

**SESSION  
LAWS  
OF  
WYOMING**

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**2017  
General Session**



**SESSION LAWS  
OF THE  
STATE OF WYOMING  
PASSED BY THE  
SIXTY-FOURTH LEGISLATURE  
2017 GENERAL SESSION**

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**CONVENED AT CHEYENNE, January 10, 2017  
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## USERS NOTES

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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.

Legislative Service Office





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(Ratified by electors November 8, 2016)

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**AMENDMENTS  
TO THE  
CONSTITUTION  
OF THE  
STATE OF WYOMING**

**CONSTITUTIONAL AMENDMENT**

Ratified by the electors at the General Election held on November 8, 2016.

**CONSTITUTIONAL AMENDMENT NO. A**

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; 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.



**LAWS**  
**PASSED BY THE**  
**SIXTY-FOURTH**  
**WYOMING LEGISLATURE**  
**2017 GENERAL SESSION**

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**Chapter 1**

**ADULT PROTECTIVE ORDERS-TIME LIMIT EXTENSION**

Original House Bill No. 17

AN ACT relating to adult protective services; extending the permissible period for emergency services; and providing for an effective date.

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

**Section 1.** W.S. 35-20-107(c) is amended to read:

**35-20-107. Emergency services.**

(c) The allegations of the petition shall be proved by a preponderance of the evidence. If the court finds that the vulnerable adult has been or is being abused, neglected, exploited, intimidated or abandoned, or is committing self neglect, that an emergency exists and that the vulnerable adult lacks the capacity to consent to the provision of services, the court may order the department to provide protective services on an emergency basis. The court shall order only those services necessary to remove the conditions creating the emergency and shall specifically designate the authorized services. The order for emergency protective services shall remain in effect for a period not to exceed seventy-two (72) hours, excluding weekends and holidays. The order may be extended for up to an additional ~~seventy-two (72) hour~~ thirty (30) day period if the court finds that the extension is necessary to remove the emergency. The vulnerable adult, his agent, his court appointed representative or the department, through the attorney general or the district attorney, may petition the court to set aside or modify the order at any time.

**Section 2.** This act is effective July 1, 2017.

Approved February 13, 2017.

## Chapter 2

### SMALL CLAIMS APPEARANCE FEE

Original House Bill No. 16

AN ACT relating to small claims procedures; removing the requirement that an appearance fee be deposited with the court; and providing for an effective date.

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

**Section 1.** W.S. 1-21-201 and 1-21-202(a) are amended to read:

**1-21-201. Procedure generally; jurisdiction extended.**

In the trial of civil cases before any circuit court in which the amount claimed, exclusive of costs, does not exceed six thousand dollars (\$6,000.00), the procedure ~~and costs are~~ *is* as defined in W.S. 1-21-201 through 1-21-205. The department of revenue may consolidate claims for collection of taxes against a single taxpayer into a single case under the procedures in W.S. 1-21-201 through 1-21-205 subject to specified dollar limitations.

**1-21-202. Commencement of actions; remedy cumulative; continuance to obtain attorney; docketing.**

(a) Actions may be commenced, heard and determined under W.S. 1-21-201 through 1-21-205 if the state, any governmental entity, any natural person, corporation, partnership, association or other organization appears before any circuit court and executes an affidavit reciting the full address of the defendant, the nature of the claim, the amount due and stating that demand has been made and payment refused. ~~The plaintiff shall deposit an appearance fee of four dollars (\$4.00) which shall be retained by the court as costs and taxed to the party against whom judgment is rendered.~~ The remedy provided by this article is cumulative and not exclusive.

**Section 2.** This act is effective July 1, 2017.

Approved February 13, 2017.

## Chapter 3

### CHILD ABUSE OR NEGLECT IN MILITARY FAMILIES

Original House Bill No. 18

AN ACT relating to child protection; specifying duties of the department of family services and local protection agencies; requiring inquiry into the military status of persons and children in a child abuse or neglect case as specified; amending reporting requirements in specified child abuse or neglect cases; and providing for an effective date.

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

**Section 1.** W.S. 14-3-203(c) by creating a new paragraph (vi),

14-3-204(a)(viii), (ix) and by creating a new paragraph (x) and 14-3-206(a)(i) and (ii)(intro) are amended to read:

**14-3-203. Duties of state agency; on-call services.**

(c) The state agency shall ensure that all child protective service workers are trained:

(vi) To make reasonable efforts to determine if the person responsible for the welfare of a child in a suspected case of child abuse or neglect is a member of the armed forces or if the child is enrolled in the defense enrollment eligibility reporting system of the United States department of defense.

**14-3-204. Duties of local child protective agency.**

(a) The local child protective agency shall:

(viii) When the best interest of the child requires court action, contact the county and prosecuting attorney to initiate legal proceedings and assist the county and prosecuting attorney during the proceedings. If the county attorney elects not to bring court action the local child protective agency may petition the court for appointment of a guardian ad litem who shall act in the best interest of the child and who may petition the court to direct the county attorney to show cause why an action should not be commenced under W.S. 14-3-401 through 14-3-439;~~and~~

(ix) Refer a child receiving department services who is under the age of six (6) years to the department of health, division of developmental disabilities preschool program for educational and developmental screening and assessment; ~~and~~

(x) Make reasonable efforts to determine if the person responsible for the welfare of a child in a suspected case of child abuse or neglect is a member of the armed forces or if the child is enrolled in the defense enrollment eligibility reporting system of the United States department of defense.

**14-3-206. Child abuse or neglect; written report; statewide reporting center; documentation; costs and admissibility thereof.**

(a) Reports of child abuse or neglect or of suspected child abuse or neglect made to the local child protective agency or local law enforcement agency shall be:

(i) Conveyed immediately by the agency receiving the report to the appropriate local child protective agency or local law enforcement agency and, if the person responsible for the welfare of a child is a member of the armed forces or if the child is enrolled in the defense enrollment eligibility reporting system of the United States department of defense, to the state judge advocate for the Wyoming military department. The agencies shall continue cooperating and coordinating with each other during the assessment or investigation; and

(ii) Followed by a written report by the receiving agency confirming or not confirming the facts reported. The report shall provide to law enforcement, or the local child protective agency and the state judge advocate for the Wyoming military department when appropriate, the following, to the extent available:

**Section 2.** This act is effective July 1, 2017.

Approved February 13, 2017.

## Chapter 4

### DRY BEAN COMMISSION MEMBER TERMS

Original House Bill No. 25

AN ACT relating to agriculture; specifying the term of elected members of the dry bean commission; and providing for an effective date.

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

**Section 1.** W.S. 11-50-102(b) is amended to read:

**11-50-102. Dry bean commission established; composition; appointment; term; removal; vacancies; reimbursement for expenses.**

(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. After initial terms, elected members shall serve for a term of four (4) years. 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.

**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 13, 2017.

## Chapter 5

### HEALTH CARE FACILITY LICENSING/BED COUNT LIMIT-EXEMPTION

Original House Bill No. 83

AN ACT relating to health care licensing and operations; amending the exemption from licensing and bed count requirements at health care facilities owned or operated by the department of health; and providing for an effective date.

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

**Section 1.** W.S. 35-2-906(g) is amended to read:

**35-2-906. Construction and expansion of facilities; exemption.**

(g) Beds constructed at any health care facility owned or operated by the department shall be exempt from subsections (b) and (c) of this section.

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

Approved February 13, 2017.

## Chapter 6

### UNEMPLOYMENT INSURANCE-ELECTRONIC COMMUNICATIONS

Original House Bill No. 71

AN ACT relating to unemployment compensation; allowing electronic communications as specified; and providing for an effective date.

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

**Section 1.** W.S. 27-3-517 is created to read:

**27-3-517. Electronic delivery of information.**

Whenever this article requires any determination, decision or notice to be transmitted through the mail, the determination, decision or notice may be transmitted by an internet application approved by the department but only upon an election by the claimant or employer to receive the information by electronic transmission. Upon the completion of every electronic transmission authorized by this section, the department shall provide to the claimant or employer an electronic acknowledgement specifying the date and time when the transmission was sent or received. Except as otherwise required by rules applicable to appeals to the courts of this state, determinations, decisions or notices transmitted by an approved electronic means may be appealed or protested by use of the same means. For the purpose of all relevant time limits established by this article, electronically transmitted information shall be deemed delivered on the date indicated on the acknowledgment required by this section, or if no acknowledgment exists, on the date the electronic delivery is initiated by the party sending the information.

**Section 2.** W.S. 27-3-401 by creating a new subsection (c) is amended to read:

**27-3-401. Filing notice and electronic communications.**

(c) A claimant or employer may elect to have determinations, decisions or

notices transmitted electronically through an internet application approved by the department, in lieu of transmission through the regular mail. Once the election is made by the claimant or employer, any determination, decision or notice required to be mailed to that claimant or employer by this article may be transmitted instead through an internet application approved by the department. Upon the completion of every electronic transmission authorized by this subsection, the department shall provide to the claimant or employer an electronic acknowledgement specifying the date and time when the transmission was sent or received. Except as otherwise required by rules applicable to appeals to the courts of this state, determinations, decisions or notices transmitted by an approved electronic means may be appealed or protested by use of the same means. For the purpose of all relevant time limits established by this article, electronically transmitted information shall be deemed delivered on the date indicated on the acknowledgment required by this subsection, or if no acknowledgment exists, on the date the electronic delivery is initiated by the party sending the information.

**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 13, 2017.

## Chapter 7

### NONRESIDENT MOTORBOATS-GASOLINE TAX DISTRIBUTION

Original House Bill No. 33

AN ACT relating to gasoline taxes; amending the amount attributable to nonresident motorboats for computations for distribution to the department of state parks and cultural resources 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(c)(iii) is amended to read:

**39-17-111. Distribution.**

(c) The department shall credit to appropriate accounts based upon deductions from the taxes collected under this article in the following order:

(iii) Deduct an amount collected on fuel used in motorboats, computed by multiplying the number of motorboats numbered during the current fiscal year under W.S. 41-13-102 and five thousand (5,000) nonresident motorboats plus the number of nonresident motorboats for which aquatic invasive species fees have been paid during the immediately preceding fiscal year in accordance with W.S. 23-4-204 times twenty-eight dollars and seventy-five cents (\$28.75). The amount computed shall be credited to a separate account to be expended

by the department of state parks and cultural resources to improve facilities for use by motorboats and motorboat users at state parks and state recreation areas and to provide grants to governmental entities for improvement of publicly owned boating facilities at public parks and recreational facilities;

**Section 2.** This act is effective July 1, 2017.

Approved February 14, 2017.

## Chapter 8

### EDUCATION-STATE BOARD OF EDUCATION MEMBERSHIP

Original House Bill No. 42

AN ACT relating to membership of the state board of education; modifying the membership to include the president of the University of Wyoming as a nonvoting ex-officio member; and providing for an effective date.

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

**Section 1.** W.S. 21-2-301(a) is amended to read:

**21-2-301. Appointment; qualifications, terms and removal of members; meetings; chairman.**

(a) There is created a state board of education composed of ~~thirteen (13)~~ fourteen (14) members, eleven (11) of whom shall be appointed members with at least one (1) member appointed from each appointment district pursuant to W.S. 9-1-218. Appointments from each appointment district shall be rotated among the several counties comprising the district. The remaining voting member of the board shall be the state superintendent of public instruction. The executive director of the Wyoming community college commission and the president of the University of Wyoming, or their designees, shall be ~~an~~ ex-officio member-members and shall not have the right to vote. One (1) appointed member shall be appointed at large and shall be a certified classroom teacher at the time of appointment. One (1) appointed member shall also be appointed at large and shall be a certified school administrator at the time of appointment. Two (2) appointed members shall be appointed at large and shall be representative of private business or industry in Wyoming. On and after March 1, 2013 and upon expiration of their respective terms, the appointments of the two (2) members previously designated to be representative of business or industry shall be at large, one (1) a representative of Wyoming private business or industry and one (1) a member of a school district board of trustees at the time of appointment. The first appointment to the term of such member which expires on or after March 1, 2013, shall be a school district board member at the time of appointment. The remaining seven (7) appointed members of the board shall be appointed from among the lay citizens of the state who are

electors of the state, known for their public spirit, business or professional ability and interest in education. Not more than seventy-five percent (75%) of the appointed members of the board shall be from one (1) political party. Members shall be appointed for six (6) year terms, except those who may be appointed to fill unexpired terms. Members shall be appointed by the governor with the approval of the senate. Vacancies shall be filled by the governor without senate approval until the next session of the legislature. No member is eligible to reappointment, except any member appointed to fill an unexpired term of less than six (6) years may be reappointed for one (1) additional six (6) year term. Appointed members of the board may be removed by the governor as provided in W.S. 9-1-202.

**Section 2.** This act is effective July 1, 2017.

Approved February 14, 2017.

## Chapter 9

### BOARD OF INSURANCE EXAMINERS-REPEAL

Original House Bill No. 43

AN ACT relating to insurance producers and adjusters; requiring the commissioner of insurance to conduct a review of licensing examination procedures; establishing a review panel to assist in the commissioner's review of licensing exam procedures; authorizing reimbursement of expenses; repealing the state board of insurance agent examiners; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 26-9-235 is created to read:

**26-9-235. Licensing examination review panel.**

(a) The commissioner shall review the procedures for administering examinations required by this chapter no less than every three (3) years. The review shall include consideration of employing outside testing services as authorized by W.S. 26-9-205(b).

(b) The commissioner shall establish a review panel consisting of six (6) licensed insurance producers or adjusters to assist in the administration of duties under subsection (a) of this section. Each licensed insurance producer or adjuster shall have been licensed in this state for at least three (3) years immediately prior to appointment. One (1) shall be a life and accident and health producer, one (1) a property and casualty producer, one (1) the producer of a domestic insurer, one (1) a title insurance agent, one (1) a limited lines producer and one (1) an insurance adjuster.

(c) Panel members shall serve four (4) year terms, except that of the initial review panel three (3) members shall serve a term of two (2) years and three (3) members for four (4) years. Initial terms shall commence on August 1, 2017.



Any member of the review panel may be removed as provided under W.S. 9-1-202. Vacancies shall be filled by the commissioner for the unexpired term.

(d) The review panel shall provide the following assistance to the commissioner:

(i) Review general policy concerning the scope, contents, procedure and conduct of examinations to be given by the commissioner for licenses for insurance producers and adjusters;

(ii) Review the questions comprising each particular examination;

(iii) Review the scope and contents of material furnished examination applicants by the commissioner under W.S. 26-9-205 for the purpose of preparing for an examination;

(iv) Review the procedure to be followed in the conduct of examinations, including but not limited to application for examination, frequency and place of examinations and monitoring and safeguarding of examination questions and papers;

(v) Review the value to be allowed for a correct answer to each question in examination grading;

(vi) Make any recommendations to the commissioner it deems appropriate, including recommendations regarding the administration of the examination requirements for licensing.

(e) The commissioner, upon application by the panel members, is authorized to reimburse each panel member per diem and mileage expenses, as allowed to state employees, for each day they are actually engaged in the discharge of the panel's duty.

**Section 2.** W.S. 26-9-205 is amended to read:

**26-9-205. Application for examination.**

(a) A resident individual applying for an insurance producer license shall pass a written examination unless exempt pursuant to W.S. 26-9-209. The examination shall test the knowledge of the individual concerning the lines of authority for which application is made, the duties and responsibilities of an insurance producer and the insurance laws and regulations of this state. Examinations required by this section shall be developed and conducted by the commissioner who ~~shall adhere to the applicable instructions or recommendations of the state board of insurance agents' examiners as provided by W.S. 26-10-104~~ may promulgate appropriate rules and regulations on the administration of examinations.

(b) The commissioner ~~and the state board of insurance agents' examiners~~ may make arrangements, including contracting with an outside testing service, for administering examinations. If an outside testing service is employed, each

individual applying for an examination shall remit the appropriate fee for the examination to the testing service.

