding quarter; and

9-17-128. Reports by corporation; audits; budget; fiscal year.

(a) To ensure the financial integrity of the lottery, the corporation through its board of directors shall:

(i) Submit quarterly and annual reports to the governor, department of audit, ~~and~~ the joint revenue interim committee and the joint travel, recreation, wildlife and cultural resources interim committee disclosing the total lottery revenues, prize disbursements, operating expenses and administrative expenses of the corporation during the reporting period. The annual report shall additionally describe the organizational structure of the corporation and summarize the functions performed by each organizational division within the corporation;

(iv) Contract with a certified public accountant or firm for an annual financial audit of the corporation. The certified public accountant or firm shall have no financial interest in any vendor with whom the corporation is under contract. The certified public accountant or firm shall present an audit report not later than four (4) months after the end of the fiscal year. The certified public accountant or firm shall evaluate the internal controls in effect during the audit period. The cost of this annual financial audit shall be an operating expense of the corporation. The department of audit may at any time conduct an audit of any phase of the operations of the Wyoming lottery corporation at the expense of the state and shall receive a copy of the annual independent financial audit. A copy of any audit performed by the certified public accountant or firm or the department of audit shall be transmitted to the governor, the department of audit, the state auditor, ~~and~~ the joint revenue interim committee and the joint travel, recreation, wildlife and cultural resources interim committee;

(v) Submit to the governor, the department of audit, ~~and~~ the joint revenue interim committee and the joint travel, recreation, wildlife and cultural resources interim committee by June 30 of each year a copy of the annual operating budget for the corporation for the next fiscal year. This annual operating budget shall be approved by the board and be on forms as prescribed by the department of administration and information;

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 183

TRESPASSING TO COLLECT DATA-CIVIL CAUSE OF ACTION

Original Senate File No. 80

AN ACT relating to trade and commerce; providing a civil cause of action for trespassing to unlawfully collect resource data and unlawfully collecting resource data; limiting the use of unlawfully collected data; providing definitions; and providing for an effective date.

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

Section 1. W.S. 40-26-101 is created to read:

CHAPTER 26
TRESPASS TO UNLAWFULLY COLLECT RESOURCE DATA

40-26-101. Trespass to unlawfully collect resource data; unlawful collection of resource data.

(a) A person commits a civil trespass to unlawfully collect resource data if he:

(i) Enters onto open land for the purpose of collecting resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or statutory, contractual or other legal authorization to enter or access the land to collect resource data; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to enter or access the land to collect the specified resource data.

(b) A person commits a civil trespass of unlawfully collecting resource data if he enters onto private open land and collects resource data without:

(i) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter the private land to collect the specified resource data; or

(ii) Written or verbal permission of the owner, lessee or agent of the owner to enter the land to collect the specified resource data.

(c) A person who trespasses to unlawfully collect resource data or a person who unlawfully collects resource data under this section shall be liable in a civil action by the owner or lessee of the land for all consequential and economic damages proximately caused by the trespass. In a civil action brought under this section, in addition to damages, a successful claimant shall be awarded litigation costs. For purposes of this subsection, "litigation costs" shall include, but is not limited to, court costs, expert witness fees, other witness fees, costs associated with depositions and discovery, reasonable attorney fees and the reasonably necessary costs of identifying the trespasser, of obtaining effective service of process on the trespasser and of successfully effecting the collection of any judgment against the trespasser.

(d) As used in this section:

(i) "Collect" means to take a sample of material, acquire, gather, photograph or otherwise preserve information in any form from open land which is submitted or intended to be submitted to any agency of the state or federal government;

(ii) "Open land" means land outside the exterior boundaries of any incorporated city, town, subdivision approved pursuant to W.S. 18-5-308 or development approved pursuant to W.S. 18-5-403;

(iii) "Peace officer" means as defined by W.S. 7-2-101;

(iv) "Resource data" means data relating to land or land use, including but not limited to data regarding agriculture, minerals, geology, history, cultural artifacts, archeology, air, water, soil, conservation, habitat, vegetation or animal species. "Resource data" does not include data:

(A) For surveying to determine property boundaries or the location of survey monuments;

(B) Used by a state or local governmental entity to assess property values;

(C) Collected or intended to be collected by a peace officer while engaged in the lawful performance of his official duties.

(e) Resource data unlawfully collected under this section is not admissible in evidence in any civil, criminal or administrative proceeding, other than a civil action for trespassing under this section or a criminal prosecution for trespass.

(f) Resource data unlawfully collected under this section in the possession of any governmental entity as defined by W.S. 1-39-103(a)(i) shall be expunged by the entity from all files and data bases, and it shall not be considered in determining any agency action.

Section 2. If 2015 Senate File 12 is enacted into law, W.S. 40-26-101(d) in section 1 of this act is repealed and recreated to read:

> **40-26-101. Trespass to unlawfully collect resource data.**
>
> (d) Resource data unlawfully collected under this section is not admissible in evidence in any civil, criminal or administrative proceeding, other than a civil action for trespassing under this section or a criminal prosecution for trespassing under W.S. 6-3-414.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 184

WORKERS COMPENSATION-CLAIM APPORTIONMENT

Original House Bill No. 212

AN ACT relating to workers compensation; authorizing the division to determine the chargeability of claims costs to an employer's experience rating; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 27-14-201(d) is amended to read:

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

(d) In addition, the plan of rating shall use an experience rating system based on three (3) years claim experience, or as much thereof as is available, for employers enrolled under it. This system shall reward employers with a better than average claim experience, penalize employers with a worse than average claim experience and may provide for premium volume discount so long as the account remains actuarially sound. Discounts from or penalties added to base employment classification rates because of claim experience shall not exceed sixty-five percent (65%). ~~The experience rating of the employer against whom a claim is made shall be charged only that proportion of total benefits payable equal to the percentage that employment with that employer contributes to the cause of the injury.~~ An employer who is current on premium payments required by this act may apply to the division for a determination of experience modification rating chargeability for an injury to the employer's employee. The division's determination of chargeability shall be reviewable as provided in W.S. 27-14-601(k)(iii) and (iv). If the division, by a preponderance of the evidence, determines that an employee's injury was primarily caused by a third party, the injury shall not be charged to the employer's account. The employer shall bear the burden of proof in any action brought by the employer for a chargeability determination. If an employer's account is determined to be unchargeable under this subsection, the employer's account shall not be further credited upon recovery from a third party by the division. The division shall by rule and regulation establish necessary procedures for a determination of chargeability. Any determination by the division regarding causation of an injury pursuant to this subsection shall be used only for ratemaking purposes and shall not be admissible in any civil litigation regarding the injury.

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 185

CHILD ABUSE

Original House Bill No. 243

AN ACT relating to crimes and offenses; defining the type of conduct that constitutes child abuse; providing for an increase in penalties as specified; and providing for an effective date.

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

Section 1. W.S. 6-2-503(a)(intro), (ii)(A), (B), by creating a new subparagraph (C), (b)(intro), (i), (ii), by creating a new paragraph (iii) and (c) is amended to read:

6-2-503. Child abuse; penalty.

(a) A person who is not responsible for a child's welfare as defined by W.S. 14-3-202(a)(i), is guilty of child abuse, a felony punishable by imprisonment for not more than ~~five (5)~~ ten (10) years, if:

(ii) The actor intentionally or recklessly inflicts upon a child under the age of sixteen (16) years:

(A) Physical injury as defined in W.S. 14-3-202(a)(ii)(B);~~ or~~

(B) Mental injury as defined in W.S. 14-3-202(a)(ii)(A);~~.~~ or

(C) Torture or cruel confinement.

(b) A person is guilty of child abuse, a felony punishable by imprisonment for not more than ~~five (5)~~ ten (10) years, if a person responsible for a child's welfare as defined in W.S. 14-3-202(a)(i) intentionally or recklessly inflicts upon a child under the age of eighteen (18) years:

(i) Physical injury as defined in W.S. 14-3-202(a)(ii)(B), excluding reasonable corporal punishment;~~ or~~

(ii) Mental injury as defined in W.S. 14-3-202(a)(ii)(A);~~.~~ or

(iii) Torture or cruel confinement.

(c) Aggravated child abuse is a felony punishable by imprisonment for not more than twenty-five (25) years if in the course of committing the crime of child abuse, as defined in subsection (a) or (b) of this section, the person intentionally or recklessly inflicts serious bodily injury upon the victim or the person intentionally inflicts substantial mental or emotional injury upon the victim by the torture or cruel confinement of the victim.

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 186

SUBDIVISION-FAMILY EXCEPTION

Original House Bill No. 228

AN ACT relating to real property; providing an exemption to requirements for subdividing real property for family members when the real property is held in a trust controlled by the grantor as specified; and providing for an effective date.

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

Section 1. W.S. 18-5-303(a)(i)(C) and (E) is amended to read:

18-5-303. Exemptions from provisions.

(a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land however, the following subdivisions are subject to requirements which may be adopted by the board of county commissioners regarding documentation of the proper use and implementation of the following exemptions:

(i) A division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

(C) The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period of not less than five (5) years prior to the division and parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one (1) year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;

(E) Where the landowner is a ~~corporation~~ business entity and eighty percent (80%) of the ownership interest or shares in the business entity are held by, or in the name of a trust controlled by, individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this section to an immediate family member of any shareholder who has owned at least five percent (5%) of the outstanding shares for at least five (5) years continuously before the date of the sale or gift.

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 187

PERSONAL OPPORTUNITY WITH EMPLOYMENT RESPONSIBILITIES

Original Senate File No. 118

AN ACT relating to the personal opportunity with employment responsibilities (POWER) program; amending eligibility criteria; amending sanctions for noncompliance with a self-sufficiency plan; amending beneficiary reporting requirements; and providing for an effective date.

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

Section 1. W.S. 42-2-103(e)(iv)(intro) and (v) is amended to read:

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

(e) In administering this section and in addition to other requirements imposed under this chapter and the Wyoming Medical Assistance and Services Act and federal rule and regulation, the department shall by rule and regulation:

(iv) Establish only one (1) earned income disregard for determining assistance payable under W.S. 42-2-104 at ~~two hundred dollars ($200.00)~~ six hundred dollars ($600.00) per month for any one (1) recipient. For married couples the earned income disregard shall be ~~four hundred dollars ($400.00)~~ one thousand two hundred dollars ($1,200.00) per month. The department may in addition establish an additional individual earned income disregard tailored to the individual person as part of that person's self-sufficiency plan developed pursuant to paragraph (v) of this subsection, provided:

(v) In accordance with guidelines and criteria prescribed by rule and regulation of the department and unless otherwise qualifying for a good cause exemption pursuant to rule and regulation of the department, require the development of and adherence to a self-sufficiency plan with guidelines and assistance provided by the department, as a condition for benefit eligibility under the personal opportunities with employment responsibilities (POWER) program. A self-sufficiency plan including timely completion of an approved educational program complying with W.S. 42-2-109(a) shall be deemed to meet the requirements of this subsection if adhered to. Any person not qualifying for a good cause exemption and failing to comply with this paragraph shall be sanctioned~~, to include disqualification~~ under the personal opportunities with employment responsibilities (POWER) program. ~~and be disqualified from receiving benefits under the supplemental nutrition assistance and medical assistance programs. The sanction shall be established at a level which would continue to assure children in a noncompliance household would be eligible for supplemental nutrition assistance program benefits and Medicaid.~~ Subject to procedure prescribed by department regulation, any recipient may at any

time request a good cause exemption from the requirements of this section;

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 188

SUMMER SCHOOL INTERVENTION AND REMEDIATION

Original Senate File No. 74

AN ACT relating to supplemental at-risk financial assistance for summer school and extended day programs; clarifying the availability of funds; and providing for an effective date.

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

Section 1. W.S. 21-13-334(b)(intro), (ii), (d)(intro) and by creating a new subsection (k) is amended to read:

21-13-334. Supplemental at-risk financial assistance program for summer school and extended day intervention and remediation programs.

(b) In addition to subsection (a) of this section, summer school programs or intervention programs providing before-school, after-school and Saturday school supplemental extended day instruction utilizing enriched learning methodologies or other remedial methods eligible for financial assistance under this section shall:

(ii) For summer school programs only, provide a minimum of sixty (60) instructional hours over a period of at least fifteen (15) school days to each participating elementary and middle school student and a minimum of sixty (60) instructional hours per subject to each participating high school student. High school students may demonstrate proficiency prior to receiving the full sixty (60) hours of instruction;

(d) To receive financial assistance under this section, a district shall apply to the department of education on or before April 15 of any school year to receive financial assistance during the immediately succeeding summer school session ~~and~~ or subsequent school year for extended day instruction. Application to the department shall be in a manner and form prescribed by the department and shall include:

(k) School districts offering summer school or extended day programs shall be eligible for receipt of funds pursuant to this section.

Section 2. W.S. 21-13-334(c) is repealed.

Section 3. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 189

PROVIDERS' ORDERS FOR LIFE SUSTAINING TREATMENT

Original House Bill No. 162

AN ACT relating to public health; creating the Provider Orders for Life Sustaining Treatment Program Act; providing for execution of health care treatment documents and orders as specified; requiring compliance with medical orders as specified; providing for civil and criminal immunity as specified; requiring rule-making; providing for continued effectiveness of prior medical directives; repealing the cardiopulmonary resuscitation directives statute; and providing for effective dates.

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

Section 1. W.S. 35-22-501 through 35-22-509 are created to read:

ARTICLE 5
PROVIDER ORDERS FOR LIFE SUSTAINING TREATMENT PROGRAM ACT

35-22-501. Short title.

This article shall be known and may be cited as the "Provider Orders for Life Sustaining Treatment Program Act."

35-22-502. POLST program.

(a) The provider orders for life sustaining treatment (POLST) program is a process of evaluation and communication between a patient, or the patient's agent, guardian or surrogate, and health care professionals in order to:

(i) Ensure that health care providers understand the desires of the patient, or the patient's agent, guardian or surrogate, regarding medical treatment as the patient nears the end of life;

(ii) Convert the patient's goals and preferences for care into a set of medical orders on a POLST form that is portable across care settings to be complied with by all health professionals; and

(iii) Provide the patient and the patient's agent, guardian or surrogate, if any, with a copy of the completed POLST form.

(b) Unless otherwise provided in this article, terms in this article shall have the same meaning as in the Wyoming Health Care Decisions Act.

35-22-503. POLST form; who may execute.

(a) Any adult who has the capacity to provide informed consent to, or refusal of, medical treatment may execute a POLST form.

(b) Any adult authorized pursuant to the laws of this state or any other state to make medical treatment decisions on behalf of a person who lacks capacity may execute a POLST form on behalf of that person.

(c) If a patient who lacks capacity has not executed a valid advance directive or a valid POLST form, a surrogate may execute a POLST form on behalf of the

patient as provided in W.S. 35-22-406. If a valid advance directive or POLST form executed by the patient forbids changes by a surrogate, a surrogate shall not execute or change a POLST form on behalf of the patient.

(d) An individual acting in good faith as agent, guardian or surrogate under this act shall not be subject to civil liability or criminal prosecution for executing a POLST form as provided in this act on behalf of a patient who lacks capacity.

(e) If medical orders on a POLST form relate to a minor and direct that life sustaining treatment be withheld from the minor, the order shall include a certification by two (2) health care providers that, in their clinical judgment, an order to withhold treatment is in the best interest of the minor.

35-22-504. POLST forms; department of health duties.

(a) The department of health shall promulgate rules implementing this act and prescribing a standardized POLST form, subject to the following:

(i) The rules shall contain protocols for the implementation of a standardized POLST form, which shall be available in electronic format on the department website for downloading by patients and providers;

(ii) The department in formulating rules and forms shall consult with health care professional licensing groups, provider advocacy groups, patient advocacy groups, medical ethicists and other appropriate stakeholders;

(iii) To the extent possible, the standardized POLST form and protocols shall be consistent with use across all health care settings, shall reflect nationally recognized standards for end-of-life care and shall include:

(A) The patient's directive concerning the administration of life sustaining treatment;

(B) The dated signature of the patient or, if applicable, the patient's agent, guardian or surrogate;

(C) The name, address and telephone number of the patient's primary health care provider;

(D) The dated signature of the primary health care provider entering medical orders on the POLST form, who certifies that the signing provider discussed the patient's care goals and preferences with the patient or the patient's agent, guardian or surrogate.