**Section 3.** W.S. 26-2-109(d), 26-2-203, 26-4-102(b)(i) and 26-10-101 through 26-10-109 are repealed.

**Section 4.** Any funds in the account of the state board of insurance agent's examiners created by W.S. 26-10-107(a) shall be deposited in the general fund.

**Section 5.** This act is effective July 1, 2017.

Approved February 14, 2017.

## Chapter 10

### HIGHER EDUCATION FISCAL PROCEDURE AMENDMENTS

Original House Bill No. 59

AN ACT relating to education; amending specified higher education fiscal procedures; providing for submittal of an exception budget request for health insurance funding as specified; providing that state matching funds for specified higher education endowment accounts shall only be made available to the extent contributions are actually received by the higher education institution; and providing for an effective date.

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

**Section 1.** W.S. 21-16-904(a)(ii), 21-16-1003(a)(ii), 21-16-1104(a), 21-16-1403(a)(ii) and 21-18-203 by creating a subsection (f) are amended to read:

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

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

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

**21-16-1003. Athletics challenge matching program; state treasurer to administer program account; matching payments; conditions; annual reports; reversion of appropriations.**

(a) The state treasurer shall administer the university athletics challenge account established under this article. The following shall apply:

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the qualifying contribution is received. Matching funds shall only be available for expenditure to the extent cash or cash equivalent contributions are actually received by the University of Wyoming. If a qualifying contribution is made through a series of payments or transfers, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the contribution totals at least twenty-five thousand dollars (\$25,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that qualifying contribution are received by the foundation;

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

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

**21-16-1403. Academic facilities challenge matching program; state treasurer to administer program account; matching payments; conditions; annual reports; reversion of appropriations.**

(a) The state treasurer shall administer the university academic facilities challenge account established under this article. The following shall apply:

(ii) The state treasurer shall make transfers to the university under this section not later than the end of the calendar quarter following the quarter during which the qualifying contribution is received. Matching funds shall only be

available for expenditure to the extent cash or cash equivalent contributions are actually received by the University of Wyoming. If a qualifying contribution is made through a series of payments or transfers, no matching funds shall be transferred by the state treasurer until the total value of all payments or transfers actually received toward the contribution totals at least twenty-five thousand dollars (\$25,000.00). Thereafter, matching funds shall be transferred as payments or transfers toward that qualifying contribution are received by the foundation;

**21-18-203. Budget procedure.**

(f) In preparing the estimates under W.S. 9-3-210(c), the community college commission shall submit an exception budget request for health insurance funding needs related to the addition of any benefitted positions created during the preceding fiscal year at the colleges in the commission's budget request for the subsequent fiscal year.

**Section 2.** This act is effective July 1, 2017.

Approved February 14, 2017.

## Chapter 11

### PAYMENT OF WAGES UPON TERMINATION-TIME LIMITS

Original House Bill No. 92

AN ACT relating to labor and employment; permitting the time period for payment of wages upon termination of employment to be specified in a collective bargaining agreement; 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 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, no later than the employer's usual practice on regularly scheduled payroll dates or at a time specified under the terms of a collective bargaining agreement between the employer and the employee. 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 February 14, 2017

## Chapter 12

### STATE PARKS AND SITES-FEES

Original House Bill No. 30

AN ACT relating to state parks, historic sites, archeological sites and recreation areas; authorizing the department of state parks and cultural resources to designate parks, sites and areas as fee areas; modifying fees for the use of parks, sites and areas; authorizing voluntary fees; modifying provision related to the use of fee income as specified; removing redundant language; and providing for effective dates.

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

**Section 1.** W.S. 36-4-121(a)(intro), by creating new paragraphs (xvii) through (xxvi), (b), (c), (h), (j), (k), (o) and by creating new subsections (r) and (s) 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 as designated by the department with the approval of the Wyoming parks and cultural resources commission. Permits may be subject to per person, per vehicle or time restrictions or any other restriction the director of the department deems appropriate. The director may waive any permit fee imposed pursuant to this section, offer discounts or offer at no charge complimentary permits or gift certificates for permits authorized by this section. Except for the lifetime permit issued without cost pursuant to as provided in subsection (n) of this section, the cost of the permits authorized under this section shall be approved by the~~

commission and set in an amount not to exceed the following:

- (xvii) Resident annual daily use permit ..... \$64.00
- (xviii) Nonresident annual daily use permit ..... \$96.00
- (xix) Resident daily use fee ..... \$8.00
- (xx) Nonresident daily use fee ..... \$12.00
- (xxi) Resident overnight camping permit ..... \$12.00
- (xxii) Nonresident overnight camping permit..... \$18.00
- (xxiii) Annual resident overnight camping permit ..... \$96.00
- (xxiv) Per person daily use bus fee for guided tours, which shall not be charged to persons under the age of eighteen (18) years ..... \$5.00
- (xxv) Daily use lodge permit..... \$300.00
- (xxvi) Daily use group picnic shelter and adjacent ground permit.....\$150.00

(b) ~~Any holder of an annual daily use permit or an annual resident overnight camping permit may obtain additional vehicle annual daily use permits or additional vehicle annual overnight camping permits from The department or any selling agent of the department may issue additional vehicle annual daily use permits or additional vehicle annual overnight camping permits upon payment of the a fee prescribed under paragraph (a)(vii) or (viii) of this section; as applicable, and upon submission of proof satisfactory to the department that an original annual permit was purchased and that the additional vehicle is registered in the same name as the vehicle for which the original annual permit is obtained, or that the additional vehicle is operated by the person who purchased the original annual permit or a member of his family under duly granted authority from his employer. The director shall determine the validity of the authority of an applicant to operate an employer-owned vehicle prior to issuance of an additional vehicle permit for that vehicle under this section. Any vehicle in tow by another vehicle owned by the same person shall be considered a single vehicle for purposes of this section and only a single annual bucking horse daily use permit shall be required for entrance at state parks and a single annual overnight camping permit shall be required for overnight camping at state parks in an amount not to exceed fifty percent (50%) of the cost of the original annual permit.~~

(c) ~~If an annual daily use permit or an annual resident overnight camping permit is lost, mutilated or destroyed, the holder of the permit may obtain a duplicate annual permit from The department or any selling agent of the department permit may issue duplicate annual daily use permits or annual resident overnight camping permits upon the holder of the permit filing an affidavit showing the loss, mutilation or destruction of the original permit and upon payment of the a fee imposed under paragraph (a)(ix) or (x) of this section, as~~

applicable in an amount not to exceed twenty-five percent (25%) of the cost of the original annual permit.

(h) The funds received by the department from the sale of the permits shall be deposited into an account within the special revenue fund, hereby created as the state parks account, and, except as otherwise provided by this subsection, 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%)~~ thirty percent (30%) 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.

(j) Any person using state parks, recreation areas, archeological sites and historic sites and failing to obtain a permit ~~required~~ authorized by this section and any person otherwise violating this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

(k) The department of state parks and cultural resources is authorized to contract with the town of Ranchester to implement a fee collection program at Connor Battlefield state historic site and to provide for park maintenance and operation. Notwithstanding subsection (h) of this section, fees collected pursuant to ~~paragraphs (a)(ii) and (v) of this section~~ for overnight camping at Connor Battlefield state historic site shall be deposited into a separate account and may be expended by the department pursuant to contracts entered into under this subsection.

(o) The department is authorized to sponsor special events and to contract with groups sponsoring special events at state parks, recreation areas, archeological sites or historic sites. A special event fee may be charged ~~as provided in paragraph (a)(xiii) of this section~~ regardless of whether a daily use fee has been established by law and in addition to any other fee. All funds received from special events sponsored by the department shall be deposited in special events account. The funds deposited within the account are continuously appropriated to and may be expended by the department to conduct special events directly or pursuant to contracts entered under this subsection.

(r) The department may establish methods whereby voluntary contributions may be accepted in support of state parks, historic sites, archeological sites or recreation areas. The department may suggest and solicit specific contribution amounts.

(s) The department may, with the approval of the commission, charge an amenities fee in addition to any other fee authorized under this section for ser-



vices designated by the commission as added amenities. Funds collected from the amenities fee authorized by this subsection shall be deposited in a separate 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 this subsection at the end of the fiscal year may be deposited in the state parks account and expended in accordance with subsection (h) of this section. Revenues and expenditures under this subsection for each of the immediately preceding two (2) fiscal years shall be reported within the department's biennial budget request submitted under W.S. 9-2-1013.

**Section 2.** W.S. 36-4-121(a)(i) through (xv) is repealed.

**Section 3.** The department shall promulgate rules and regulations necessary to implement this act by July 1, 2017.

**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2017.

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

Approved February 16, 2017.

## Chapter 13

### BORROWING AUTHORITY FOR DEPARTMENT OF TRANSPORTATION

Original House Bill No. 51

AN ACT relating to pooled fund investment loans; authorizing the state auditor to borrow funds to assist the department of transportation obligations as specified; establishing the interest rate of an unpaid balance; and providing for an effective date.

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

**Section 1.** W.S. 9-1-418 is created to read:

**9-1-418. Pooled fund investment loans; maximum amount; repayment.**

The state auditor is authorized to borrow from pooled fund investments in the treasurer's office an amount not to exceed two hundred million dollars (\$200,000,000.00) at any one (1) time to meet the obligations of the department of transportation which come due prior to the receipt of revenues. The amounts borrowed under this section shall be repaid as soon as the anticipated revenue is received. Interest on the unpaid balance shall be equal to the greater of two percent (2%) or the rate of return earned on pooled fund investments in



the previous fiscal year. These loans shall not be used to fund shortages caused by expenditures exceeding projected revenues but are to be used only to fund temporary shortages caused by meeting obligations which come due prior to receipt of revenues.

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

Approved February 16, 2017.

## Chapter 14

### STUDENT DATA PRIVACY, SECURITY AND TRANSPARENCY

Original House Bill No. 8

AN ACT relating to education; amending requirements of state data security plan to ensure privacy of student data collected; requiring policies for the collection, access, privacy, security and use of student data by school districts; accordingly requiring school districts to adopt and enforce policies for the collection, access, privacy, security and use of student data; 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)(xxxiv)(intro), (H), (J), by creating new subparagraph (K) and by creating a new paragraph (xxxvii) and 21-3-110(a) by creating a new paragraph (xxxv) 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:

(xxxiv) With the department of enterprise technology services, establish criteria for the collection, storage, management and reporting of department of education data ~~related including, but not limited~~ to teacher certification, statewide education accountability and assessment and the administration of the school finance system. In carrying out this paragraph, the state superintendent and the department of enterprise technology services shall develop a data privacy and security plan that includes:

(H) Prohibition of the sale or trade of student data to private entities or organizations; ~~and~~

(J) All personally identifiable student information being reported to the department of education or the department of enterprise technology by a student's Wyoming student record identification and locator number as issued by the department of education; ~~and~~

(K) Standards and protocols to remove personally identifiable information in order to provide for data collection and analysis without disclosing the identity of the student whose data is being collected and used.

(xxxvii) In consultation with the department of enterprise technology, the

department of audit and school districts, establish and maintain guidelines for school districts for the collection, access, privacy, security and use of student data by school districts. The guidelines shall, at a minimum, be in compliance with the federal Family Educational Rights and Privacy Act and other relevant federal and state laws and include the following:

(A) Authorization and authentication mechanisms for accessing student data;

(B) Administrative, physical and logical security safeguards, including employee training and data encryption;

(C) Privacy and security compliance standards;

(D) Processes for identification of and response to data security incidents, including breach notification and mitigation procedures;

(E) Standards for retention and verified destruction of student data.

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

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

(xxxv) Effective January 1, 2018, adopt and enforce a policy regarding the collection, access, privacy, security and use of student data in accordance with guidelines established by the state superintendent under W.S. 21-2-202(a)(xxxvii).

**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 16, 2017.

## Chapter 15

### INSURANCE CODE-AMENDMENTS

Original House Bill No. 14

AN ACT relating to insurance; requiring registration of third party administrators and providing associated rulemaking authority; establishing a fee for third party administrators; amending licensing provisions; amending insurance producer continuing education requirements; repealing obsolete language; and providing for an effective date.

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

**Section 1.** W.S. 26-53-101 through 26-53-103 are created to read:

#### CHAPTER 53 THIRD PARTY ADMINISTRATORS

**26-53-101. Definitions.**

(a) As used in this chapter:

(i) "Third party administrator" means a person who directly or indirectly underwrites, collects charges, collateral or premiums from, or adjusts or settles claims on residents of this state, in connection with life, annuity, health, or stop-loss coverage offered or provided by an insurer, but does not include any of the following:

(A) An employer on behalf of its employees or the employees of one (1) or more subsidiary or affiliated corporations of such employer;

(B) A union on behalf of its members;

(C) A fully self-funded insurance plan meeting the definition of employee benefit plan as set forth in the Employee Retirement Income Security Act of 1974;

(D) An insurance company licensed in this state;

(E) A prepaid hospital or medical care plan;

(F) An insurance agent or broker licensed in this state when acting as an insurance agent or broker;

(G) A creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors;

(H) A bank, credit union or other financial institution which is subject to supervision or examination by federal or state banking authorities when acting as a bank, credit union or other financial institution and not as an administrator;

(J) A credit card company which advances for and collects premiums or charges from its credit card holders who have authorized it to do so, provided such company does not adjust or settle claims;

(K) A person who adjusts or settles claims in the normal course of the person's practice or employment as an attorney at law or an adjuster licensed in this state and who does not collect charges or premiums in connection with insurance coverage or annuities.

**26-53-102. Registration of third party administrators; rulemaking authority.**

No person shall act as a third party administrator in this state without a certificate of registration issued by the commissioner. The commissioner in compliance with the Wyoming Administrative Procedure Act shall promulgate reasonable rules and regulations necessary to implement this chapter.

**26-53-103. Third party administrator fee.**

Every third party administrator registered with the department shall pay the fee provided for in W.S. 26-4-101(a)(xix).

**Section 2.** W.S. 26-4-101(a) by creating a new paragraph (xix),

26-9-202(a)(vii) and by creating a new paragraph (xxi), 26-9-207(f) and (g), 26-9-211(a)(xi) and by creating a new paragraph (xiii), 26-9-219(a), 26-9-231(f) and 26-32-101 by creating a new subsection (c) are amended to read:

**26-4-101. Fee schedule.**

(a) The commissioner shall collect in advance or contemporaneously fees, licenses and miscellaneous charges as specified in this subsection. Collection may include the acceptance of electronic funds transfer. All fees and other charges collected by the commissioner as specified in this subsection shall be nonrefundable:

(xix) Third party administrator (biennial) .....\$ 200.00

**26-9-202. Definitions.**

(a) As used in this chapter:

(vii) "Limited lines insurance" means those lines of insurance referred to in paragraph (xxi) of this subsection and W.S. ~~26-9-221~~, 26-9-234, ~~26-32-101~~, 26-37-102(a)(iv) or any other line of insurance the commissioner deems necessary to recognize for the purposes of complying with W.S. 26-9-208(e);

(xxi) "Crop insurance" means insurance providing protection against damage to crops from unfavorable weather conditions, fire, lightning, flood, hail, insect infestation, disease or other yield-reducing conditions or perils provided by the private insurance market or that is provided by the federal crop insurance corporation, including multi-peril crop and protection of revenue from adverse market fluctuation insurance.

**26-9-207. License.**

(f) Licensees shall inform the commissioner by any means acceptable to the commissioner of a change of name, address, telephone number or other contact information as defined by rule and regulation of the commissioner within thirty (30) days of the change.

(g) The commissioner may contract with nongovernmental entities, including the National Association of Insurance Commissioners or any affiliates or subsidiaries that association oversees, to perform any ministerial functions, including the collection of fees, related to ~~producer or surplus lines broker~~ licensing that the commissioner and the nongovernmental entity may deem appropriate.