(b) The department in implementing this article shall:

(i) Recommend a uniform method of identifying persons who have executed a POLST form and providing health care providers with contact information of the person's primary health care provider;

(ii) Oversee the education of health care providers regarding the POLST program under the department's licensing authority;

(iii) Develop a process for collecting provider feedback to enable periodic redesign of the POLST form in accordance with current health care practice;

(iv) Adopt a plan to convert the cardiopulmonary resuscitation directive program under W.S. 35-22-203 to a POLST program by January 1, 2016.

35-22-505. Duty to comply with POLST form; immunity, effect on criminal charges against another person.

(a) Emergency medical service personnel, health care providers and health care facilities, absent actual notice of revocation or termination of a POLST form, shall comply with the orders on a person's POLST form. Any emergency medical service personnel, health care provider or health care facility or any other person who, in good faith and in accordance with generally accepted health care standards applicable to the health care professional or institution, complies with orders on a POLST form shall not be subject to civil liability, criminal prosecution, regulatory sanction or discipline for unprofessional conduct.

(b) Compliance by emergency medical service personnel, health care providers or health care facilities with orders on a POLST form shall not affect the criminal prosecution of any person otherwise charged with the commission of a criminal act.

(c) In the absence of a valid POLST form, other provider orders documented in a medical record or an advance health care directive available to the treating provider, an individual's consent to life sustaining treatment shall be presumed.

(d) A POLST form from another state, absent actual notice of revocation or termination, shall be presumed to be valid and shall be effective in this state.

(e) Emergency medical service personnel, health care providers and health care facilities shall comply with the orders on a POLST form without regard to whether the ordering provider is on the medical staff of the treating health care facility.

(f) If a patient whose goals and preferences for care have been entered on a valid POLST form is transferred from one (1) health care facility to another, the health care facility initiating the transfer shall communicate the existence of the POLST form to the receiving facility prior to the transfer. The POLST form shall accompany the individual to the receiving facility and shall remain in effect. The POLST form shall be reviewed by the treating health care professional and made into a medical order at the receiving facility unless the POLST form is replaced or voided as provided in this article.

(g) To the extent that the orders on a POLST form described in this section conflict with the provisions of an advance directive made under W.S. 35-22-403, the most recent of those documents signed by the patient takes precedence.

35-22-506. POLST form not a prerequisite for services.

Facilities or providers shall not require a person to complete a POLST form as a prerequisite or condition for the provision of services or treatment.

35-22-507. Presence or absence of POLST form; effect on life or health insurance.

An individual's execution of or refusal or failure to execute a POLST form shall not affect, impair or modify any contract of life or health insurance or annuity to which the individual is a party, shall not be the basis for any delay in issuing or refusing to issue an annuity or policy of life or health insurance and shall not be the basis for any increase or decrease in premium charged to the individual.

35-22-508. Revocation of POLST form.

(a) An individual's consent to all or part of a POLST form may be revoked at any time and in any manner that communicates the individual's intent to revoke. Any oral revocation shall, as soon as possible after the revocation, be documented in a writing signed and dated by the individual or a witness to the revocation.

(b) An agent, guardian or surrogate who created a POLST form for a patient may revoke all or part of the POLST form at any time in writing signed by the agent, guardian or surrogate.

(c) A health care professional, agent, guardian or surrogate who is informed of a revocation shall promptly communicate the fact of the revocation to the patient's primary care physician, the current supervising health care professional and any health care facility at which the patient is receiving care.

(d) Upon revocation, the POLST form shall be void.

35-22-509. Effect of act on euthanasia; mercy killing; construction of statute.

Nothing is this article shall be construed as condoning, authorizing or approving euthanasia or mercy killing. In addition, the legislature does not intend that this article be construed as permitting any affirmative or deliberate act to end a person's life, except to permit natural death as provided by this article.

Section 2. W.S. 35-22-201 through 35-22-208 are repealed effective July 1, 2016.

Section 3. The department of health shall adopt initial rules implementing this act and prescribe a standardized POLST form by January 1, 2016.

Section 4.

(a) Section 3 of this act is effectively 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, 2015.

Approved March 9, 2015.

Chapter 190

MOTOR VEHICLE PASSING BICYCLES

Original House Bill No. 85

AN ACT relating to motor vehicles; providing requirements for motor vehicles overtaking and passing bicycles as specified; and providing for an effective date.

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

Section 1. W.S. 31-5-203(a)(intro) and by creating a new subsection (c) is amended to read:

31-5-203. Rules governing overtaking on the left.

(a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated and those contained in subsection (c) of this section:

(c) The driver of a motor vehicle overtaking and passing a bicycle, which is operating lawfully, proceeding in the same direction shall, when space allows, maintain at least a three (3) foot separation between the right side of the driver's motor vehicle, including all mirrors and other projections from the motor vehicle, and the bicycle.

Section 2. This act is effective July 1, 2015.

Approved March 9, 2015.

Chapter 191

CHILD INTERVIEWS-NEGLECT AND ABUSE CASES

Original House Bill No. 180

AN ACT relating to child protection; limiting disclosure of information obtained in a child abuse or neglect case as specified; requiring a court order to obtain information as specified; and providing for an effective date.

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

Section 1. W.S. 14-3-214(b)(intro) and by creating a new subsection (h) is amended to read:

14-3-214. Confidentiality of records; penalties; access to information; attendance of school officials at interviews; access to central registry records pertaining to child protection cases.

(b) Except as provided in subsection (h) of this section, applications for access to records concerning child abuse or neglect contained in the state agency or local child protective agency shall be made in the manner and form prescribed

by the state agency. Upon appropriate application, the state agency shall give access to any of the following persons or agencies for purposes directly related with the administration of W.S. 14-3-201 through 14-3-216:

(h) No information, including recorded interviews of the child, shall be disclosed to any person in any civil proceeding not related to an abuse or neglect case brought under this article except upon order of the court which shall determine if good cause exists to disclose the information. Any protective order granting disclosure shall include appropriate protections against further dissemination in any form. The court may conduct an in camera review of a recorded interview prior to issuing a protective order and may impose such conditions as may be appropriate under the circumstances of the proceeding to prevent further dissemination of the recorded interview.

Section 2. This act is effective July 1, 2015.

Approved March 10, 2015.

Chapter 192

STUDY ON MANAGEMENT OF PUBLIC LANDS

Original Senate File No. 56

AN ACT relating to public lands; providing that the office of state lands and investments shall commission a study and provide a report addressing management of public lands in Wyoming by the state of Wyoming as specified; specifying what the study shall not include; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) The office of state lands and investments shall commission a study to address the management of specified federally administered public lands in the state of Wyoming by the state of Wyoming.

(b) The study shall include:

(i) An identification of the public lands to be managed and the interests, rights and uses associated with those lands;

(ii) The development of a proposed plan for the administration, management and use of the public lands under the principle of multiple use and sustained yield that includes, but is not limited to, the continuation of all existing public access to the lands for hunting, fishing and recreation subject to closure for special circumstances including public safety and environmental sensitivity;

(iii) An economic analysis concerning the management of the public lands, including but not limited to:

(A) The identification of the costs directly incident to the management of those lands;

(B) A comparison of the likely costs for the state of Wyoming to manage the identified land and the costs incurred by the federal government to manage those same lands;

(C) The identification of sources of revenue to pay for the administration and maintenance of those lands by the state of Wyoming, including appropriate fees to charge the federal government for management of the specified lands;

(D) A determination of the amount of any revenue that is currently received by the state of Wyoming or political subdivision thereof in connection with those lands, including but not limited to, any payments made in lieu of taxes and mineral royalties and leases;

(E) The identification of any potential revenue which may be received from those lands by the state of Wyoming after the management of the lands by the state of Wyoming and recommendations for the distribution of those revenues;

(F) A consideration of other relevant federal actions or policies determined to impact revenues to the state of Wyoming due to federally managed lands.