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

(a) The commissioner may, after appropriate notice and opportunity for hearing pursuant to the Wyoming Administrative Procedure Act and in accordance with W.S. 26-2-125 through 26-2-129, place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or other license issued

under this code, or may levy a civil penalty in accordance with W.S. 26-1-107 or any combination of actions, for any one (1) or more of the following causes:

(xi) Improperly using notes or any other reference material to complete an examination for an insurance license; ~~or~~

(xiii) Failing to maintain a valid home state license.

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

(a) Application for license as an adjuster shall be made to the commissioner on forms he prescribes and furnishes. The commissioner shall issue the license as to qualified individuals upon payment of the license application fee stated in W.S. 26-4-101. An adjuster may qualify for a license in one (1) or more of the following lines of insurance:

(i) Property insurance, as defined in W.S. 26-5-104;

(ii) Casualty insurance, as defined in W.S. 26-5-106;

(iii) Crop insurance, as defined in W.S. 26-9-202(a)(xxi).

**26-9-231. Continuing education.**

(f) Every person subject to this section shall furnish, in a form satisfactory to the commissioner, written certification as to the courses, programs or seminars of instruction taken by that person. The certification shall be executed by or on behalf of the sponsoring organization within a ~~sixty (60)~~ fifteen (15) day period following the course, program or seminar. A nonresident adjuster having met the continuing education requirements in his home state is exempt from the provisions of this section. A nonresident adjuster not licensed in his home state is subject to the requirements of this section.

**26-32-101. Supervision and audit of funds; approval of investment; promulgation of rules and regulations; licenses.**

(c) A person shall not sell prepaid or prearranged funeral contracts in this state unless the person is licensed by the department in accordance with W.S. 26-9-203.

**Section 3.** W.S. 26-9-221 is repealed.

**Section 4.** This act is effective July 1, 2017.

Approved February 16, 2017.

## Chapter 16

### JUDICIAL BRANCH BUDGET PROCESSES

Original House Bill No. 45

AN ACT relating to courts; providing budget procedures for the judicial branch; providing for the submittal of budgets of the judicial branch to the legislature; and providing for an effective date.

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

**Section 1.** W.S. 5-2-123 and 5-3-113 are created to read:

**5-2-123. Supreme court budget submittal.**

The supreme court shall submit standard and supplemental budget requests to the legislature not later than November 1 of the year preceding the fiscal year in which the standard or supplemental budget is to take effect. The supreme court shall prepare all personal services budget requests using the same methods and practices as the executive branch.

**5-3-113. District courts budget submittal.**

All district courts shall submit standard and supplemental budget requests to the legislature not later than November 1 of the year preceding the fiscal year in which the standard or supplemental budget is to take effect. The district courts shall prepare all personal services budget requests using the same methods and practices as the executive branch.

**Section 2.** W.S. 5-9-122 is amended to read:

**5-9-122. Budget.**

The supreme court shall submit one (1) budget for the operation of all circuit courts, itemized by circuit, to the legislature for appropriation for each biennial period using forms and following procedures provided by law for state agencies funded by legislative appropriation. The supreme court shall submit the circuit courts' budget in the same manner as provided for the supreme court budget in W.S. 5-2-123.

**Section 3.** This act is effective July 1, 2017.

Approved February 16, 2017.

## Chapter 17

### PUBLIC SAFETY COMMUNICATIONS REORGANIZATION

Original House Bill No. 65

AN ACT relating to the public safety communications commission; revising commission membership and duties; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1102(a)(intro), (xiii), (xiv), (xvi) and by creating a new subsection (d) and 9-2-1104(a)(i), (ii), by creating a new paragraph (vii) and (c) are amended to read:

**9-2-1102. Commission; composition; appointment of members; removal; terms; officers; vacancies; meetings.**

(a) The commission shall consist of ~~seventeen (17)~~ eleven (11) voting members to be appointed by the governor and who may be removed by the governor as provided in W.S. 9-1-202. The director of the Wyoming department of transportation, or his designee, shall serve as an ex officio nonvoting member of the commission. The ~~seventeen (17)~~ eleven (11) voting members shall be appointed from each of the following associations and agencies from their membership:

(xiii) ~~Municipal government~~ The Wyoming association of municipalities or a ~~another~~ municipal government association;

(xiv) ~~County government~~ The Wyoming county commissioners association or a ~~another~~ county government association;

(xvi) Tribal government or a tribal government association, ~~and~~

(d) The person appointed to the commission pursuant to paragraph (a)(v) of this section shall be the chief technology officer of the Wyoming department of transportation or another employee of the Wyoming department of transportation who oversees information technology or telecommunications systems.

**9-2-1104. Commission; powers and duties; advisory capacity to promote system development; public meetings; clerical and administrative support.**

(a) The commission shall:

(i) Work with the budget division of the department of administration and information, the department of enterprise technology services, the department of homeland security and the department of transportation in an advisory capacity to promote the development, improvement and efficiency of public safety communications systems in the state;

(ii) Report in writing each year ~~in October~~ to the governor and the joint transportation, highways and military affairs interim committee concerning any problems related to the installation, operation and maintenance of the system and shall make any recommendations it deems appropriate as a part of the report;

(vii) On or before May 31 of each odd numbered year, submit to the governor and the joint transportation, highways and military affairs interim committee a report covering the period beginning July 1 of the following year and ending June 30 in the fourth succeeding year detailing the expected costs of implementing the statewide system networking plan. The report shall include projections of one-time and recurring costs.

(c) Necessary clerical and administrative support for the commission shall be furnished ~~in accordance with W.S. 19-13-104(d)(v)~~ by the Wyoming department of transportation.

**Section 2.** W.S. 9-2-1102(a)(vi), (vii), (ix), (x), (xv) and (xvii) and 19-13-104(d)(v) are repealed.

**Section 3.** The terms of the members of the public safety communications commission serving pursuant to W.S. 9-2-1102(a)(vi), (vii), (ix), (x), (xv) and (xvii) expire on the effective date of this act.

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

Approved February 16, 2017.

## Chapter 18

### SELECT WATER COMMITTEE REVIEW OF PROJECTS

Original Senate File No. 3

AN ACT relating to the select water committee; specifying that the select water committee shall review projects and make recommendations as specified; and providing for an effective date.

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

**Section 1.** W.S. 28-11-101(b)(v) is amended to read:

**28-11-101. Appointment of members; powers and duties; related duties of water development commission.**

(b) The select committee shall:

(v) Review the budgets of all projects and make recommendations regardless of funding source.

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 19

### BANK SERVICE CORPORATIONS

Original Senate File No. 7

AN ACT relating to banks, banking and finance; modifying provisions related to bank service corporations; and providing for an effective date.

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

**Section 1.** W.S. 13-9-101(a), (f), (g)(i), (ii), by creating new subsections (h) and (j) is amended to read:

**13-9-101. Generally.**

(a) ~~Two (2) or more banks~~ A bank may invest not more than ten percent (10%) of ~~their individual~~ its paid in and unimpaired capital and surplus in a



bank service corporation.

(f) All bank services authorized under this act which are performed by contract or otherwise and bank service corporations shall be subject to regulation and examination by the state banking commissioner to the same extent as if the services were being performed by the bank itself on its own premises and subject to W.S. 9-1-512. Any bank contracting for or receiving bank services authorized under this act from a bank service corporation shall notify the commissioner within thirty (30) days of the earlier of the contract date or receipt of services. The state banking commissioner may furnish a copy of a bank service corporation's examination report to a bank serviced by the bank service corporation.

(g) As used in this section:

(i) "Bank services" means services such as check and deposit sorting, the posting, computation and posting of mailing of checks, statements, notices and similar items, ~~or any other~~ clerical, bookkeeping, accounting, statistical, data processing, mobile banking, electronic bill payments, system software development and maintenance, security monitoring or similar functions performed for a bank;

(ii) "Bank service corporation" means any of the following:

(A) A corporation:

(I) Organized to perform bank services for two (2) or more banks, each of which owns part authorized by this act; and

(II) All of the capital stock of the corporation; and which is owned by one (1) or more insured depository institutions, as defined in W.S. 13-2-802(a)(ix).

(B) A limited liability company:

(I) Organized to perform bank services authorized under this act; and

(II) All of the members of which are one (1) or more insured depository institutions, as defined in W.S. 13-2-802(a)(ix).

(h) To carry out the purposes of this article, the state banking commissioner may do any of the following:

(i) Enter into cooperative, coordinating or information sharing agreements with any other bank supervisory agency or any organization affiliated with or representing one (1) or more bank supervisory agencies;

(ii) Accept any report of examination or investigation by another bank supervisory agency having concurrent jurisdiction over a bank service corporation in lieu of conducting the state banking commissioner's own examination or investigation of the bank service corporation;

(iii) Enter into contracts with any bank supervisory agency having con-

current jurisdiction over a bank service corporation to engage the services of the agency's examiners as provided in W.S. 13-2-807(d);

(iv) Enter into joint examinations or joint enforcement actions with any other bank supervisory agency having concurrent jurisdiction over a bank service corporation. The state banking commissioner may take any such action independently if he determines that the action is necessary to carry out his responsibilities under this article or to enforce compliance with the laws of this state.

(j) The state of Wyoming does not waive its sovereign immunity by entering into any agreement pursuant to subsection (h) of this section.

**Section 2.** W.S. 13-9-101(b) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 20

### FUEL TAX APPEALS

Original Senate File No. 23

AN ACT relating to the state board of equalization; providing for appeals of fuel taxes to the board; and providing for an effective date.

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

**Section 1.** W.S. 39-11-102.1(c)(intro), 39-17-109(b), 39-17-209(b) and 39-17-309(b) are amended to read:

**39-11-102.1. Administration; state board of equalization.**

(c) The state board of equalization shall perform the duties specified in article 15, section 10 of the Wyoming constitution and shall hear appeals from county boards of equalization and review final decisions of the department upon application of any interested person adversely affected, including boards of county commissioners for the purposes of this subsection, under the contested case procedures of the Wyoming Administrative Procedure Act. The board shall also review final decisions of the department of transportation concerning the assessment or application of taxes authorized under this title upon application of any interested person adversely affected. Any interested person adversely affected by the adoption, amendment or repeal of a rule pursuant to W.S. 16-3-103(a) shall be afforded an opportunity for a hearing before the board. In addition, the board shall:

**39-17-109. Taxpayer remedies.**

(b) Appeals. ~~There are no specific applicable provisions for appeals for this~~

~~article. The following shall apply:~~

~~(i) Any person aggrieved by any final administrative decision of the department concerning the assessment of fuel taxes may appeal to the state board of equalization. Appeals shall be made in a timely manner as provided by rules and regulations of the board of equalization by filing with the board a notice of appeal specifying the grounds for the appeal;~~

~~(ii) The department shall, in a timely manner as specified by board rules and regulations, transmit to the board the complete record of the action from which the appeal is taken;~~

~~(iii) Any person, including the department, aggrieved by any order issued by the state board of equalization may appeal the decision of the board to the first judicial district court in Laramie county;~~

~~(iv) Except as otherwise provided in this section, no person aggrieved by the payment of taxes or any penalty or interest imposed by this article shall appeal a decision of the state board until all applicable taxes, penalties and interest have been paid.~~

#### **39-17-209. Taxpayer remedies.**

~~(b) Appeals. There are no specific applicable provisions for appeals for this article. The following shall apply:~~

~~(i) Any person aggrieved by any final administrative decision of the department concerning the assessment of fuel taxes may appeal to the state board of equalization. Appeals shall be made in a timely manner as provided by rules and regulations of the board of equalization by filing with the board a notice of appeal specifying the grounds for the appeal;~~

~~(ii) The department shall, in a timely manner as specified by board rules and regulations, transmit to the board the complete record of the action from which the appeal is taken;~~

~~(iii) Any person, including the department, aggrieved by any order issued by the state board of equalization may appeal the decision of the board to the first judicial district court in Laramie county;~~

~~(iv) Except as otherwise provided in this section, no person aggrieved by the payment of taxes or any penalty or interest imposed by this article shall appeal a decision of the state board until all applicable taxes, penalties and interest have been paid.~~

#### **39-17-309. Taxpayer remedies.**

~~(b) Appeals. There are no specific applicable provisions for appeals for this article. The following shall apply:~~

~~(i) Any person aggrieved by any final administrative decision of the department concerning the assessment of fuel taxes may appeal to the state board~~

of equalization. Appeals shall be made in a timely manner as provided by rules and regulations of the board of equalization by filing with the board a notice of appeal specifying the grounds for the appeal;

(ii) The department shall, in a timely manner as specified by board rules and regulations, transmit to the board the complete record of the action from which the appeal is taken;

(iii) Any person, including the department, aggrieved by any order issued by the state board of equalization may appeal the decision of the board to the first judicial district court in Laramie county;

(iv) Except as otherwise provided in this section, no person aggrieved by the payment of taxes or any penalty or interest imposed by this article shall appeal a decision of the state board until all applicable taxes, penalties and interest have been paid.

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 21

### JAIL PLACEMENT COORDINATION

Original Senate File No. 30

AN ACT relating to counties; authorizing contracts to house prisoners in county jails as specified; providing for contract conditions; and providing for an effective date.

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

**Section 1.** W.S. 18-6-317 is created to read:

**18-6-317. Contract for housing out-of-state prisoners; general conditions.**

(a) Subject to approval by the board of county commissioners and the provisions of this section, the sheriff may contract with any other state or governmental entity within another state for the housing of prisoners in the county jail. The sheriff or keeper of a jail to which any out-of-state prisoner is housed shall be responsible for the safekeeping of the out-of-state prisoner according to the terms of the contract. Funds paid by any other state or governmental entity within another state for the use of a county jail shall be credited to the general fund of the county wherein the jail is situated.

(b) A contract to house out-of-state prisoners shall:

(i) Not impact the ability of the county to house county prisoners;

(ii) Not include housing prisoners who have been convicted of an offense which, if committed in Wyoming, could result in incarceration in a state penal institution;

(iii) Not require services be provided to prisoners under the contract which the jail does not currently provide;

(iv) Provide flexibility to the sheriff to reject or return prisoners to the state of origin if:

(A) The jail has reached or is near capacity;

(B) The sheriff determines that the prisoner is a security or safety risk to jail staff or other prisoners.

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017

## Chapter 22

### COMPUTER EXTORTION

Original Senate File No. 33

AN ACT relating to offenses against computer property; creating the criminal offense of computer extortion; specifying elements of the offense; providing penalties; expanding the list of computer crimes to be investigated by the division of criminal investigation; and providing for an effective date.

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

**Section 1.** W.S. 6-3-507 is created to read:

**6-3-507. Computer extortion; penalties.**

(a) A person is guilty of computer extortion if he knowingly and without authorization introduces, attempts to introduce or directs or induces another to introduce, any ransomware into a computer, computer system or computer network which requires the payment of money or other consideration to remove the ransomware or repair the damage caused to the computer, computer system or computer network by the ransomware.

(b) Computer extortion is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(c) For purposes of this section:

(i) "Computer or data contaminant" means any virus, worm or other similar computer program designed to encrypt, modify, damage, destroy, record or transmit information within a computer, computer system or computer network;

(ii) "Ransomware" means a computer or data contaminant, encryption or lock that restricts an owner's access to a computer, computer data, computer system or computer network in any way. "Ransomware" does not include authentication required to upgrade or access purchased content.