(c) The study shall not include consideration of management by the state of Wyoming of current congressionally designated wilderness areas, national conservation areas or lands currently administered by the department of energy, department of defense or the department of interior's Bureau of Indian Affairs, United States fish and wildlife service or national park service.

(d) The office of state lands and investments may engage the services of research or consulting firms as necessary to carry out the purposes of this act. The office of state lands and investments shall consult with the attorney general's office, the governor's office and county commissioners in developing the study pursuant to this act.

(e) The office of state lands and investments shall regularly provide updates on the study to the select federal natural resource management committee. The office of state lands and investments shall submit a final report to the select federal natural resource management committee no later than November 30, 2016. The final report shall include the study results and recommendations with respect to the issues specified in subsection (b) of this section. The select federal natural resource management committee shall consider the recommendations and develop legislation it deems appropriate for consideration by the legislature.

Section 2. There is appropriated seventy-five thousand dollars ($75,000.00)

from the general fund to the office of state lands and investments. This appropriation shall only be expended for the purpose of commissioning a study and hiring consultants to assist in the study pursuant to this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert on June 30, 2017.

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, 2015.

Chapter 193

BIGHORN SHEEP RELOCATION

Original Senate File No. 133

AN ACT relating to game and fish; providing an appropriation; directing the removal or relocation of big horn sheep as specified; and providing for an effective date.

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

Section 1. There is appropriated thirty-seven thousand five hundred dollars ($37,500.00) from the general fund to the game and fish department. This appropriation shall be for the period beginning with the effective date of this act and ending December 31, 2020. This appropriation shall only be expended for the purpose of removing or relocating the Darby Mountain big horn sheep herd from the Bridger-Teton National Forest boundaries as a result of any federal judicial or agency action requiring the elimination or suspension of any domestic sheep grazing in the Wyoming range of the Bridger-Teton National Forest, in conformance with the Final Report and Recommendations from the Wyoming State-wide Bighorn/Domestic Sheep Interaction Working group dated September 2004. Removal or relocation shall be accomplished by the department as soon as practicable but not later than December 31, 2020. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on December 31, 2020. This appropriation shall not be included in the department's 2017-2018 standard biennial budget request.

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

Approved March 10, 2015.

Chapter 194

SCHOOL FACILITIES APPROPRIATIONS

Original Senate File No. 57

AN ACT relating to school facilities projects; modifying appropriations for school facility projects for the biennial period July 1, 2014 through June 30, 2016; requiring reporting; providing appropriations; and providing for an effective date.

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

Section 1. 2014 Wyoming Session Laws, Chapter 82, Section 1(b)(i), (c), (d), (e)(i)(B), (ii)(B), (C), (iii)(B), (iv)(B), (v)(B), (vi)(B), (viii)(A), (ix) and (x) is amended as follows:

Section 1.

(b) As used in this section:

(i) "Condition needs index priority" means the condition needs index priority used by the school facilities commission in developing the remediation schedule for the 2015-2016 biennial budget recommendation <u>and the 2015-2016 supplemental budget request,</u> in accordance with W.S. 21-15-117(a)(i);

(c) The amounts appropriated from the school capital construction account under this act are for the biennial period commencing July 1, 2014, and ending June 30, 2016.~~ As authorized under W.S. 21-15-119(a)(iii), the school facilities commission shall submit a supplemental budget request for the period beginning July 1, 2015, and ending June 30, 2016, for any emergency or unanticipated need, or for any refinement or modification of a project funded under this section, subject to any constraints and other requirements imposed by the governor under W.S. 9-2-1013.~~

(d) An estimated schedule for deploying projects funded by amounts appropriated under this section and projects funded by previous appropriations, as adopted by the school facilities commission and contained within Appendix A to the 2015-2016 biennial budget <u>and as modified by the 2015-2016 supplemental budget request</u> submitted by the commission under W.S. 21-15-119, shall be used by the school facilities department in guiding the expenditure of appropriated funds. The estimated schedule developed under this subsection shall be based upon information, processes, events and expenditures and shall not be binding upon the department or the commission. Amounts appropriated under this section and previous

appropriations shall not be construed to be an entitlement or guaranteed amount and shall be expended by the commission and department to ensure adequate, efficient and cost effective school buildings and facilities in accordance with W.S. 21-15-114(a)(vii). In addition to accounting requirements imposed under W.S. 28-11-301(c)(iv), the school facilities department shall develop a process for reporting at least once each year, the deployment of amounts funding projects under this section and previous appropriations in accordance with the deployment schedule, depicting project progression and if applicable, the rationale for deviation from the estimated schedule. The reports, as approved by the commission, shall be submitted by the department to the select committee on school facilities, the joint education interim committee, the joint appropriations interim committee and the governor.

(e) The following amounts are appropriated from the school capital construction account to the school facilities commission for the fiscal biennium beginning July 1, 2014, and ending June 30, 2016, for the specified purposes:

(i) For planning projects:

(B) In addition to the amounts appropriated under subparagraph (A) of this paragraph, up to two hundred fifty thousand dollars ($250,000.00) ~~for planning projects approved by the school facilities commission. Except as otherwise specified in this subparagraph, the amounts appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. The school facilities commission may through the school facilities department, use the B-11 process as provided under W.S. 9-2-1005(b) to expend amounts appropriated under this subparagraph prior to legislative authorization required under this subparagraph. In reporting to the legislature proposed expenditures of amounts appropriated under this subparagraph, the commission shall include the evaluation of remedies addressing facility needs for Campbell County School District No. 1, Fremont County School District No. 1, Laramie County School District No. 1, Natrona County School District No. 1, Niobrara County School District No. 1 and Sheridan County School District No. 2.,~~ subject to the prescribed maximum amounts:

Condition Needs Index Priority	School District	Project	Maximum Amount
Capacity	Fremont #25	Elementary School	$25,000
Capacity	Fremont #25	Elementary School	$25,000
Capacity	Laramie #1	Elementary Schools	$60,000
Capacity	Laramie #1	Elementary Schools	$35,000
3	Fremont #1	Elementary School	$35,000
13	Goshen #1	Elementary School	$35,000
20	Campbell #1	K-8 School	$35,000
Total			$250,000

(ii) For design projects:

(B) ~~For the period commencing July 1, 2015, and ending June 30, 2016, and~~ In addition to the amounts appropriated under subparagraph (A) of this paragraph, up to six million one thousand five hundred ninety-four dollars ($6,001,594.00), ~~for design projects approved by the school facilities commission. The amounts appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. The school facilities commission shall, within its report to the legislature for the proposed expenditure of amounts appropriated under this subparagraph, include the design of project remedies addressing the needs of Campbell County School District No. 1, Laramie County School District No. 1 and Washakie County School District No. 2,~~ subject to the prescribed maximum amounts:

Condition Needs Index Priority	School District	Project	Maximum Amount
Capacity	Laramie #1	Elementary School	$ 100,000*
Capacity	Sweetwater #1	High School	$4,165,959
10	Sublette #9	Middle School	$1,735,635
Total			$6,001,594

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

(iii) For capital construction projects:

(B) Up to ~~two hundred twenty million nine hundred fifteen thousand two hundred sixty-one dollars ($220,915,261.00)~~ two hundred twenty-four million sixty-five thousand two hundred sixty-one dollars ($224,065,261.00), subject to the following maximum amounts:

Condition Needs Index Priority	School District	Project	Maximum Amount
Previous (7)	Carbon #1	High School	$ 3,150,000*
Previous (21)	Lincoln #1	High School	$ 1,058,420*
Previous (59)	Fremont #21	K-8 School	$ 2,318,614*
Capacity	Campbell #1	Elementary School	$ 1,737,147
Capacity	Campbell #1	High School	$30,102,065
Capacity	Sweetwater #1	Elementary School	$16,035,699
Capacity	Big Horn #3	Middle School	$ 4,693,706
Capacity	Campbell #1	Elementary School	$16,035,699
Capacity	Laramie #1	Elementary School	$18,357,703
Capacity	Natrona #1	Elementary School	$13,310,333
Capacity	Fremont #25	Elementary School	$13,677,531
Capacity	Sheridan #1	Elementary School	$12,998,595
Capacity	Lincoln #2	Elementary School	$ 2,788,453
Capacity	Weston #1	Elementary School	$ 2,338,561
Capacity	Sweetwater #2	Elementary School	$ 9,726,522
Capacity	Fremont #21	High School	$16,441,037
Capacity	Natrona #1	Elementary School	$ 4,092,089
Capacity	Laramie #1	Elementary School	$ 867,464
Capacity	Sweetwater #2	Elementary School	$ 6,698,790
Capacity	Crook #1	Elementary School	$13,604,770
1	Big Horn #4	Middle/High School	$17,701,657
4	Natrona # 1	Elementary School	$ 168,310
6	Sweetwater #2	K-8 School	$ 165,710
16	Big Horn #4	Elementary School	$ 7,981,998
59	Laramie #2	Elementary School	$ 8,014,388
Total			~~$220,915,261~~ $224,065,261

(iv) For demolition projects:

(B) ~~For the period commencing July 1, 2015, and ending June 30, 2016, and~~ In addition to the amounts appropriated under subparagraph (A) of this paragraph, up to five hundred thousand dollars ($500,000.00), ~~for demolition projects approved by the school facilities commission. The amounts~~

~~appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. Proposed expenditures of amounts appropriated under this subparagraph as reported to the legislature by the school facilities commission shall include remedies for the demolition needs for Campbell County School District No. 1 and Natrona County School District No. 1.~~ subject to the prescribed maximum amounts:

Condition Needs Index Priority	School District	Project	Maximum Amount
N/A	Natrona #1	Vacant Land	$ 131,071
N/A	Goshen #1	Bus Barn	$ 368,929
Total			$ 500,000

(v) For land acquisitions:

(B) For the period commencing July 1, 2015, and ending June 30, 2016, and in addition to the amounts appropriated under subparagraph (A) of this paragraph, up to seven hundred fifty thousand dollars ($750,000.00) for land acquisitions approved by the school facilities commission~~. The amounts appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. In reporting proposed expenditures of amounts appropriated under this subparagraph to the legislature, the school facilities commission shall include acquisitions~~ addressing the facility needs for Albany County School District No. 1.~~, Campbell County School District No. 1, Laramie County School District No. 1, Park County School District No. 1, Washakie County School District No. 1 and Washakie County School District No. 2.~~ A separate report of ~~proposed~~ expenditures under this subparagraph shall be submitted by the commission to the co-chairmen of the joint education interim committee;

(vi) For ancillary building projects:

(B) For the period commencing July 1, 2015, and ending June 30, 2016, and in addition to the amounts appropriated under subparagraph (A) of this paragraph, up to one million dollars ($1,000,000.00), ~~for ancillary building projects approved by the school facilities commission. The amount appropriated under this subparagraph shall only be available for expenditure as specifically authorized by the legislature. Within its report to the legislature on proposed expenditures~~

~~of amounts appropriated under this subparagraph, the school facilities commission shall include remedies addressing the ancillary building needs for Campbell County School District No. 1, Crook County School District No. 1, Goshen County School District No. 1, Park County School District No. 6, Teton County School District No. 1 and Uinta County School District No. 6.~~ subject to the prescribed maximum amounts:

Condition Needs Index Priority	School District	Project	Maximum Amount
N/A	Campbell #1	Bus Barn	$ 451,400
N/A	Teton #1	Bus Barn	$ 468,600
N/A	Platte #1	Bus Barn	$ 80,000
Total			$ 1,000,000

(viii) For component level projects:

(A) Up to ~~six million two hundred ten thousand three hundred forty-six dollars ($6,210,346.00)~~ ten million two hundred sixteen thousand forty-nine dollars ($10,216,049.00), subject to the following maximum amounts:

Component Projects Category	School District	Project	Maximum Amount
c.	Fremont #25	High School HVAC	$2,277,298
s.	Converse #2	Parking Lot/Demo	$ 296,752
s.	Weston #7	Parking Lot	~~$1,165,367~~ $1,527,423
c.	Sweetwater #2	Fuel Tank	$ 470,000
c.	Fremont #25	Bus Barn	$1,873,354
c.	Campbell #1	Elementary School HVAC	$ 127,575
s.	Weston #1	External Siding	$ 550,000
s.	Park #16	Gymnasium Renovation	$2,053,241
s.	Uinta #1	Roof Replacement	$ 610,500
s.	Sheridan #2	Water Distribution System	$ 203,528
s.	Goshen #1	High School Plumbing	$ 76,378
s.	Big Horn #3	Playground Gravel	$ 150,000
Total			~~$6,210,346~~ $10,216,049

(ix) For the period commencing July 1, 2015, and ending June 30, ~~2016~~ 2017, up to nine million dollars ($9,000,000.00) for security projects approved by the school facilities commission. The amount appropriated under this paragraph shall only be ~~available for expenditure as specifically authorized by the legislature~~ expended after completion of a comprehensive statewide assessment of all school safety and security needs and compilation of a prioritized list of school safety and security remedies based upon uniform standards and guidelines. Prior to the expenditure of any funds appropriated under this paragraph, the school facilities commission, through the school facilities department, shall provide the joint appropriations interim committee and the select committee on school facilities with a prioritized list identifying the projects and associated funding. The report shall include a summary of the results of the statewide assessment and a copy of the standards or guidelines utilized in assessing and prioritizing the school safety and security projects. **[~~The joint appropriations interim committee and the select committee on school facilities shall jointly present to the governor recommendations identifying the projects for expenditure of the funds made available under this paragraph. The governor shall review the recommendations and authorize expenditure of the funds for safety and security projects identified under the prioritized list~~]; [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN VETOED BY GOVERNOR March 10, 2015.]**

(x) Upon recommendation of the school facilities commission and approval of the governor, for the unanticipated costs associated with design, construction, demolition, ancillary building, security and component level projects funded under this subsection, ~~eighteen million four hundred fourteen thousand ninety-six dollars ($18,414,096.00)~~ twenty-four million nine hundred ninety-five thousand eight hundred thirty-five dollars ($24,995,835.00);

Section 2. The school facilities commission, through the department, shall review the process used in identifying, reviewing and prioritizing school district building component level needs, giving full consideration to the proper use of major maintenance and other capital construction funding provided by the state in addressing building adequacy in the most efficient and cost effective manner. The commission and department shall report recommendations to refine component level funding to the select committee on school facilities on or before September 1, 2015. Recommendations shall include refinement

of other capital construction funds provided by the state if necessary. There is appropriated from the school capital construction account to the school facilities department, up to two hundred fifty thousand dollars ($250,000.00) for the period beginning on the effective date of this act and ending June 30, 2016. This appropriation shall be expended only for professional consulting expertise and other administrative costs necessary to conduct the study 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, 2016.

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, 2015.

Chapter 195

SPENDING POLICY AMENDMENTS

Original Senate File No. 146

AN ACT relating to the administration of government; codifying and continuing the legislative stabilization reserve account, the strategic investments and projects account and the school foundation program reserve account; providing for distribution of earnings from the permanent accounts as specified; providing for the automatic transfer of funds from certain earnings on state investments as specified; providing for distributions of federal mineral royalties as specified; and providing for an effective date.

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

Section 1. W.S. 9-4-219, 9-4-220 and 21-13-306.1 are created to read:

9-4-219. Legislative stabilization reserve account created; purposes.

The legislative stabilization reserve account created by 2005 Wyoming Session Laws, Chapter 191, Section 4, Section 301(d) is continued and codified. Funds within the account shall only be expended by legislative appropriation. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

9-4-220. Strategic investments and projects account created; purposes.

The strategic investments and projects account created by 2013 Wyoming Session Laws, Chapter 73, Section 4, Section 300(e) is continued and codified. Funds within the account shall only be expended by legislative appropriation. The governor may include appropriation requests from funds available within the strategic investments and projects account within his biennial budget requests for one-time expenditures as he deems necessary. All funds within the account shall be invested by the state treasurer and all investment earnings

from the account shall be credited to the general fund.

21-13-306.1. School foundation program reserve account; purposes.

The school foundation program reserve account created by 2014 Wyoming Session Laws, Chapter 26, Section 300(g) is continued and codified. Funds within the account shall only be expended by legislative appropriation. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

Section 2. W.S. 9-4-203(a)(xiii), 9-4-601(a)(ii), by creating a new paragraph (xi), (d)(iii) and by creating a new paragraph (viii) and 9-4-719(b), (f) and by creating new subsections (q) and (r) are amended to read:

9-4-203. Definitions.

(a) As used in this act:

(xiii) "This act" means W.S. 9-4-201 through ~~9-4-216~~ 9-4-220.

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:

(ii) Subject to paragraph (xi) of this section, forty-four and eight-tenths percent (44.8%) to the public school foundation program account subject to allocations under W.S. 9-4-605;

(xi) From the amounts which would otherwise be distributed to the school foundation program account under paragraph (ii) of this subsection, there is annually appropriated to the school foundation program reserve account the amount determined under W.S. 9-4-719(r).

(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:

(iii) Subject to paragraphs (v), ~~and~~ (vi) and (viii) of this subsection, one-third (1/3) to the school foundation program account;

(viii) From the amounts which would otherwise be distributed to the

school foundation program account under paragraph (iii) of this subsection and after making the necessary appropriation under paragraph (vi) of this subsection, there is annually appropriated to the school foundation program reserve account the amount determined under W.S. 9-4-719(r).

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

(b) There is created the permanent Wyoming mineral trust fund reserve account. Beginning July 1, 2016 for fiscal year 2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the general fund as necessary to ensure that an amount equal to the spending policy amount specified in subsection (d) of this section calculated on the first day of the fiscal year, reduced by the amount credited to the legislative stabilization reserve account and the strategic investments and projects account by subsection (q) of this section, is available for expenditure annually during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ ninety percent (90%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund.

(f) There is created the common school permanent fund reserve account. Beginning July 1, 2015 for fiscal year 2016 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the common school account within the permanent land income fund as necessary to ensure that an amount equal to two and one-half percent (2.5%) of the previous five (5) year average market value of the common school account within the permanent land fund, calculated from the first day of the fiscal year is available for expenditure annually during the fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2000, revenues in this account in excess of ~~seventy-five percent (75%)~~ ninety percent (90%) of the spending policy amount shall be credited to the common school account within the permanent land fund.

(q) The earnings from the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii) during each fiscal year beginning July 1, 2016, which are less than the spending policy established in subsection (d) of this section are appropriated from the general fund subject to the following:

(i) Any earnings in excess of two and one-half percent (2.5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year and less than or equal to the spending policy amount specified in subsection (d) of this section shall be credited to the legislative stabilization reserve account created by W.S. 9-4-219 and the strategic investments and projects account created by W.S. 9-4-220 in equal amounts; and

(ii) The appropriations in this subsection shall be credited to the designated account as soon as practicable after the end of the fiscal year but no later than ninety (90) days after the end of the fiscal year.

(r) Beginning July 1, 2015 for fiscal year 2016 and each fiscal year thereafter, there is appropriated to the school foundation program reserve account created by W.S. 21-13-306.1 amounts determined under this subsection not to exceed available funds provided by W.S. 9-4-601(a)(xi) and (d)(viii). The amount of the appropriation shall be calculated by the state treasurer subject to the following:

(i) The amount shall be equal to the extent to which earnings from the common school account within the permanent land fund under W.S. 9-4-204(u)(iv) exceed three percent (3%) of the previous five (5) year average market value of the common school account within the permanent land fund, calculated from the first day of the fiscal year, and are less than or equal to the spending policy amount in subsection (h) of this section for the fiscal year; and

(ii) The appropriation shall be credited to the account as soon as practicable after the end of the fiscal year but no later than ninety (90) days after the end of the fiscal year.

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, 2015.

Chapter 196

HOSPITAL UNCOMPENSATED CARE

Original Senate File No. 145

AN ACT relating to public health; providing for payments to acute care hospitals for uncompensated charity care as specified; providing definitions; creating a grant program for uncompensated charity care as specified; creating an account; providing an appropriation; providing a sunset date; and providing for an effective date.

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

Section 1.

(a) As used in this section:

(i) "Acute care hospital" means a hospital licensed in Wyoming pursuant to W.S. 35-2-901 through 35-2-911, including critical access hospitals that meet the requirements of the federal Centers for Medicare and Medicaid Services to be designated as a critical access hospital, and which provides acute patient care but excluding those hospitals that do not operate a full-time emergency room or that do not accept Medicaid patients;

(ii) "Department" means the Wyoming department of health;

(iii) "Uncompensated charity care" means hospital care that an individual cannot reasonably be expected to pay for due to poverty. The department in

administering this section shall use the definition of uncompensated charity care used by the federal government in preparing the Medicare cost report.

(b) The uncompensated charity care account is established. The account shall be administered by the department. Funds in the account shall be distributed on a quarterly basis to acute care hospitals in the state to reduce hospitals' costs for uncompensated charity care.

(c) The department shall promulgate rules and regulations to administer the fund. The rules and regulations shall include provisions for:

(i) Ensuring that reimbursements do not exceed available funds;

(ii) Limiting reimbursement to the necessary support of the poor;

(iii) Preventing duplication between distributions from the account and proceeds from Medicaid or other third party payors;

(iv) Providing for hospital reports and distributions for uncompensated charity care beginning July 1, 2015. In calculating its uncompensated charity care each hospital shall use the cost-to-charge ratio in its most recent Medicare cost report.

(d) The department may contract with a fiscal agent to make the actual payments and conduct any necessary audits or distribution requests. Distribution requests shall be made in a form and manner prescribed by the department. The department or its agent on its behalf may request any documentation it deems necessary to support any request for reimbursement.

(e) Each acute care hospital shall report to the department for each fiscal year the total cost of uncompensated charity care based on audited and settled cost reports from the most recent settled year.

(f) The department shall limit hospitals' distributions for uncompensated charity care as provided in this section. The department shall coordinate distributions from the uncompensated charity care account to assure that, in any calendar year, two-thirds (2/3) of distributions shall be to critical access hospitals that meet the requirements of the federal Centers for Medicare and Medicaid Services to be designated as a critical access hospital and one-third (1/3) of distributions shall be to prospective payment system acute care hospitals. The department shall calculate each hospital's fractional share of the total uncompensated charity care as shown in the most recent audited and settled Medicare cost report as of June 1, 2015. A hospital's distribution shall not exceed the available appropriated funds, multiplied by that hospital's fractional share of the total charity care.

(g) The state auditor shall establish a grant program for any hospital having twenty-five (25) or fewer beds, that can demonstrate it provides uncompensated charity care, and that can demonstrate for the period July 1, 2014 through December 31, 2014 the hospital did not have cash reserves sufficient

to cover one hundred (100) days of operation. Hospitals licensed under W.S. 35-2-901 through 35-2-911, that qualify under this section shall apply to the state auditor no later than July 30, 2015 to qualify for grant funding under this section based upon their demonstrated charity care costs on June 30, 2015, not to exceed seventy-five percent (75%) reimbursement for their uncompensated charity care or two hundred thousand dollars ($200,000.00) whichever is less, as determined by the state auditor.

(h) This act is repealed June 30, 2016.

Section 2.

(a) There is appropriated two million dollars ($2,000,000.00) from the general fund to the uncompensated charity care account. Notwithstanding any other provision of law, this appropriation shall not be included in the 2017-2018 standard biennial budget. This appropriation shall be expended only as provided in section 1, subsection (f) of this act.