**Section 2.** W.S. 9-1-618(b)(iv) is amended to read:

**9-1-618. Agents to be safeguarded as peace officers; general assistance to state, county or local authorities; investigative duties.**

(b) The division shall investigate:

(iv) Suspected violations of computer crimes as specified in W.S. 6-3-501 through ~~6-3-505~~ 6-3-507;

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 23

### BANKING REVISIONS

Original Senate File No. 5

AN ACT relating to banks, banking and finance; authorizing various fees to be established by rule and regulation; increasing the number of deputy commissioners the state banking commissioner may employ; increasing minimum capital stock requirements for organization of banks; modifying requirements concerning bank director oaths and sworn financial statements; increasing the minimum value at which certain bank acquired property must be appraised by a certified or licensed real estate appraiser; modifying indebtedness restrictions; modifying requirements related to amendments to articles of incorporation; modifying and clarifying requirements related to formation of trust companies; permitting an out-of-state trust company to operate a trust service office in this state as specified; modifying provisions related to limited liability companies; repealing provisions related to remote electronic terminals; amending requirements related to branch bank licenses; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 13-1-603(a) and by creating a new subsection (d), 13-2-208, 13-2-210(b), 13-2-212(c), 13-2-301(a), 13-2-401, 13-2-702(b)(intro) and (g) through (j), 13-2-803, 13-2-805(a), 13-3-201(e), 13-3-204(b)(intro), 13-3-402(a), 13-3-702(a), 13-4-101(a), 13-4-102(a), 13-4-104(b), 13-5-102, 13-5-103(b), 13-5-116(b), 13-5-117(a), 13-5-209(b), 13-5-217(b), 13-5-219 by creating a new subsection (c), 13-8-103(a), 13-8-105(a), 13-8-107, 13-9-309(a)(i), 17-29-102(a) by creating a new paragraph (xxiv), 17-29-104(d), 17-29-1010(a) and 17-29-1012 are amended to read:

**13-1-603. State banking commissioner; powers and duties.**

(a) The commissioner shall administer the laws and regulations governing the organization, operation, examination, reorganization or dissolution of banks in Wyoming. The commissioner is directly responsible to and subject to the direction of the director. The commissioner may employ ~~a one (1) or more deputy commissioner~~ commissioners, who, in the absence or disability of the commissioner, shall exercise all powers of the commissioner.

(d) The commissioner shall establish any fee by rule and regulation if this act

authorizes the fee to be established by rule and regulation of the commissioner. The fee shall be established in accordance with the Wyoming Administrative Procedure Act and shall be set in an amount to ensure that, to the extent practicable, the total amount generated from the fee approximates the direct and indirect costs incurred by the commissioner in carrying out his duties as a result of the submission or supervisory activity for which a fee is authorized.

**13-2-208. Application filing fee.**

The application filed with the state banking commissioner shall be accompanied by a fee ~~of fifteen thousand dollars (\$15,000.00)~~ established by rule and regulation of the state banking commissioner to cover the expense of the investigation by the state banking commissioner, the expense of the public hearing and other related expenses. The fee shall be deposited by the state banking commissioner with the state treasurer into the financial institutions administration account. Expenditures shall be made from the account by warrants drawn by the state auditor, upon vouchers issued and signed by the director or commissioner. Funds from the account shall be expended only to carry out the duties of the commissioner and the state banking board under this article and for chartering trust companies under chapter 5 of this title. If an application for a financial institution charter is withdrawn by the applicant at any time prior to the hearing on the application, the statutory application filing fee, less the amount of any expense authorized above and actually incurred, shall be refunded to the applicant. If the application expenses are less than ~~fifteen thousand dollars (\$15,000.00)~~ the application fee collected the unexpended amount shall remain within the account.

**13-2-210. Emergency charters; fees.**

(b) The application fee for an emergency charter ~~is four thousand dollars (\$4,000.00)~~ shall be established by rule and regulation of the state banking commissioner. The fee shall be deposited by the state banking commissioner with the state treasurer and credited to the financial institutions administration account. Expenditures shall be made from the account by warrants drawn by the state auditor, upon vouchers issued and signed by the director or commissioner. Funds from the account shall be expended to carry out the duties of the commissioner or the state banking board.

**13-2-212. Approval or disapproval of application; criteria for approval; action upon application; interim bank charter; fee.**

(c) The board may waive the public hearing required under W.S. 13-2-207 if the application is for an interim bank charter to be used as a vehicle for merger with an existing bank which is currently serving the public need and convenience of the community, operating profitably, adequately capitalized, has officers and directors of proven ability and is to be chartered solely for the purpose of facilitating the merger and the change in ownership of the existing bank in

accordance with W.S. 13-4-108. The application fee for an interim bank charter for which a public hearing is waived is ~~four thousand dollars (\$4,000.00)~~ shall be established by rule and regulation of the commissioner. The fee shall be deposited by the state banking commissioner with the state treasurer and credited to the financial institutions administration account. Expenditures shall be made from the account by warrants drawn by the state auditor, upon vouchers issued and signed by the director or commissioner. Funds from the account shall be expended only to carry out the duties of the commissioner or the state banking board.

**13-2-301. Requirements as to capital.**

(a) The capital stock of each bank organized under this act shall be subscribed for as fully paid stock. No bank shall organize with a capital stock less than ~~five hundred thousand dollars (\$500,000.00)~~ five million dollars (\$5,000,000.00).

**13-2-401. Authority to manage banks; qualifications.**

The affairs of a bank shall be managed by not less than five (5) directors. Shareholders or the board of directors if provided by the articles of incorporation may adopt and amend bylaws for the management of the bank. Each director shall take an oath that he will faithfully and diligently perform the duties of his office and will not violate or knowingly permit the violation of any of the laws of this state relating to the banking business. Within thirty (30) days after being elected or appointed each director of a bank shall ~~file with the state banking commissioner~~ sign the oath required by this section ~~and on a form prescribed by the commissioner and it shall be part of the record of the meeting and included in the bank's minutes. Within thirty (30) days after initially being elected or appointed each director of a bank shall file with the commissioner~~ a sworn financial statement on a form prescribed by the state banking commissioner.

**13-2-702. Authorization; application; fee; activities; examination; criteria.**

(b) All applications for establishing and operating a branch shall be filed with the commissioner and be accompanied by a filing fee established by rule ~~by and regulation of the commissioner, but not more than two thousand five hundred dollars (\$2,500.00)~~. The application shall be signed by the chief executive officer of the applicant bank and contain and be accompanied by the following information:

(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 less than thirty (30) days before the license's expiration date.~~

(h) The commissioner shall fix the amount of the initial license fee and annual renewal fee by rule and regulation. ~~Annual renewal fees may be assessed~~



on a graduated or progressive scale based on deposits, assets, business volume, loans or a combination of these or other factors as determined by the commissioner.

(j) An application for an initial branch license ~~or renewal of a branch license~~ shall be submitted to the commissioner in writing in the form and containing the information required by the commissioner. Each licensed branch of a bank chartered under the laws of this state or of any other state is subject to compliance examinations as the commissioner deems necessary.

### **13-2-803. Authority of state banks to establish interstate branches.**

With the prior approval of the commissioner, a Wyoming state bank may establish, maintain and operate one (1) or more branches in a state other than Wyoming. Not later than the date on which the required application for the establishment of a branch is filed with the responsible federal bank supervisory agency, the applicant Wyoming state bank shall file an application on a form prescribed by the commissioner and pay the fee ~~prescribed by established pursuant to~~ W.S. 13-2-702(b). The applicant shall also comply with the applicable provisions of W.S. 13-4-101 through 13-4-114.

### **13-2-805. Notice and filing requirements; license fee.**

(a) Any out-of-state bank that will be the resulting bank pursuant to an interstate merger transaction involving a Wyoming bank shall notify the commissioner of the proposed merger not later than the date on which it files an application for an interstate merger transaction with the responsible federal bank supervisory agency, and shall submit a copy of that application to the commissioner together with a filing fee, ~~if any, not exceeding four thousand five hundred dollars (\$4,500.00), as required by the commissioner established by rule and regulation of the commissioner.~~ Except as prohibited by federal law, any Wyoming state bank which is a party to the interstate merger transaction shall comply with the applicable provisions of W.S. 13-4-101 through 13-4-114 and with other applicable state and federal laws. Any out-of-state bank which will be the resulting bank in an interstate merger transaction shall provide satisfactory evidence to the commissioner of compliance with applicable requirements of W.S. 17-16-1503, 17-16-1506 and 17-16-1507.

### **13-3-201. Acquisition of real estate.**

(e) Any appraisal required under subsection (b) of this section for property which is carried on the bank's books at a value equal to or exceeding ~~fifty thousand dollars (\$50,000.00)~~ two hundred fifty thousand dollars (\$250,000.00) shall be conducted by a real estate appraiser certified or licensed by the state in which the property is located, who is not an officer or director of the bank and whose reports are acceptable to the state banking commissioner.

### **13-3-204. Operating subsidiaries; application; fee; new activities.**

(b) The bank shall file an application for permission to operate a subsidiary with the commissioner, together with an application fee ~~of seven hundred dollars (\$700.00)~~ established by rule and regulation of the commissioner. The fee shall be deposited as provided in W.S. 13-2-210(b) and may be expended as provided in that subsection. The application shall include:

**13-3-402. Individual indebtedness limitations; generally.**

(a) Except as otherwise provided, no bank shall permit any person, firm, partnership, association or corporation to become indebted at ~~any time origination~~ to the bank in an amount exceeding twenty percent (20%) of the amount of the capital stock of the bank actually paid in and unimpaired plus twenty percent (20%) of its unimpaired surplus fund plus twenty percent (20%) of its unimpaired undivided profits.

**13-3-702. Inspection of banks; fees.**

(a) Every bank is subject to the inspection of the state banking commissioner. The state banking commissioner or a duly appointed examiner shall visit and examine each bank as often as the commissioner deems necessary and at least as frequently as required by the federal deposit insurance corporation, with or without previous notice to the officers of or anyone interested in the bank. The state banking commissioner or a duly appointed examiner shall make a complete and careful examination of the condition and resources of the bank, the mode of managing bank affairs and conducting its business, the action of bank officers and directors in the investment and disposition of bank funds, the safety and prudence of bank management, the security afforded to those by whom bank engagements are held, whether the requirements of this act are being complied with and such other matters as the state banking commissioner may prescribe. If the state banking commissioner examines a bank more than twice in any calendar year, the bank shall pay to the state banking commissioner an additional fee ~~of fifty dollars (\$50.00) per examiner per day and actual expenses of each examiner~~ established by rule and regulation of the commissioner.

**13-4-101. Change in place of business.**

(a) Any bank may apply in writing to the state banking commissioner for permission to change its place of business to any other municipality in the state. The application shall be accompanied by a fee ~~of two thousand five hundred dollars (\$2,500.00)~~ established by rule and regulation of the commissioner and shall state the reasons for the proposed change, be signed by a majority of its board of directors and accompanied by the written assent to the application by the stockholders owning at least two-thirds (2/3) of its stock. The application fee shall be deposited by the state banking commissioner with the state treasurer and credited to the financial institutions administration account. Expenditures shall be made from the account by warrants drawn by the state auditor,

upon vouchers issued and signed by the director or commissioner. Funds from the account shall be expended only to carry out the duties of the commissioner or the state banking board.

**13-4-102. Amendment to articles of incorporation.**

(a) A bank may amend its articles of incorporation pursuant to the requirements of W.S. 17-16-1001 through 17-16-1009. The articles of amendment shall be executed in triplicate with ~~the cashier or assistant cashier~~ an executive officer executing in the place of the corporate secretary. Notice of the shareholders' meeting to vote on a proposed amendment shall be given as provided by the bylaws of the bank.

**13-4-104. Merger or conversion into state bank; branch banking by merger or consolidation; application fees.**

(b) Any state or national bank that consolidates or merges in accordance with subsection (a) of this section may upon the completion of the consolidation or merger retain, operate and maintain the banking houses or offices of the merged or consolidated entities and provide other services or functions as would be permitted had the consolidation or merger not occurred. When a merger or consolidation application from a state bank results in maintaining the merged banking house or office as a branch, the application for merger shall be accompanied by an application fee ~~of two thousand five hundred dollars (\$2,500.00)~~ established by rule and regulation of the state banking commissioner. For each additional bank being merged into the same bank, the application fee shall be increased by ~~one thousand two hundred fifty dollars (\$1,250.00)~~ an amount established by rule and regulation of the state banking commissioner. All fees shall be deposited by the state banking commissioner with the state treasurer and credited to the financial institutions administration account. Expenditures shall be made from the account by warrants drawn by the state auditor, upon vouchers issued and signed by the director or commissioner. Funds from the account shall be expended only to carry out the duties of the commissioner or the state banking board.

**13-5-102. Formation.**

(a) ~~Any number of~~ Five (5) or more adult persons may form a trust company in accordance with the provisions of this act.

(b) ~~The person~~ persons 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.**

(b) Each application for charter shall be accompanied by an application fee

as provided by established pursuant to W.S. 13-2-208.

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

(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 established by rule and regulation of 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.

**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 or such other greater amount as established by rule and regulation of the commissioner.

**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.**

(b) The application filed with the commissioner shall be accompanied by a fee of ~~ten thousand dollars (\$10,000.00)~~ established by rule and regulation of the commissioner to cover the expense of the investigation 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.

**13-5-217. Conversion from trust company to chartered family trust company.**

(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)~~ established by rule and regulation of the commissioner.

**13-5-219. Establishment of trust service offices; application.**

(c) After giving notice to the commissioner, a trust company, established and chartered under the laws of another state and which qualifies as a family trust company for the purposes of this act and provides in its articles of incorporation or operating agreement that it will only exercise within Wyoming the powers of a family trust company as specified in W.S. 13-5-210, may establish and operate a trust service office in this state if the company's home state does not prohibit a Wyoming trust company from establishing a trust office in that state.

**13-8-103. Certificate of admission.**

(a) An association shall not conduct any business in the state except upon written statement by the state banking commissioner, which shall be filed and preserved in his office, to the effect that the association is solvent and conducting its affairs compatible with prudent business principles. When a statement is made, the state banking board may issue a certificate of admission to the association upon the payment to the state banking commissioner of ~~fifty dollars (\$50.00)~~ an amount established by rule and regulation of the commissioner.

**13-8-105. Statement to be renewed annually or as required.**

(a) The statements required of foreign associations shall be renewed annually by March 1 as of the preceding December 31 and shall be made at other times as the state banking commissioner may require. Foreign associations shall pay to the state banking commissioner upon filing each annual statement a fee of ~~ten dollars (\$10.00)~~ established by rule and regulation of the commissioner.

**13-8-107. Licensing of agents, solicitors and salesmen.**

Each agent, solicitor or salesman, before transacting or soliciting any business in this state for any association, shall procure annually from the state banking commissioner a license as agent, solicitor or salesman for which a fee of ~~two dollars (\$2.00)~~ established by rule and regulation of the commissioner for each license shall be collected and paid to the commissioner. A license expires on June 30 of each year and is subject to revocation by the state banking commissioner for improper business or conduct.

**13-9-309. Required application; fees.**

(a) A company that proposes to make an acquisition under this article shall:

(i) Pay to the commissioner an application fee of ~~four thousand five hundred dollars (\$4,500.00)~~ established by rule and regulation of the commissioner;

**17-29-102. Definitions.**

(a) As used in this chapter:

(xxiv) “Financial institution” means a bank, savings and loan association or state chartered credit union.

**17-29-104. Nature, purpose and duration of limited liability company.**

(d) Limited liability companies may be organized under this chapter for any lawful purpose, except for the purpose of acting as a financial institution as described by ~~W.S. 13-1-101(a)(ix)~~ or acting as an insurer as defined in W.S. 26-1-102(a)(xvi).

**17-29-1010. Continuance.**

(a) Subject to subsection (b) of this section, any organization organized for any purpose except acting as an insurer as defined in W.S. 26-1-102(a)(xvi), or acting as a financial institution as described by ~~W.S. 13-1-101(a)(ix)~~ under the laws of any foreign jurisdiction may, if the foreign jurisdiction will acknowledge that the organization’s domicile has terminated in the foreign jurisdiction, apply to the secretary of state for registration under this act. The secretary of state may issue a certificate of registration upon receipt of an application supported by articles of continuance as provided by this act together with the statements, information and documents set out in subsection (c) of this section. The certificate of registration may then be issued continuing the organization in Wyoming as if it had been organized as a limited liability company in this state. The certificate of registration may be subject to any limitations and conditions as may appear proper to the secretary of state.