(b) One million dollars ($1,000,000.00) of general funds remaining from 2007 Wyoming Session Laws, Chapter 217, Section 2(a) on June 30, 2015, shall be reappropriated to the state auditor for the period beginning July 1, 2015 and ending June 30, 2016 to provide grants as provided in section 1, subsection (g) of this act.

Section 3. This act is effective July 1, 2015.

Became law without signature March 10, 2015.

Original Senate Resolution No. 2

A JOINT RESOLUTION proposing to amend the Wyoming Constitution to authorize the investment of state funds not designated as permanent funds of the state in equities upon a two-thirds vote of both houses of the legislature.

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 the Wyoming Constitution by amending Article 16, Section 6 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 16, Section 6. Loan of credit; donations prohibited; works of internal improvement.

(a) Neither the state nor any county, city, township, town, school district, or any other political subdivision, shall:

(i) Loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor;~~, nor~~ or

(ii) Subscribe to or become the owner of the capital stock of any association or corporation, except that:

(A) Funds of public employee retirement systems and the permanent funds of the state of Wyoming may be invested in such stock under conditions the legislature prescribes;~~.~~

(B) The legislature may provide by law for the investment of funds not designated as permanent funds of the state in the capital stock of any association or corporation and may designate which of these funds may be invested. The legislature may prescribe different investment conditions for each fund. Any legislation establishing or increasing the percentage of any fund that may be invested under this subparagraph shall be passed only by a two-thirds (2/3) vote of all the members of each of the two (2) houses voting separately.

(b) The state shall not engage in any work of internal improvement unless authorized by a two-thirds (2/3) vote of the people.

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:

Currently, the Wyoming Constitution allows the legislature to authorize the investment of public employee retirement systems funds and permanent state funds in equities, such as stock or shares in private or public companies. Permanent funds of the state include funds designated as permanent funds by the Constitution. The Wyoming Constitution does not allow the state to invest any other funds in equities.

The adoption of this amendment would allow the legislature, by two-thirds vote of the members of both houses, to authorize the investment of additional specified state funds in equities.

Approved March 9, 2015.

Original House Resolution No. 3

A JOINT RESOLUTION requesting Congress, state and local authorities to take action to prevent further damage and remediate damages caused by free-roaming feral horses on rangelands in the West and to develop effective fertility control methods to reduce the populations of free-roaming feral horses in the West.

WHEREAS, Wyoming has recognized the Wild and Free-Roaming Horses and Burros Act of 1971 and free-roaming horses are defined as feral under W.S. 11-48-101(a)(iii); and

WHEREAS, the federal Bureau of Land Management (BLM) estimates that almost fifty thousand (50,000) feral horses roam BLM managed rangelands in the West, with nearly three thousand (3,000) of those feral horses, the majority of which descend from animals turned out by ranchers, roaming public rangelands in Wyoming; and

WHEREAS, free-roaming feral horses have virtually no natural predators in Wyoming nor the West and BLM evidence suggests the population of feral horses can double in size about every four (4) years if left uncontrolled; and

WHEREAS, BLM estimates that the current free-roaming population of feral horses significantly exceeds the number that can exist in healthy balance with other public rangeland resources and uses, including wildlife and domestic livestock grazing; and

WHEREAS, free-roaming feral horses, among other things, trample and destroy vegetation, hard-pack soil, over-graze and decimate riparian areas causing degradation in areas that provide important habitat for native species such as pronghorn, mule deer, bighorn sheep and sage grouse; and

WHEREAS, the state of Wyoming has a federally approved sage grouse conservation plan, the efficacy of which is being compromised by continuing habitat damage resulting from free-roaming horses; and

WHEREAS, the number of free-roaming feral horses removed from public rangelands in the West by BLM in compliance with the Wild Free-Roaming Horses and Burros Act of 1971, now far exceeds the number of feral horses adopted or sold; and

WHEREAS, those feral horses not adopted by the public are held in long-term pastures or short-term corrals costing BLM nationally an estimated fifty-eight million dollars ($58,000,000.00) per year; and

WHEREAS, evidence suggests the development and use of effective fertility control methods can limit the populations of free-roaming feral horses, lessen the need to remove free-roaming feral horses from the state's rangelands, improve the health of the rangelands in the West, conserve wildlife habitat and save taxpayers money; and

WHEREAS, the following reports provide, among other things, data, statistics and recommended strategies to manage free-roaming feral horses in the West and protect the state's rangeland resources and uses: Range-wide Interagency Sage-grouse Conservation Team, Near-Term Greater Sage-Grouse Conservation Action Plan (September 2012); Ted Williams, Horse Sense, Audubon (September/October 2006); David Ganskopp and Martin Vavra, Habitat Use by Feral Horses in the Northern Sagebrush Steppe, Journal of Range Management Volume 39(3) (May 1986); K.W. Davies and C.S. Boyd, Effects on Feral Free-Roaming Horses on Semi-Arid Rangeland Ecosystems: An Example from the Sagebrush Steppe, Ecosphere Volume 5(10) (October 2014); Linda Zeigen-

fuss et al., Influence of Nonnative and Native Ungulate Biomass and Seasonal Precipitation on Vegetation Production in a Great Basin Ecosystem, Western North American Naturalist Volume 74(3) (2014); Erik Beever and Peter Brussard, Examining Ecological Consequences of Feral Horse Grazing Using Exclosures, Western North American Naturalist Volume 60(3) (2000); Kelly Crane et al., Habitat Selection Patterns of Feral Horses in Southcentral Wyoming, Journal of Range Management Volume 50(4) (July 1997); Erik Beever, Management Implications of the Ecology of Free-Roaming Horses in Semi-Arid Ecosystems of the Western United States, Wildlife Society Bulletin Volume 31(3) (2003); and Erik Beever and Cameron Aldridge, Influences of Free-Roaming Equids on Sagebrush Ecosystems, with a Focus on Greater Sage-Grouse, Studies in Avian Biology Volume 38 (2011).

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 adequately fund and support all efforts to manage free-roaming feral horses on rangelands in the West at the appropriate management level, utilizing all management and control methods authorized by Section 3(d) of the Wild Free-Roaming Horses and Burros Act.

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 environmental impact of free-roaming feral horses on rangelands in the West. These efforts should include the development and use of effective fertility control methods to reduce the free-roaming populations of feral horses on rangelands in the West.

Section 3. That the Wyoming Legislature calls on Congress to prohibit the reintroduction of feral horses back onto the western rangelands outside the current herd management areas, nor onto existing herd management areas at or above the authorized management levels.

Section 4. That the Wyoming Legislature calls on Congress and federal agencies to prioritize these requested management activities to the sage grouse core areas and priority habitat strongholds in order to reduce the possibility of an endangered listing for the sage grouse and to stop the resource damage now occurring.

Section 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Wyoming Congressional Delegation, the Secretary of the Interior, the Director of the Federal Bureau of Land Management and the Director of the Wyoming Office of the Bureau of Land Management.

Approved March 2, 2015.

Original House Resolution No. 6

A JOINT RESOLUTION supporting policy initiatives that promote local food production in Wyoming and recognizing the value of growing, raising, processing and marketing local food products as an important segment of Wyoming agriculture.

WHEREAS, Wyoming has a strong history of self-reliance, independence and providing a variety of foods to our families and communities; and

WHEREAS, Wyoming farmers, ranchers and growers across the state are establishing diversified agricultural businesses which produce high quality and healthy vegetables, meats, eggs, honey, milk and fruits for expanding consumer markets including farmers markets, farm-to-table, restaurants, community supported agriculture programs and school districts; and

WHEREAS, these Wyoming producers are increasing local food security, expanding job opportunities and increasing economic prosperity for Wyoming's rural and urban communities; and

WHEREAS, the Wyoming business council has documented that local farmer's markets in Wyoming contribute over two million dollars ($2,000,000.00) to the local economy, local agricultural markets, and create long term jobs contributing over six hundred fifty thousand dollars ($650,000.00) in labor income; and

WHEREAS, there is great potential to expand the number and diversity of local food producers in Wyoming; and

WHEREAS, the University of Wyoming, Wyoming department of agriculture, Wyoming Business Council and other agencies have increased support of local food education and development; and

WHEREAS, the Wyoming legislature has passed several bills in recent years to expand local food production opportunities for Wyoming producers; and

WHEREAS, it is in the best interest of Wyoming to support these local food producers through innovative policy initiatives and reduced regulation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the legislature of the state of Wyoming supports and recognizes the benefit of locally grown foods to our economy, to the security of our food supply and to the health of our citizens and recognizes local food production as a vital component of Wyoming's agricultural economy.