**17-29-1012. Domestication of foreign limited liability companies.**

Any limited liability company created under the laws of any of the several states of the United States for any purpose except acting as an insurer as defined in W.S. 26-1-102(a)(xvi), or acting as a financial institution as described by ~~W.S. 13-1-101(a)(ix)~~ may become a domestic limited liability company of this state by delivering or causing to be delivered to the secretary of state articles of domestication. Upon filing the articles of domestication, the secretary of state shall issue to the foreign limited liability company a certificate of domestication which shall continue the company as if it had been created under this chapter. The articles of domestication, upon being filed by the secretary of state, constitute the articles of the domesticated foreign limited liability company and it shall thereafter have all the powers and privileges and be subjected to all the duties and limitations granted and imposed upon domestic limited liability companies under the provisions of the Revised Uniform Limited Liability Company Act.

**Section 2.** W.S. 13-1-502(m) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

**Chapter 24****LICENSE REVOCATION PROCESS**

Original Senate File No. 11

AN ACT relating to license revocations; revising the process for liquor license suspension or revocation; revising the sales tax license revocation; designating the state board of equalization as the tribunal for appeals of license revocations; and providing for an effective date.

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

**Section 1.** W.S. 12-7-201(d) and (e), 39-15-106(a) and (g)(intro) and 39-15-108(c)(viii)(intro) are amended to read:

**12-7-201. Civil action; administrative and judicial proceedings; disposition of liquors.**

(d) The division may revoke any license or permit issued under this title for violation of any of the rules and regulations promulgated by the department pursuant to this title or for violation of any of the provisions of this title. ~~Revocation proceedings initiated by the division shall be conducted as a contested case under the Wyoming Administrative Procedure Act before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the division. Prior to suspension or final revocation of a license or permit under this chapter the division shall issue at least two (2) written notices of the intent to revoke or suspend the license or permit to the licensee. The notices shall be provided at least one (1) week apart and the final notice shall be provided at least thirty (30) days prior to any suspension or revocation. The notice shall identify the violation warranting revocation or suspension of the license or permit, the date when it will be suspended or revoked and the ability to appeal and to continue to operate as provided in this subsection. Unless the division orders otherwise, a licensee may continue to operate under the license or permit pending an appeal of a license suspension or revocation to the state board of equalization made under this subsection. Any appeal shall be filed with the state board of equalization not more than thirty (30) days following the suspension or revocation of the license or permit. Appeals before the state board shall be conducted as a contested case under the Wyoming Administrative Procedure Act and the state board shall either affirm or deny the action taken by the division. The state board may affirm an order of immediate suspension of a license or permit if the division demonstrates that the licensee should not be permitted to operate pending the outcome of an appeal made under this subsection. The decision of the division state board shall be subject to judicial review under W.S. 16-3-114 except that the review shall not operate to stay a revocation or suspension order of the division during the pendency of the district court proceeding or during a later appeal to the supreme court. Should the license or permit of a defendant licensee expire during the pendency of an appeal before the state board or in any of the courts of this state, no~~



new or renewal license shall be granted by the licensing authority to the ~~defendant~~ licensee or any other person pending the outcome of the appeal.

(e) Upon the final revocation of a liquor license or permit, all alcoholic liquors in the possession of the license holder and which are in merchantable condition shall be delivered to the division which shall reimburse the license holder for the value thereof at its then regular wholesale prices. All malt beverages and nonmerchantable alcoholic liquors shall be disposed of at the direction of the division.

### **39-15-106. Licenses; permits.**

(a) Every vendor shall obtain from the department a sales tax license to conduct business in the state. Any out-of-state vendor not otherwise subject to this article may voluntarily apply for a license from the department and if licensed, shall collect and remit the state sales tax imposed by W.S. 39-15-104. The license shall be granted only upon application stating the name and address of the applicant, the character of the business in which the applicant proposes to engage, the location of the proposed business and other information as the department may require. Effective July 1, 1997, a license fee of sixty dollars (\$60.00) shall be required from each new vendor, except for any remote vendor who has no requirement to register in this state, or who is using one (1) of the technology models pursuant to the streamlined sales and use tax agreement. Failure of a vendor to timely file any return may result in forfeiture of the license granted under this section. The department shall charge sixty dollars (\$60.00) for reinstatement of any forfeited license. The department shall send any vendor who reports no gross sales for three (3) consecutive years a form prescribed by the department to show cause why the vendor's license should not be revoked. The vendor shall complete and file the report with the department within thirty (30) days of receipt of the form. If the department finds just cause for the vendor to retain the license, no further action shall be taken. If the department finds just cause to revoke the license, the vendor shall be notified of the revocation. Any vendor whose license is revoked under this subsection may appeal the decision to the state board of equalization as provided in subsection (g) of this section.

(g) ~~The department may, after providing notice and an opportunity for a hearing~~ two (2) written notices of intent to revoke identifying the reasons therefore, revoke the license of any vendor violating any provision of this article, and ~~The notices shall be provided at least one (1) week apart and the final notice shall be provided at least thirty (30) days prior to any revocation. The revocation of the department shall inform the vendor of all steps necessary to conform with the revocation and shall include the consequences of failure to cease business activities and the opportunity to appeal as provided in this subsection. The vendor may appeal a revocation under this subsection to the state board of equalization not more than thirty (30) days following the revocation~~



of the license. Appeals before the state board shall be conducted as contested case proceedings under the Wyoming Administrative Procedure Act. If a license is revoked under this subsection, no license shall thereafter be issued to that person until the applicant has:

**39-15-108. Enforcement.**

(c) Penalties. The following shall apply:

(viii) The department may, after providing notice and an opportunity for a hearing two (2) written notices of intent to revoke identifying the reasons therefore, revoke the license of any vendor violating any provision of this article, and The notices shall be provided at least one (1) week apart and the final notice shall be provided at least thirty (30) days prior to any revocation. The revocation of the department shall inform the vendor of all steps necessary to conform with the revocation and shall include the consequences of failure to cease business activities and the opportunity to appeal as provided in this subsection. The vendor may appeal a revocation under this paragraph to the state board of equalization not more than thirty (30) days following the revocation of the license. Appeals before the state board shall be conducted as contested case proceedings under the Wyoming Administrative Procedure Act. If a license is revoked under this subsection, no license shall thereafter be issued to that person until the applicant has:

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 25

### CERTIFICATION OF CASES TO STATE BOARD OF EQUALIZATION

Original Senate File No. 9

AN ACT relating to the state board of equalization; authorizing certification of cases directly to the board from county boards of equalization; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 39-11-102.1(c)(intro) and 39-13-102(c)(iv) are amended to read:

**39-11-102.1. Administration; state board of equalization.**

(c) The state board of equalization shall perform the duties specified in article 15, section 10 of the Wyoming constitution and shall hear appeals from county boards of equalization and review final decisions of the department upon application of any interested person adversely affected, including boards of county commissioners for the purposes of this subsection, under the contested case procedures of the Wyoming Administrative Procedure Act. Upon request of a

county board of equalization providing compelling reasons to do so, the state board of equalization may accept a case certified directly to the state board of equalization pursuant to rules adopted by the state board of equalization. Any interested person adversely affected by the adoption, amendment or repeal of a rule pursuant to W.S. 16-3-103(a) shall be afforded an opportunity for a hearing before the board. In addition, the board shall:

**39-13-102. Administration; confidentiality.**

(c) The board of county commissioners of each county constitutes the county board of equalization. The county board shall meet at the office of the county commissioners at such times as necessary to perform its statutory duties, but no earlier than the fourth Tuesday in April to consider current year assessments. The county clerk shall act as clerk of the county board. The county assessor or his designee shall attend all meetings to explain or defend the assessments. The county board of equalization shall:

(iv) Hear and determine the complaint of any person relative to any property assessment or value as returned by the county assessor subject to W.S. 39-13-109(b)(i). The county board of equalization may request that a case be certified directly to the state board of equalization as provided in W.S. 39-11-102.1(c);

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 26

### COUNTY BOARDS OF EQUALIZATION

Original Senate File No. 10

AN ACT relating to county boards of equalization; revising obsolete language; repealing obsolete provisions; conforming related provisions; correcting statutory references; and providing for an effective date.

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

**Section 1.** W.S. 18-3-102(c), 39-13-102(c)(iii), (e) and (f), 39-13-103(b)(v) and 39-13-107(a)(i) are amended to read:

**18-3-102. County officers required to execute bonds; amount; sureties; penalty.**

(c) Deputy county assessors appointed as provided by W.S. ~~39-13-102(a)~~ 18-3-107(e) shall execute a bond with the county in the penal sum of two thousand dollars (\$2,000.00) conditioned that they will faithfully and impartially observe the laws relating to the listing, assessing and valuing of all property.

**39-13-102. Administration; confidentiality.**

(c) The board of county commissioners of each county constitutes the county board of equalization. The county board shall meet at the office of the county commissioners at such times as necessary to perform its statutory duties, but no earlier than the fourth Tuesday in April to consider current year assessments. The county clerk shall act as clerk of the county board. The county assessor or his designee shall attend all meetings to explain or defend the assessments. The county board of equalization shall:

(iii) ~~Correct~~ Approve any corrected assessment or any valuation change contained in ~~and complete~~ the assessment roll;

(e) ~~Immediately after the assessment roll is corrected by the county board of equalization and~~ Not later than June 1, the county assessor shall make an abstract of the assessment roll containing the quantity and value of each class of property assessed for taxation and transmit the abstract to the board and provide a copy to the county board of equalization. The board shall immediately forward copies of the abstracts to the department and ask for any recommendations, ~~with respect to equalization of values.~~

(f) Any person whose property assessment has been increased by ~~the county board of equalization an equalization order~~ shall be notified of the increase by the county assessor. Any person wishing to review an assessment of his property ~~shall may~~ contact the county assessor, ~~not later than thirty (30) days after the date of the assessment schedule.~~

### **39-13-103. Imposition.**

(b) Basis of tax. The following shall apply:

(v) Except as provided in chapter 14 of this title, annually, commencing on January 1, the county assessor or deputy assessors as provided by W.S. ~~39-13-102(a)~~ 18-3-107(e) shall obtain from each property owner or person having control of taxable property in the assessment district for which they were appointed, a full, complete and detailed statement of the amount of the taxable property owned by or subject to the control of the property owner. If a property owner fails to provide a listing of personal property owned by him or under his control by March 1, unless an extension is granted from the assessor in writing, the assessor shall issue an assessment of personal property from the best information available. The county assessor shall extend the date for listing personal property from March 1 to April 1 upon written request of the property owner provided the written request is made not later than February 15. The county assessor or his deputies or any representative of the department may examine any property. The county assessor or his deputies shall enter the fair market value of the property for taxation on the assessment roll. The owner, or his agent, shall make and subscribe the following oath:

“I, ..., the owner of (or agent, etc., as the case may be) do solemnly swear (or affirm) that the above and foregoing listed property is a full, true, correct

and complete list of all property owned by me or under my control as agent or otherwise, and that I have not failed or neglected to list for taxation for the year ..., all property of which I am the owner or of which I have control as agent, guardian, administrator or otherwise, in the county of ..., State of Wyoming, and that I have not connived at any violation or evasion of the requirements of law in relation to the assessment of property for taxation.”;

**39-13-107. Compliance; collection procedures.**

(a) Returns and reports. The following shall apply:

(i) Except as provided by chapter 14 of this title or paragraph (ii) of this subsection, annually, commencing on January 1, the county assessor or deputy assessors as provided by W.S. ~~39-13-102(a)~~-18-3-107(e) shall obtain from each property owner or person having control of taxable property in the assessment district for which they were appointed, a full, complete and detailed statement of the amount of the taxable property owned by or subject to the control of the property owner. If a property owner fails to provide a listing of personal property owned by him or under his control by March 1, unless an extension is granted from the assessor in writing, the assessor shall issue an assessment of personal property from the best information available. The county assessor shall extend the date for listing personal property from March 1 to April 1 upon written request of the property owner provided the written request is made not later than February 15. The county assessor or his deputies or any representative of the department may examine any property. The county assessor or his deputies shall enter the fair market value of the property for taxation on the assessment roll. The owner, or his agent, shall make and subscribe the following oath:

“I, ..., the owner of (or agent, etc., as the case may be) do solemnly swear (or affirm) that the above and foregoing listed property is a full, true, correct and complete list of all property owned by me or under my control as agent or otherwise, and that I have not failed or neglected to list for taxation for the year ..., all property of which I am the owner or of which I have control as agent, guardian, administrator or otherwise, in the county of ..., State of Wyoming, and that I have not connived at any violation or evasion of the requirements of law in relation to the assessment of property for taxation.”;

**Section 2.** W.S. 39-13-102(a), (b), (c)(i) and (ii) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 27

### NRC AGREEMENT STATE AMENDMENTS

Original House Bill No. 4

AN ACT relating to the nuclear regulatory agreement and nuclear regulatory functions of the state developed under the agreement; requiring the adoption of a fee structure; permitting the assessment of fees as specified; clarifying scope of agreement and materials subject to state regulation; amending definitions; excluding certain laboratories from state regulation; clarifying reciprocity of out of state licenses; amending requirements related to financial assurance arrangements; authorizing the director to impound materials as specified; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 35-11-2005 is created to read:

**35-11-2005. Fees.**

(a) The department shall adopt a fee structure which accounts for the full cost of the program, including positions authorized by this article and other positions assessed to implement the program developed under this article.

(b) The department may assess fees for the regulation of source material under article 4 of this chapter, including but not limited to the review and processing of mining permit applications.

**Section 2.** W.S. 35-11-103(d)(v)(A), (E), (j)(i) and (ii), 35-11-2001(a) through (c) and by creating a new subsection (e), 35-11-2002(a) and (b) and 35-11-2003(a), (d) through (f) are amended to read:

**35-11-103. Definitions.**

(d) Specific definitions applying to solid waste management:

(v) "Commercial radioactive waste management facility" means any facility used or intended to be used to receive for disposal, storage, reprocessing or treatment, any amount of radioactive wastes which are generated by any person other than the facility owner or operator, or which are generated at a location other than the location of the facility, but does not include:

(A) Uranium mill tailings facilities licensed by the United States Nuclear Regulatory Commission which receive in situ leaching uranium mining ~~by-product~~ byproduct materials or are specifically authorized by the department on a limited basis to receive small quantities of wastes defined in section ~~11e(2)~~ 11e.(2) of the Atomic Energy Act of 1954, (42 U.S.C. § 2014(e)(2),) as amended, which were generated by persons other than the facility owner or operator or which were generated at a location other than the location of the facility, or both; and

(E) Facilities licensed by the United States nuclear regulatory commission whose sole purpose is to receive in situ leaching uranium mining ~~by-product~~ byproduct materials as defined in section ~~11(e)(2)~~ 11e.(2) of the Atomic

Energy Act of 1954, ~~(42 U.S.C. § 2014(e)(2),)~~ as amended.

(j) Specific definitions applying to nuclear regulatory functions of the state as provided in article 20 of this chapter:

(i) “Byproduct material” means the tailings or wastes produced by the extraction or concentration of uranium ~~and~~or thorium from any ore processed primarily for its source material content as defined in section ~~11(e)(2)~~ 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as amended;

(ii) “Recovery or milling” means ~~as defined in 10 C.F.R. part 40.4, as amended, to include~~ any activity that generates byproduct material as defined in section ~~11(e)(2)~~ 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as amended;

**35-11-2001. Authorization to negotiate transfer of certain nuclear regulatory functions to the state; scope of regulated material.**

(a) The governor, on behalf of the state, is authorized to contact the nuclear regulatory commission to express the intent of the state of Wyoming to enter into an agreement under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended, with the nuclear regulatory commission providing for the assumption by the state of regulatory authority over source material ~~from involved in uranium or thorium~~ recovery or milling and byproduct material, ~~included under as defined in~~ section ~~274~~ 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. § ~~2021~~ 2014(e)(2), as amended. The nuclear regulatory commission shall maintain ~~regulation~~ regulatory authority over all other source material, section 11e.(1), (3) and (4) byproduct material and special nuclear material as defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2014, as amended, and the activities reserved under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

(b) The department shall serve as the lead agency for the regulation of source material ~~from involved in uranium or thorium~~ recovery or milling and the associated byproduct material, ~~generated pursuant to the requirements of this article in the state of Wyoming.~~ The department is authorized to enforce the requirements of the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., as amended, under the agreement reached between the state and the nuclear regulatory commission as provided in section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

(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 nuclear regulatory commission. The governor is authorized to enter into a final agreement with the nuclear regulatory commission for the regulation of source material ~~from involved in uranium or thorium~~ recovery or milling and the associated byproduct material, ~~generated in the state of Wyoming pursuant to the requirements of this article.~~

(e) The categories of materials governed by this article, as agreed upon by the nuclear regulatory commission and the state, are source material involved in uranium or thorium recovery or milling and the associated byproduct material, as defined in section 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as amended. This article does not govern independent or commercial laboratory facilities that possess, use or accept byproduct material. The nuclear regulatory commission shall retain regulatory authority over independent or commercial laboratory facilities.

**35-11-2002. Authority of department to enforce article; rulemaking.**

(a) Except as provided in this act, no person shall acquire, own, possess, transfer, offer or receive for transport or use any source material ~~from involved in uranium or thorium~~ recovery or milling and the ~~created associated~~ byproduct material without having been granted a license therefore from the department or the nuclear regulatory commission. The department is authorized to regulate and penalize any unlicensed activities involving source material ~~from involved in uranium or thorium~~ recovery or milling and the ~~created associated~~ byproduct material.

(b) The council, upon recommendation from the director, is authorized to promulgate ~~reasonable~~ rules and regulations necessary to effectuate the purpose of this article.

**35-11-2003. Licensure; license requirements; enforcement actions.**

(a) The director is authorized to issue licenses to implement the requirements of the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., as amended. Licenses issued under this section shall also authorize the possession and use of source materials ~~from involved in uranium or thorium~~ recovery or milling and ~~the associated~~ byproduct material as provided in this article. The director is further authorized to enforce license provisions in accordance with this article. The department shall recognize existing and effective licenses issued by the nuclear regulatory commission. The department shall also recognize licenses issued by other agreement states only for source material involved in uranium or thorium recovery or milling or the associated byproduct material.

(d) The department shall inspect a licensee's operation to ensure compliance with license conditions, as determined necessary by the administrator of the land quality division to protect public health and safety. The department shall also inspect proposed facilities and proposed expansion of existing facilities to ensure that unauthorized construction is not occurring. Licensees, permittees and applicants for a license or permit shall obtain and grant the department access to inspect their ~~mining operations facilities~~, source material involved in uranium or thorium recovery or milling ~~operations~~ and ~~the associated~~ byproduct material ~~generated~~ at such times and frequencies as determined necessary by the department to protect public health and safety.



(e) When issuing a license for byproduct material under this article, the director shall require licensees to provide an approved financial assurance arrangement consistent with nuclear regulatory commission requirements provided in 10 C.F.R. part 40, appendix A, ~~critierion 9~~, as amended. The arrangement shall ~~contain sufficient funds to cover the costs of decommissioning and, to the extent applicable, long-term surveillance and maintenance for conventional source material milling and heap leach facilities~~ cost estimate and the payment of the charge for decommissioning, long term surveillance and control pursuant to 10 C.F.R. part 40, appendix A.

(f) The director is authorized to suspend licenses, impound source material involved in uranium or thorium recovery or milling and the associated byproduct material and conduct enforcement actions in accordance with this article, article 9 of this chapter and rules and regulations promulgated under this act. The director is authorized to suspend licenses and conduct enforcement actions in accordance with department rules and regulations and this article. In cases of an imminent threat to public health and safety, the director is authorized to issue an emergency order immediately suspending a license and any associated activity as provided in W.S. 35-11-115. The director is authorized to suspend or revoke a license for repeated or continued noncompliance with program requirements pursuant to its rules and regulations and this article. The director is also authorized to seek injunctive relief and impose civil or administrative monetary penalties as provided by law.

**Section 3.** 2015 Wyoming Session Laws, Chapter 60, Section 2(c) is repealed.

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

Approved February 17, 2017.

## Chapter 28

### PENITENTIARY SAVINGS FUND

Original House Bill No. 262

AN ACT relating to the Wyoming state penitentiary; creating the Wyoming state penitentiary capital construction account within the strategic investments and projects account; directing funds to the account as specified; and providing for an effective date.

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

**Section 1.** W.S. 9-4-220.1 is created to read:

**9-4-220.1. Wyoming state penitentiary capital construction account; funds deposited to the account.**



(a) There is created the Wyoming state penitentiary capital construction account within the strategic investments and projects account created by W.S. 9-4-220. Funds in the account shall only be expended upon legislative appropriation. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

(b) Beginning on June 30, 2019 for fiscal year 2019 and June 30 of each fiscal year as provided in this subsection, one-half (1/2) of the total fund balance in the strategic investments and projects account, at the end of each fiscal year shall be deposited into the Wyoming state penitentiary capital construction account. The state treasurer shall cease depositing funds into the Wyoming state penitentiary capital construction account pursuant to this subsection when the balance of the account reaches or exceeds two hundred fifty million dollars (\$250,000,000.00).

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 29

### CREDIT FOR REINSURANCE

Original House Bill No. 7

AN ACT relating to insurance; revising reinsurer requirements; establishing procedures relating to reinsurer suspension and revocation; mandating reinsurers manage reinsurance recoverables and programs as specified; creating notification requirements under specified conditions; specifying the insurance commissioner's rulemaking authority applicable to reinsurance arrangements; and providing for an effective date.

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

**Section 1.** W.S. 26-5-112(a)(intro), (ii)(C), by creating a new subparagraph (E), (iv), (v), by creating a new paragraph (vi), (c)(intro), (ii) and by creating new subsections (e) through (h), 26-5-113(a)(intro), (ii) and (iii) and 26-5-116 by creating new subsections (c) through (g) are amended to read:

**26-5-112. Credit allowed a domestic ceding insurer.**

(a) Except as provided in W.S. 26-5-113, and in addition to any rules adopted by the commissioner pursuant to W.S. 26-5-116 relating to the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements and the circumstances pursuant to which credit will be reduced or eliminated, credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only if the reinsurer meets the requirements of any one (1) of the following paragraphs:

(ii) The reinsurance is ceded to an assuming insurer which is accredited

as a reinsurer in this state and whose accreditation has not been revoked by the commissioner. An accredited reinsurer is one which:

(C) Is licensed to transact insurance or reinsurance in at least one (1) state, or in the case of a United States branch of an alien assuming insurer is entered through and licensed to transact insurance or reinsurance in at least one (1) state; and

(E) Demonstrates to the satisfaction of the commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000.00) and its accreditation has not been denied by the commissioner within ninety (90) days after submission of its application.

(iv) The reinsurance is ceded to an assuming insurer not meeting the requirements of paragraphs (i) through (iii) or (v) of this subsection but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction; or

(v) The reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified United States financial institution, as defined in W.S. 26-5-114(b), for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the NAIC annual statement form by licensed insurers to enable the commissioner to determine the sufficiency of the trust fund. The assuming insurer shall submit to examination of its books and records by the commissioner and bear the expense of examination. In the case of:

(A) In the case of a single assuming insurer, the trust shall consist of a trustee account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars (\$20,000,000.00). At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three (3) years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trustee surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's

liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;

~~(B)~~ In the case of A group including incorporated and individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition:

(I) The group shall maintain a trusteed surplus of which one hundred million dollars (\$100,000,000.00) shall be held jointly for the benefit of United States ceding insurers of any member of the group;

(II) Within ninety (90) days after its financial statements are due, the group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants; and

~~(C)~~(III) The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members.

(vi) The reinsurance is ceded to an assuming insurer that is certified by the commissioner as a reinsurer in this state and secures its obligations in accordance with the following provisions:

(A) Prior to certification by the commissioner, the assuming insurer must be eligible for certification. In order to be eligible for certification, the assuming insurer shall:

(I) Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the commissioner pursuant to subparagraph (C) of this paragraph;

(II) Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by rule and regulation of the commissioner;

(III) Maintain financial strength ratings from two (2) or more rating agencies deemed acceptable by rule and regulation of the commissioner;

(IV) Agree to submit to the jurisdiction of this state, appoint the commissioner as its agent for service of process in this state and agree to provide security for one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

(V) Agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis; and

(VI) Satisfy any other requirements for certification deemed necessary by the commissioner.

(B) Prior to certification by the commissioner, an association including incorporated and individual unincorporated underwriters must be eligible for certification by the commissioner. In order to be eligible for certification, an association must satisfy the requirements of subparagraph (A) of this paragraph and comply with the following requirements:

(I) The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, taking into account liabilities, of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection;

(II) The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

(III) Within ninety (90) days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member or, if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.

(C) Prior to certification, the assuming insurer must be licensed and domiciled in a jurisdiction eligible to be considered for certification by the commissioner. The commissioner shall create and publish a list of qualified jurisdictions, under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer. The commissioner shall:

(I) In order to determine whether the domiciliary jurisdiction of a non United States assuming insurer is eligible to be recognized as a qualified jurisdiction, evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits and the extent of reciprocal recognition afforded by the non United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner;

(II) Consider the list of qualified jurisdictions published through the NAIC committee process in determining qualified jurisdictions. If the commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification in accordance with criteria developed under rule and regulation developed by the commissioner;

(III) Recognize as qualified jurisdictions the United States jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program;

(IV) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, have the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(D) Each certified reinsurer must receive a financial rating from the commissioner. The commissioner shall assign a rating to each certified reinsurer giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the commissioner pursuant to regulation. The commissioner shall publish a list of all certified reinsurers and their ratings;

(E) A certified reinsurer shall secure obligations assumed from United States ceding insurers under this paragraph at a level consistent with its rating and as specified by rule and regulation promulgated by the commissioner. In fulfilling the requirements of this subparagraph:

(I) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with the provisions of W.S. 26-5-113, or in a multibeneficiary trust in accordance with paragraph (v) of this subsection and subsection (b) of this section, except as otherwise provided in this paragraph;

(II) If a certified reinsurer maintains a trust to fully secure its obligations subject to paragraph (v) of this subsection and subsection (b) of this section and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions and for its obligations subject to paragraph (v) of this subsection and subsection (b) of this section. It shall be a condition to the grant of certification under this paragraph that the certified reinsurer have bound itself, by the language of the trust and agreement with the commissioner with principal regulatory oversight of each trust account, to fund, upon termination of any trust account, out of the remaining surplus of the trust any deficiency of any other trust account;

(III) The minimum trustee surplus requirements provided in paragraph (v) of this subsection are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that any trust shall maintain a minimum trustee surplus of ten million dollars (\$10,000,000.00);

(IV) With respect to obligations incurred by a certified reinsurer under this paragraph, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency and may impose further reductions in allowable credit upon finding there is a material risk the certified reinsurer's obligations will not be paid in full when due;

(V) For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent (100%) of its obligations. If the commissioner continues to assign a higher rating as permitted by other provisions of this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended. As used in this subdivision, "terminated" refers to revocation, suspension, voluntary surrender and inactive status.

(F) If an applicant for certification has been certified as a reinsurer in an NAIC accredited jurisdiction, the commissioner may defer to that jurisdiction's certification and may defer to the rating assigned by that jurisdiction, and the assuming insurer shall be considered to be a certified reinsurer in this state;

(G) A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this paragraph, and the commissioner shall assign a rating that takes into account the reasons why the reinsurer is not assuming new business, if relevant.

(c) If the assuming insurer is not licensed, certified or accredited to transact insurance or reinsurance in this state, the credit permitted by paragraphs (a)(iii) and (v) of this section shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(ii) To designate the commissioner as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company insurer.

(e) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification in accordance with the following:

(i) The commissioner shall give the reinsurer notice and opportunity for hearing. The suspension or revocation shall not take effect until after the commissioner's order on hearing, unless:

(A) The reinsurer waives its right to a hearing;

(B) The commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subparagraph (a)(vi)(F) of this section; or

(C) The commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.

(ii) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with W.S. 26-5-113. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subparagraph (a)(vi)(E) of this section or W.S. 26-5-113.

(f) A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the commissioner within thirty (30) days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceeds fifty percent (50%) of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(g) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner within thirty (30) days after ceding to any single assuming insurer or group of affiliated assuming insurers more than twenty percent (20%) of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer or group of affiliated assuming insurers is likely to exceed this limit. The notification shall demonstrate the exposure is safely managed by the domestic ceding insurer.

(h) Credit for reinsurance ceded to a certified reinsurer is limited to reinsurance contracts entered or renewed on or after the effective date of the certification of the assuming insurer by the commissioner.

**26-5-113. Reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer.**

(a) A reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of W.S. 26-5-112 shall



be allowed in an amount not exceeding the liabilities carried by the ceding insurer, ~~and such provided that the commissioner may adopt rules and regulations establishing additional requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in W.S. 26-5-116 and the circumstances pursuant to which credit will be reduced or eliminated.~~ The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified United States financial institution, as defined in W.S. 26-5-114(b). This security may be in the form of:

(ii) ~~Securities listed by the securities valuation office of the National Association of Insurance Commissioners-NAIC, including those deemed exempt from filing as defined by the purposes and procedures manual of the NAIC securities valuation office, and qualifying as admitted assets;~~

(iii) Clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States institution no later than December 31 in respect of the year for which filing is being made, and in the possession of the ceding ~~company-insurer~~ on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs; or

**26-5-116. Rules and regulations; reporting.**

(c) In addition to the authority provided by subsection (a) of this section, the commissioner may adopt rules and regulations applicable to reinsurance arrangements. A regulation adopted pursuant to this subsection may apply only to reinsurance relating to:

(i) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits;

(ii) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;

(iii) Variable annuities with guaranteed death or living benefits;

(iv) Long-term care insurance policies; or

(v) Any other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.



(d) A regulation adopted pursuant to paragraph (c)(i) or (ii) of this section may apply to a treaty containing policies issued on or after January 1, 2015 and policies issued prior to January 1, 2015 if the risk pertaining to the policies issued prior to January 1, 2015 is ceded in connection with the treaty, in whole or in part, on or after January 1, 2015.

(e) A regulation adopted pursuant to subsection (c) of this section may require the ceding insurer, in calculating the amounts or forms of security required to be held under rules promulgated under this section, to use the valuation manual adopted by the NAIC under section 11B(1) of the NAIC standard valuation law, including all amendments adopted by the NAIC and in effect on the date the calculation is made, to the extent applicable.

(f) A regulation adopted pursuant to subsection (c) of this section shall not apply to cessions to an assuming insurer that:

(i) Is certified in this state or, if this state has not adopted provisions substantially equivalent to section 2E of the Credit for Reinsurance Model Law, certified in a minimum of five (5) other states; or

(ii) Maintains at least two hundred fifty million dollars (\$250,000,000.00) in capital and surplus when determined in accordance with the NAIC accounting practices and procedures manual, including all amendments adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:

(A) Licensed in at least twenty-six (26) states; or

(B) Licensed in at least ten (10) states and licensed or accredited in a total of at least thirty-five (35) states.

(g) The authority to adopt rules pursuant to subsection (c) of this section does not limit the commissioner's general authority to adopt rules pursuant to subsection (a) of this section.

**Section 2.** W.S. 26-5-112(a)(ii)(D)(I) and (II) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 30

### SEALING OF TRUST DOCUMENTS

Original House Bill No. 125

AN ACT relating to the Uniform Trust Code; providing for the sealing of trust documents in judicial proceedings as specified; and providing for an effective date.