Section 2. That the legislature of the state of Wyoming urges cooperative and financial support, educational resources and technical assistance from Wyoming executive agencies and educational institutions to promote local food production and consumer opportunities.

Section 3. That the legislature of the state of Wyoming supports initiatives

which encourage development of local and regional food systems including, but not limited to, local procurement laws, farm-to-school programs, cottage foods, food hubs, independent livestock feeding operations and in-state meat processing and encourages private investment and entrepreneurship and public-private partnerships to further the establishment of a local food base for Wyoming consumers.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the members of the Wyoming County Commissioners Association, Wyoming Association of Municipalities and the Wyoming School Board Association.

Approved March 2, 2015.

Original House Resolution No. 8

A JOINT RESOLUTION requesting Congress to eliminate the freeze on longer combination vehicles and consent to the creation of a voluntary compact between Western states that will establish uniform size and weight limits, routes, configuration and operating conditions for longer combination vehicles.

WHEREAS, one of the most significant ways to improve freight system performance on the highways of the western United States is through the use of more efficient trucks and truck combinations; and

WHEREAS, over the past two (2) decades, longer combination vehicles (LCVs), which are tractor-trailer combinations with two (2) or more trailers that have a gross vehicle weight exceeding eighty thousand (80,000) pounds, have demonstrated considerable benefits to the general public through increased productivity, higher safety ratings, increased fuel savings, emissions reductions and congestion mitigation; and

WHEREAS, a Federal Highway Administration freeze on state authority to expand the use of LCVs has been in place since 1991, and since that time there has been substantial population, traffic congestion and vehicle registration growth and a significant increase in vehicle miles traveled and vehicle emissions; and

WHEREAS, eliminating the freeze on LCVs for the affected states, including Wyoming, will give these states the flexibility to establish uniformity in LCV oversight and find ways to benefit from LCV operations in each of the affected states and throughout the western United States; and

WHEREAS, consenting to a voluntary compact or agreement between the states of Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, South Dakota, Texas, Utah, Washington and Wyoming will allow these states to establish uniform size and weight limits for LCVs, which are not to exceed one hundred twenty-nine thousand (129,000)

pounds gross vehicle combination weight or one hundred (100) foot cargo carrying length, and adopt LCV routes, configurations and operating conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That Congress is urged to lift the freeze on longer commercial vehicles for the affected Western states, including Wyoming, in order to take advantage of new transportation strategies to improve highway efficiency and reduce vehicle miles traveled, traffic congestion, fuel consumption and air pollution emissions.

Section 2. That Congress consent to the creation of a voluntary compact or agreement between the states of Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, South Dakota, Texas, Utah, Washington and Wyoming that will establish uniform LCV size capacity, routes, configurations and operating conditions.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

Approved March 2, 2015.

Original House Resolution No. 7

A JOINT RESOLUTION to the United States Secretary of Agriculture and the Chief of the United States Forest Service expressing support for the timely and scheduled completion of Rare Element Resources' Bear Lodge Critical Rare Earth Project environmental impact statement.

WHEREAS, Rare Element Resources proposed a small, high-grade open pit rare earth minerals mine on lands managed by the United States Forest Service in Crook County, Wyoming, that, because of the land's high grade, critical rare earth content and Rare Element Resources' technological achievements in processing is being recognized as America's most advanced future domestic source of a secure supply of rare earth critical minerals; and

WHEREAS, the United States was once largely self-sufficient in rare earth element production but today relies on imported rare earth critical minerals; and

WHEREAS, at least twenty-seven (27) federal reports and studies in recent years have described the increasingly dangerous state of American reliance on imports of critical minerals, including rare earth minerals that will be processed from the Bear Lodge Project; and

WHEREAS, Rare Element Resources has identified a world class project with

strong project economics and at least a forty-five (45) year project life; and

WHEREAS, Rare Element Resources has established significant value in those rare earth minerals that are deemed by the United States Department of Energy to be in highest demand and most susceptible to supply disruption; and

WHEREAS, Rare Element Resources has developed a proprietary rare earths recovery process on which four (4) patents have been filed; and

WHEREAS, the United States Department of Energy has invited Rare Element Resources to join the Department's Critical Materials Institute, which develops solutions to the domestic shortages of rare earth minerals and other critical minerals essential to America's energy and national security and finds innovative technology solutions to help America avoid a supply shortage that would threaten its clean energy industry and security interests; and

WHEREAS, Rare Element Resources is one of only seven (7) private sector American companies chosen to join the Department of Energy's Critical Materials Institute, which is composed of America's leading researchers in science from academia and four (4) Department of Energy national laboratories; and

WHEREAS, Rare Element Resources' scheduled startup of the Bear Lodge Project depends on the timely completion of an environmental impact statement by the United States Forest Service; and

WHEREAS, the Bear Lodge Project was originally scheduled to begin commissioning in the fourth quarter of 2016, but has been delayed by the United States Forest Service in preparing the draft environmental impact statement; and

WHEREAS, the Bear Lodge Project has been identified as a project of national significance by the United States Department of Energy and meeting the project's scheduled startup depends on the timely completion of the environmental impact statement by the United States Forest Service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the legislature of the state of Wyoming encourages the Secretary of Agriculture and the Chief of the United States Forest Service to understand the strategic national importance of the unique mineral resources to be produced from the Bear Lodge Project and the importance of establishing Rare Element Resources as the top domestic rare earth minerals producer and one of the top producers in the world by 2016.

Section 2. That the legislature of the state of Wyoming encourages the Secretary of Agriculture and the Chief of the United States Forest Service to work to establish deadlines for finalizing reasonable input to the Bear Lodge Project environmental impact statement process.

Section 3. That the legislature of the state of Wyoming encourages the Secretary of Agriculture and the Chief of the United States Forest Service to prompt-

ly identify and implement the proper steps to accelerate and streamline the environmental impact statement of the Bear Lodge Project to meet the schedule originally set in 2014 by the United States Forest Service for a final environmental impact statement and record of decision in the fourth quarter of 2015, thus allowing Rare Element Resources to begin commissioning in 2016.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the United States Secretary of Agriculture, the Chief of the United States Forest Service and to the Wyoming Congressional Delegation.

Approved March 2, 2015.

Original House Resolution No. 1

A JOINT RESOLUTION requesting Congress to amend the United States Constitution to authorize congressional votes to approve or disapprove proposed federal regulations.

WHEREAS, the growth and abuse of federal regulatory authority threaten our Constitutional liberties, including those guaranteed by the bill of rights, particularly the tenth amendment of the United States Constitution; and

WHEREAS, federal regulators must be more accountable to elected representatives of the people and not immune from such accountability; and

WHEREAS, agency regulations often go beyond the intended authority granted by Congress; and

WHEREAS, the United States House of Representatives has passed with bipartisan support the Regulations from the Executive in Need of Scrutiny Act to require that Congress approve major new federal regulations before they can take effect; and

WHEREAS, even if enacted, a law may be repealed or waived by a future Congress and president; and

WHEREAS, an amendment to the United States Constitution does not require the president's approval and cannot be waived by a future Congress and president.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That Congress is urged to initiate the amendment process provided by article 5 of the Constitution of the United States to adopt the regulation freedom amendment as follows:

"Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the president their written declaration of opposition to a proposed federal regulation, it shall require

a majority vote of the House of Representatives and the Senate to adopt that regulation."

Section 2. That Congress shall specify that the amendment as provided in this resolution shall be operative upon ratification by the legislatures of three-fourths of the several states, provided that the ratification shall occur within seven (7) years from the date of the submission of the amendments to the states by Congress.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

Approved March 4, 2015.

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