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

**Section 1.** W.S. 4-10-205 is created to read:

**4-10-205. Sealing and availability of documents.**

The privacy of those who have established a trust shall be protected in any judicial proceeding concerning the trust. Upon the filing of any petition, the trust instrument, inventory, statement filed by any fiduciary, annual verified report of a fiduciary, final report of a fiduciary and any petition relevant to trust administration and any court order thereon shall be sealed and shall not be made a part of the public record of the proceeding, but shall be available to the court, the settlor, any fiduciary, any qualified beneficiary, their attorneys, and any other interested person as the court may order upon a showing of need.

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 31

### EDUCATION-RESIDENT TUITION REIMBURSEMENT

Original House Bill No. 39

AN ACT relating to resident tuition reimbursement for K-12 public schools; modifying payment for resident students to attend school out of state as specified; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 21-4-504, 21-4-505(a) and 21-13-309(m)(v)(E)(V) are amended to read:

**21-4-504. Cost of maintaining pupil attending school outside district of residence.**

A school district admitting a pupil from a nonunified school district in the state under W.S. 21-4-501 or providing for the enrollment of a pupil in a school within a school district in another state under W.S. 21-4-505 shall, in accordance with rules and regulations of the state department, be reimbursed from the school foundation program account for expenditures for maintaining that pupil in the admitting district for any length of time the pupil is required to reside in the admitting district. Reimbursement under this subsection shall be subject to and reported in accordance with rule and regulation of the state department and shall be administered as if the district's total foundation program amount computed under W.S. 21-13-309(p) is increased by the amount of the expenditure for maintenance during the preceding year for a school district admitting a pupil from a nonunified school district in the state under W.S. 21-4-501 and in the current school year for pupils attending a school in another state under W.S. 21-4-505.

**21-4-505. Payment of tuition for pupil attending school in another state; admission of out-of-state pupils.**

(a) Whenever it shall appear to the board of trustees of any school district within the state that instruction for any pupil residing in the district can be more advantageously or economically furnished by a public school maintained by another state, the board of trustees of such Wyoming district may enter into an agreement for the instruction of such pupils at rates of tuition specified in the agreement. The Wyoming district shall be reimbursed for the full amount of tuition assessed by the out of state district ~~from the school foundation program account administered as if the district's total foundation program amount computed under W.S. 21-13-309 for that year was increased by the amount of the tuition paid during the preceding current school year:~~ subject to the following:

(i) Effective school year 2017-2018 and each year thereafter, the Wyoming school district shall submit a report to the department of education in the manner and form and at times specified by department rule and regulation, documenting the number of pupils attending a public school maintained by another state and verifying payments to such districts for educational services;

(ii) From amounts appropriated by the legislature from the public school foundation program account for purposes of this subsection, the department of education shall distribute payments to eligible districts in accordance with this subsection on or before May 15 of the applicable school year, together with the district's foundation payment under W.S. 21-13-313(c), if applicable;

(iii) The district shall not include a pupil attending a school within an out of state school district within its average daily membership (ADM) for purposes of computing its foundation program amount under W.S. 21-13-309.

**21-13-309. Determination of amount to be included in foundation program for each district.**

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined under W.S. 21-13-101(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 state superintendent pursuant to W.S. 21-2-202(e). The following criteria shall be used by the state superintendent in the administration of the education resource block grant model:

(E) Amounts computed under the education resource block grant model for each school district based upon amounts generated by each school within

the district and based upon amounts generated at the district level for that district within the block grant model, shall be adjusted by adding the following amounts:

(V) An amount for any tuition and maintenance payments made by the district pursuant to W.S. 21-4-501(d); and 21-4-504, ~~and 21-4-505(a)~~.

**Section 2.** Notwithstanding any other provision of law, for school year 2016-2017 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 section shall be made in the manner and form required by the department. Payment under this section shall be made no later than June 30, 2017 for expenses incurred during school year 2016-2017.

**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 February 17, 2017.

## Chapter 32

### CEASE AND TRANSFER PRIORITY LIST

Original House Bill No. 3

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; granting the department of environmental quality limited discretionary authority to modify the prioritized list; providing definitions; repealing a prior list of priority cease and transfer projects; and providing for an effective date.

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

#### **Section 1.**

(a) As used in this section:

(i) "Maximum amount" means the total amount to be expended on the listed project and reflects one hundred percent (100%) of the project cost, including any award by the state loan and investment board under W.S. 35-11-528;

(ii) "(C)" means closure project;

(iii) "SWDD" means solid waste disposal district;

(iv) "(T)" means transfer projects.

(b) From amounts appropriated by 2013 Wyoming Session Laws, Chapter

194, Section 2(a) and (b), 2014 Wyoming Session Laws, Chapter 26, Section 333(a) and (b), 2015 Wyoming Session Laws, Chapter 142, Section 345 (priority 2), 2016 Session Laws, Chapter 31, Section 316(a) and other funds appropriated and authorized for program expenses, the following amounts and prioritized projects are authorized pursuant to the municipal solid waste facilities cease and transfer program created by W.S. 35-11-528:

Priority Index	Project	Maximum Amount
1	Upton, Town of (T)	\$1,300,000
2	Newcastle, City of (T)	\$1,200,000
3	Moorcroft, Town of – Moorcroft #3 (T)	\$1,500,000
4	Eden Valley SWDD (C)	\$1,581,000
5	Glenrock, Town of (C)	\$1,600,000
6	Uinta County Solid Waste – Bridger Valley (T)	\$1,437,000
7	Lincoln County – Thayne (C)	\$2,600,000
8	Fremont County SWDD – Shoshoni (C)	\$1,346,000
9	Big Horn County SWDD – North #2 (T)	\$1,500,000
10	Thermopolis, Town of (T)	\$2,000,000
11	Tensleep SWDD (C)	\$800,000
12	Wheatland, Town of (C)	\$2,500,000
13	Hulett, Town of (C)	\$1,088,000
14	Central Weston County SWDD – Osage (C)	\$700,000
15	Fremont County SWDD – Lander (T)	\$1,500,000
16	Upper Platte River SWDD – Saratoga (C)	\$2,300,000
17	High Country Joint PowersBoard – Hanna (T)	\$800,000
18	Rawlins, City of (C)	\$780,000
19	Thermopolis, Town of (C)	\$2,500,000
20	Baggs SWDD (C)	\$2,250,000
21	Big Horn County SWDD – South (C)	\$2,400,000
22	Big Horn County SWDD – North #2 (C)	\$1,700,000
23	High Country Joint PowersBoard – Hanna (C)	\$1,000,000
24	Newcastle, City of (C)	\$1,100,000
25	Uinta County Solid Waste – Bridger Valley (C)	\$4,000,000
26	LaGrange, Town of (C)	\$1,400,000
27	Moorcroft, Town of (C)	\$500,000
28	Upton, Town of (C)	\$1,500,000
29	Fremont County SWDD – Lander (C)	\$4,692,800
30	Lusk, Town of (T)	\$300,000
31	Hulett, Town of (T)	\$500,000
32	Park County Landfills – TS Rolling Stock (T)	\$351,000

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

- (i) To optimize efficiency;

- (ii) Based on project readiness;
- (iii) Based on compliance with grant or loan qualifications or conditions;
- (iv) To address emergency or immediate environmental concerns.

(d) Not later than October 15 of each year, the department of environmental quality shall report any modification of the prioritized list contained in subsection (b) of this section to the joint minerals, business and economic development interim committee and the joint appropriations committee.

**Section 2.** 2016 Wyoming Session Laws, Chapter 68 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 17, 2017.

## Chapter 33

### INVESTMENT OF PUBLIC FUNDS

Original House Bill No. 13

AN ACT relating to investment of public funds; specifying that a local government investing public funds is subject to the Wyoming Uniform Prudent Investor Act; specifying that persons managing local government investments are fiduciaries; requiring those fiduciaries to be subject to the state's jurisdiction; and providing for an effective date.

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

**Section 1.** W.S. 9-4-831 by creating a new subsection (m) is amended to read:

**9-4-831. Investment of public funds.**

(m) Any local governmental entity, including the treasurer of any political subdivision, municipality or special district of this state, the various boards of trustees and boards of directors of county hospitals, airports, fairs and other duly constituted county boards and commissions, or their designee, that invests public funds under subsection (a) of this section shall:

(i) Exercise the judgment and care of a prudent investor as specified by the Wyoming Uniform Prudent Investor Act, W.S. 4-10-901 through 4-10-913;

(ii) If the local governmental entity contracts with another person to aid in the investment of public funds, require that the person:

(A) Submit to the jurisdiction of the courts of this state; and

(B) Act as a fiduciary with respect to the investment of public funds by acting solely in the interest of the public and by acting with the care, skill and caution which a prudent person in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose. The

contracted person shall incur only costs that are appropriate and reasonable and shall act in accordance with a good faith interpretation of the law governing the investment of public funds.

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 34

### WATER COMMISSION DUTIES

Original House Bill No. 24

AN ACT relating to water; authorizing rulemaking authority to allow the water development commission to delegate duties to the water development office; 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)(xiv), (xv) and by creating a new paragraph (xvi) is amended to read:

**41-2-118. Powers, duties, salaries and expenses of commission.**

(a) The commission shall:

(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; ~~and~~

(xvi) Have authority to promulgate rules to delegate administrative duties to the Wyoming water development office to facilitate the effective operation of the commission.

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

Approved February 17, 2017.

**Chapter 35****STORAGE TANKS**

Original House Bill No. 2

AN ACT relating to storage tanks; providing licensure requirements for tank operators, installers and testers; providing closure requirements for temporarily out of use tanks; modifying provisions related to financial assurance coverage; clarifying provisions related to tank fees; providing replacement requirements for specified piping; requiring interstitial monitoring for the lifetime of specified tanks and piping; requiring automatic fuel shutoffs as specified; amending definitions; conforming provisions; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 35-11-1431 and 35-11-1432 are created to read:

**35-11-1431. Tank system operators, installers and testers licensing; rule-making authority.**

(a) After recommendation from the director and consultation with the appropriate advisory boards, the council shall promulgate rules and regulations to develop standards for the licensure of all tank system operators, installers and testers. At minimum, those rules and regulations shall:

(i) Prescribe licensure requirements for any person installing, modifying or testing an underground or aboveground storage tank;

(ii) Prescribe class A and B operator licensure requirements which shall include passing a department approved exam;

(iii) Prescribe training requirements for class C operators;

(iv) Require at least one (1) person present on the job site to be licensed by the department to install or modify a tank system.

**35-11-1432. Temporarily out of use tanks; rulemaking.**

Except tanks within operating facilities, any underground or aboveground storage tank that has been temporarily out of use for more than twelve (12) months shall be permanently closed in accordance with department rule and regulation not later than twelve (12) months after the date on which the tank is placed in temporarily out of use status or July 1, 2018, whichever is later, unless a time extension is authorized in writing by the department.

Section 2. W.S. 35-11-103(a)(xiii), 35-11-1415(a)(iii), (vi)(B), by creating a new subparagraph (D), (ix)(D)(III), by creating a new subdivision (IV), (N) and (x), 35-11-1416(a)(ii) and by creating a new paragraph (x), 35-11-1425(b), 35-11-1427 and 35-11-1429(d) and by creating new subsections (f) and (g) are amended to read:

**35-11-103. Definitions.**

(a) For the purpose of this act, unless the context otherwise requires:



(xiii) "This act" means W.S. 35-11-101 through 35-11-403, 35-11-405, 35-11-406, 35-11-408 through 35-11-1106, 35-11-1414 through ~~35-11-1428~~ 35-11-1432, 35-11-1601 through 35-11-1613, 35-11-1701, 35-11-1801 through 35-11-1803 and 35-11-2001 through 35-11-2004.

**35-11-1415. Definitions.**

(a) As used in this article:

(iii) "Department" means the department of environmental quality through its ~~water quality~~ solid and hazardous waste division;

(vi) "Owner" means:

(B) In the case of an underground storage tank in use before November 8, 1984, but no longer in use after that date, any person who owned such a tank immediately before the discontinuation of its use; ~~and~~

(D) In the case of a site contaminated by an aboveground or underground storage tank regulated under this article and where all tanks have been permanently closed, any person who owns the site.

(ix) "Underground storage tank" means and includes any one (1) or combination of underground storage tanks, including underground pipes connected thereto, used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground, but does not include:

(D) A pipeline facility, including gathering lines, regulated under:

(III) An intrastate pipeline facility regulated under state laws, comparable to the provisions of law in subdivision (I) or (II) of this paragraph, as provided in 49 U.S.C. chapter 601, which is determined by the United States secretary of transportation to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

(IV) 49 U.S.C. chapter 601.

(N) Emergency spill or overflow containment underground storage ~~tanks-tank systems that are expeditiously emptied after use;~~

(x) "This article" means W.S. 35-11-1414 through ~~35-11-1428~~ 35-11-1432;

**35-11-1416. Rules and regulations.**

(a) The council shall promulgate rules and regulations necessary to administer this article after recommendation from the director of the department, the administrators of the various divisions and their respective advisory boards. The rules shall include but shall not be limited to rules and regulations which:

(ii) Require proof of financial assurance as required by federal law for

underground storage tanks;

(x) Require proof of financial assurance for aboveground storage tanks if the owner of the aboveground storage tank desires to be eligible for coverage under the financial responsibility account.

**35-11-1425. Tank fee; deposit into corrective action account; late fee.**

(b) On April 1 of each year the department may assess a late payment fee of one hundred dollars (\$100.00) per tank or contaminated site against any owner who has not paid the annual fee required pursuant to subsection (a) of this section or W.S. 35-11-1424(e). This late fee shall be paid by the owner and shall be in addition to the annual fee required pursuant to subsection (a) of this section or W.S. 35-11-1424(e) and shall be deposited in the department's corrective action account.

**35-11-1427. Financial responsibility account.**

There is created the environmental pollution financial responsibility account. This account is intended to provide for financial assurance coverage required by federal law for underground storage tanks and establish financial assurance coverage for aboveground storage tanks and shall be for the purpose of compensating third parties for damage caused by releases from one (1) or more tanks. Interest earned by the account shall be deposited in the general fund.

**35-11-1429. Tank requirements; rulemaking authority.**

(d) Double wall underground storage tank system lines with interstitial leak monitoring shall be installed whenever any line is installed on any underground storage tank system. Except piping connected to field-constructed underground storage tank systems with a capacity exceeding fifty thousand (50,000) gallons or piping that is used for an airport hydrant system, if existing single wall underground piping connected to an underground storage tank system fails due to corrosion or fails and has been recalled by the manufacturer, the entire run of single wall piping shall be replaced with double wall piping with interstitial monitoring regardless of the length of piping requiring repair.

(f) A double wall and interstitially monitored underground storage tank or underground piping installed after December 1, 2005, shall be interstitially monitored for the lifetime of the tank or piping.

(g) Except essential homeland security systems, emergency generator systems and systems used for other disaster relief efforts, if a new piping interstitial monitoring system is installed and sump sensors are used as standalone automatic leak detectors, the system shall be configured to shut off the flow of product in that piping run when a sump sensor triggers an alarm.

**Section 3.** W.S. 35-11-1415(a)(ix)(D)(I) and (II) is repealed.

**Section 4.** This act is effective July 1, 2017.

Approved February 17, 2017.

**Chapter 36****STUDENT OWNERSHIP AND PRIVACY RIGHTS**

Original House Bill No. 9

AN ACT relating to public education; prohibiting the conveyance or transfer of ownership rights of writings and other communications created by a student at the University of Wyoming or any community college in the state as specified; providing for an expectation of privacy in student writings and other communications as specified; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 21-17-124 and 21-18-318 are created to read:

**21-17-124. Student electronic writings and other electronic communications; expectation of privacy.**

(a) No ownership rights to any electronic writing or other electronic communication created by a student shall be conveyed, transferred or otherwise affected solely as a result of the writing or other communication being stored on an electronic device paid for in whole or in part by the university or transmitted or stored on the university's network.

(b) Students at the university shall have an expectation of privacy in the electronic writings and other electronic communications created by the student regardless of whether the writing or other communication is stored on an electronic device paid for in whole or in part by the university or transmitted or stored on the university's network. The university shall not require a student to waive or limit the student's expectation of privacy specified under this subsection. This subsection shall not apply to writings or other communications:

(i) Publicly disclosed, released or conveyed by the student or otherwise made available for observation by the student in such a manner that a person would not reasonably expect the writing or other communication would remain undisclosed to others;

(ii) Accessed by the university in cases where there is a technological requirement to support and maintain the university's electronic device or network. Writings or other communications viewed during the technological support or maintenance of the electronic device or network shall be limited to only those writings or other communications required to address the specific technical issue and shall not be used or distributed to any other person or entity unless otherwise mandated by federal or state law.

(c) The property rights and expectation of privacy provided in subsections (a) and (b) of this section do not apply to a writing or other communication created by a student who is simultaneously employed by and enrolled at the university if the writing or other communication is created when the person is acting in an official capacity as an employee of the university. Nothing in this subsection shall be construed to diminish the property rights or expectation of

privacy of persons acting in the capacity of an employee of the university.

(d) Nothing in this section shall be construed to:

(i) Impose, by operation of law, or require the university to accept or prohibit the university from accepting any liability or responsibility for collecting, maintaining, storing or otherwise recording writings and other communications created by a student;

(ii) Require the university to establish or prohibit the university from establishing standards on the retention and destruction of student writings and other communications.

(e) For purposes of this section, "student" means any person currently enrolled full time or part time at the university.

**21-18-318. Student electronic writings and other electronic communications; expectation of privacy.**

(a) No ownership rights to any electronic writing or other electronic communication created by a student shall be conveyed, transferred or otherwise affected solely as a result of the writing or other communication being stored on an electronic device paid for in whole or in part by a community college within the state or transmitted or stored on a community college's network.

(b) Students at a community college in the state shall have an expectation of privacy in the electronic writings and other electronic communications created by the student regardless of whether the writing or other communication is stored on an electronic device paid for in whole or in part by the community college or transmitted or stored on the community college's network. A community college shall not require a student to waive or limit the student's expectation of privacy specified under this subsection. This subsection shall not apply to writings or other communications:

(i) Publicly disclosed, released or conveyed by the student or otherwise made available for observation by the student in such a manner that a person would not reasonably expect the writing or other communication would remain undisclosed to others;

(ii) Accessed by a community college in cases where there is a technological requirement to support and maintain the community college's electronic device or network. Writings or other communications viewed during the technological support or maintenance of the electronic device or network shall be limited to only those writings or other communications required to address the specific technical issue and shall not be used or distributed to any other person or entity unless otherwise mandated by federal or state law.

(c) The property rights and expectation of privacy provided in subsections (a) and (b) of this section do not apply to a writing or other communication created by a student who is simultaneously employed by and enrolled at a com-

munity college if the writing or other communication is created when the person is acting in an official capacity as an employee of the community college. Nothing in this subsection shall be construed to diminish the property rights or expectation of privacy of persons acting in the capacity of an employee of a community college.

(d) Nothing in this section shall be construed to:

(i) Impose, by operation of law, or require a community college to accept or prohibit a community college from accepting any liability or responsibility for collecting, maintaining, storing or otherwise recording writings and other communications created by a student;

(ii) Require a community college to establish or prohibit a community college from establishing standards on the retention and destruction of student writings and other communications.

(e) For purposes of this section, “student” means any person currently enrolled full time or part time at a community college in the state.

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 37

### UNIFORM TRUST CODE AMENDMENTS

Original House Bill No. 124

AN ACT relating to the Uniform Trust Code; amending and creating a definition relating to interested persons; providing for distribution of trust assets as specified; and providing for an effective date.

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

**Section 1.** W.S. 4-10-111(a), 4-10-201 by creating a new subsection (d) and 4-10-816(a)(xxviii) and (b) are amended to read:

#### **4-10-111. Nonjudicial settlement agreements.**

(a) For purposes of this section, “interested persons” means ~~noncharitable beneficiaries eligible to receive current distributions from the trust~~ a qualified beneficiary, the settlor, if living, the trustee and trust protector, if any.

#### **4-10-201. Role of court in administration of trust.**

(d) ~~For purposes of this section, “interested persons” means a qualified beneficiary, the settlor, if living, the trustee and trust protector, if any.~~

#### **4-10-816. Specific powers of trustee.**

(a) Without limiting the authority conferred by W.S. 4-10-815, a trustee may:  
(xxviii) ~~On distribution~~ Distribute all or any portion of trust income or

principal in further trust for the benefit of the trust beneficiaries pursuant to authority granted in the trust instrument to make discretionary or mandatory distributions of trust income or principal to ~~a~~ the trust beneficiary-beneficia-ries, whether or not the discretionary or mandatory distributions are pursuant to an ascertainable standard; ~~make distributions of all or any portion of trust income or principal in further trust;~~

(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. If the trustee making a distribution in further trust under paragraph (a)(xxviii) of this section is a beneficiary of the trust from which the distribution in further trust is made, the distribution in further trust may not change the trustee's interest as a beneficiary in the trust. 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.

**Section 2.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 38

### EMS LICENSURE-INTERSTATE COMPACT

Original House Bill No. 112

AN ACT relating to emergency medical service licensure; adopting the recognition of emergency medical services personnel licensure interstate compact; allowing EMS personnel in one compact state to exercise practice privileges in other member states; approving and specifying terms of the compact; providing for licensure fees; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 33-36-201 and 33-36-202 are created to read:

#### ARTICLE 2

#### RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT ACT (REPLICA)

##### **33-36-201. Short title.**

This article shall be known and may be cited as the "Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act" or "REPLICA."

##### **33-36-202. Compact provisions generally.**

The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act 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:

SECTION 1  
PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;
2. Enhance the states' ability to protect the public's health and safety, especially patient safety;
3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
4. Support licensing of military members who are separating from an active duty tour and their spouses;
5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;
6. Promote compliance with the laws governing EMS personnel practice in each member state; and
7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

SECTION 2  
DEFINITIONS

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse Action" means: any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS



personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means: a voluntary, non-disciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means: the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

E. "Commission" means: the national administrative body of which all states that have enacted the compact are members.

F. "Emergency Medical Technician (EMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home State" means: a member state where an individual is licensed to practice emergency medical services.

H. "License" means: the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

I. "Medical Director" means: a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member State" means: a state that has enacted this compact.

K. "Privilege to Practice" means: an individual's authority to deliver emergency medical services in remote states as authorized under this compact.

L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

M. "Remote State" means: a member state in which an individual is not licensed.

N. "Restricted" means: the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means: a written statement by the interstate Commission promulgated pursuant to Section 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the 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.



P. “Scope of Practice” means: defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. “Significant Investigatory Information” means:

1. Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. “State” means: any state, commonwealth, district, or territory of the United States.

S. “State EMS Authority” means: the board, office, or other agency with the legislative mandate to license EMS personnel.

### SECTION 3 HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state’s license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. No later than five (5) years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, 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 or subsequent similar federal legislation and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

SECTION 4  
COMPACT PRIVILEGE TO PRACTICE

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

1. Be at least eighteen (18) years of age;
2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and
3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

D. Except as provided in Section 4 subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5  
CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;
2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home

state;

3. The individual enters a remote state to provide patient care and/or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

5. Other conditions as determined by rules promulgated by the Commission.

#### SECTION 6

#### RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

#### SECTION 7

#### VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this section remain subject to the adverse actions provisions of section 8.

#### SECTION 8

#### ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individ-

ual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

## SECTION 9

### ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend, or revoke an individual's

privilege to practice in the state.

SECTION 10  
ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PER-  
SONNEL PRACTICE

A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings.

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one (1) board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12.

5. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

- a. Non-compliance of a member state with its obligations under the Compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or
- j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe by-laws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:

- 1. Establishing the fiscal year of the Commission;
- 2. Providing reasonable standards and procedures:
  - a. For the establishment and meetings of other committees; and

b. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;

7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.

9. The Commission shall maintain its financial records in accordance with the bylaws.

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of EMS personnel licensure and practice.

E. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assess-



ment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. 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. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

F. Qualified Immunity, Defense, and Indemnification.

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act,

error, or omission did not result from the intentional or willful or wanton misconduct of that person.

#### SECTION 11 COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against an individual's license;
5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;
6. Non-confidential information related to alternative program participation;
7. Any denial of application for licensure, and the reason(s) for such denial; and
8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

#### SECTION 12 RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or

amendment.

B. If a majority of the legislatures of the member states reject a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and
2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge

shall be made in writing, and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

### SECTION 13

#### OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

##### A. Oversight.

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. 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 this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

##### B. Default, Technical Assistance, and Termination.

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated 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 default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and

each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

#### C. Dispute Resolution.

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

#### D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

### SECTION 14

#### DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter,

the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

## SECTION 15

### CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining member states. Nothing in this Compact supersedes state law or rules related to licensure of EMS

**Section 2.** W.S. 33-1-116 by creating a new subsection (f), 33-36-102(a)(v) and (x), 33-36-103 by creating new subsections (e) through (g), [33-36-108(a)(vi) and (vii) and by creating a new paragraph (viii),\*] 33-36-110(a)(i), (b), (h) and by creating new subsections (j) and (k), 33-36-111(a), 33-36-112 and 33-36-113 are amended to read:

**33-1-116. Professional and occupational licensure of military service members.**

(f) Any emergency medical service license sought under W.S. 33-26-101 through 33-26-113 by a veteran of military service, by a military service member except a member of the national guard, by a national guard member separating from an active duty tour or by the spouse of any of these persons shall be processed and considered pursuant to the requirements of the Recognition



of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202.

**33-36-102. Definitions.**

(a) As used in this act:

(v) "Division" means the designated division of the department of health which division shall be the state EMS authority for purposes of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202;

(x) "Emergency medical technician" means a person who has graduated from a division approved training program for emergency medical technicians and for purposes of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act means as defined in W.S. 33-26-202;

**33-36-103. Rules and regulations; procedure; initiation of proceedings.**

(e) The division shall recognize the practice requirements of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202, and shall prescribe any rules necessary for implementation of the compact.

(f) The division shall administer the provisions of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202, including factoring the annual assessment required under the compact into its biennial budget if sufficient revenue is not collected pursuant to W.S. 33-36-110 to cover the costs of the assessment.

(g) The division shall consider and process licenses for veterans of military service, military service members and the spouses of military service members pursuant to the requirements of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202.

**33-36-110. Emergency medical technician licensing; persons eligible; biennial fee; renewal; waiver of requirements.**

(a) An emergency medical technician license shall be granted by the division to any individual who:

(i) Submits an application for a license to the division and pays the fee established pursuant to subsection (k) of this section;

(b) Each emergency medical technician license shall expire every other year at a date determined by the division and may be renewed for a period of two (2) years upon application and payment of the fee established pursuant to subsection (k) of this section. An initial or renewal license may be granted by the division once to each person for a period not to exceed three (3) years if educational requirements for the period are satisfied. The division shall determine whether an applicant is eligible for an initial or renewal license.



(h) To the extent the right to practice in Wyoming is not already provided by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202, and if necessary to manage an emergency in this state, the division may issue temporary emergency medical technician licenses to emergency medical technicians who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license. The temporary license shall be valid for not more than ninety (90) days and be issued pursuant to a streamlined procedure established by rules and regulations promulgated by the division.

(j) The division shall recognize the right of emergency medical technician personnel licensed in another state to practice in Wyoming to the extent required by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202.

(k) The division shall establish in rule and regulation fees for issuing initial or renewal licenses under this section. Fees established pursuant to this section shall be 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 provisions of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202, including the costs of the assessment required under the compact.

### **33-36-111. Authorized acts of emergency medical technicians.**

(a) An individual who holds a valid emergency medical technician license issued by the division is authorized to perform any act authorized by division rules and regulations, under written or oral authorization of a licensed physician, and may provide emergency medical technician services in other states as permitted by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202.

### **33-36-112. Enjoining or restraining unlawful acts.**

Whenever any person has engaged or is about to engage in any acts or practices which constitute a violation of W.S. 33-36-103, ~~or~~ 33-36-111 or the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202, the division may make application to the appropriate court for an order enjoining those acts, and upon a showing by the division that the person has engaged or is about to engage in any illegal act, an injunction, restraining order or other appropriate order shall be granted by the court without bond. The division shall comply with the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act, W.S. 33-36-202, when taking any action under this section.

### **33-36-113. Violations; penalties; proceedings.**

Any person who violates any of the provisions of W.S. 33-36-103, ~~or~~ 33-36-111 or the Recognition of Emergency Medical Services Personnel Licen-

sure Interstate Compact Act, W.S. 33-36-202, is guilty of a misdemeanor and upon conviction shall be fined not more than four hundred dollars (\$400.00) or imprisoned in the county jail not more than six (6) months, or both. If the division has reason to believe that any individual is liable to punishment under this section, it may certify the facts to the attorney general of Wyoming who may take appropriate action. The division shall comply with the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act when taking any action under this section.

**Section 3.** This act is effective July 1, 2017.

*\* Editors Note: The above bracketed language in Section 2 of this act was included in the enrolled act due to an editing error. W.S. 33-36-108(a) was not amended in this act.*

Approved February 17, 2017.

## Chapter 39

### COMMUNITY COLLEGE CAPITAL CONSTRUCTION

Original House Bill No. 237

AN ACT relating to community college facilities; providing appropriations and authorizations for community college capital construction for the biennium commencing July 1, 2016 and ending June 30, 2018; providing for conditions, additional appropriations and authorizations and other requirements related to prior community college capital construction appropriations; and providing an effective date.

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

#### **Section 1.**

(a) As used in this act:

(i) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;

(ii) "PR" means private funding sources.

#### **Section 2.**

(a) The following sums of money are appropriated for the capital construction projects specified. Appropriations for these projects remain in effect until the project is completed. Appropriated funds under this section shall be expended only on the projects specified and any unused funds remaining at project completion shall revert to the accounts from which they were appropriated. The amounts appropriated in this section are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount:

(i) Appropriations for community college projects administered through the state construction department:

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
PROGRAM				
CC-LCCC Physical Ed Bldg.			7,300,000	PR 7,300,000
CC-EWC Ag. Tech Ed Bldg.			3,199,223	PR 3,199,223
CC-LCCC Fine Arts Bldg.			200,000	PR 200,000
CWC-Jackson Center			11,780,000	PR 11,780,000
			<hr/>	<hr/>
TOTALS	0	0	22,479,223	22,479,223

### Section 3.

(a) In addition to the amounts appropriated in 2016 Wyoming Session Laws, Chapter 97, Section 3 the following is appropriated:

CC-CWC Ag/Animal Science <sup>1</sup>			5,250,000	PR 5,250,000
CC-NWCCD Tech Ed Ctr. <sup>1</sup>			6,500,000	PR 6,500,000
CC-LCCC Ludden Library <sup>2</sup>			2,500,000	PR 2,500,000
			<hr/>	<hr/>
TOTALS	0	0	14,250,000	14,250,000

1. This appropriation shall only be expended if appropriations from the general fund in 2016 Wyoming Session Laws, Chapter 97, Section 3 for this project are not available at the time the project proceeds to bid. To the extent general funds become available for this project, the appropriation of "Other Funds PR" in this section shall be reduced by an amount equal to the amount of general funds that are available for this project. General funds appropriated and available for this project shall be expended to reimburse any appropriation of "Other Funds PR" in this section expended for the project.

2. This appropriation shall only be expended if appropriations from the strategic investments and projects account in 2016 Wyoming Session Laws, Chapter 97, Section 7 for this project are not available at the time the project proceeds to bid. To the extent appropriations from the strategic investments and projects account become available for this project, the appropriation of "Other Funds PR" in this section shall be reduced by an amount equal to the amount of funds from the strategic investments and projects account that are available for this project. Appropriations from the strategic investments and projects account that become available shall be expended to reimburse any appropriation of "Other Funds PR" in this section expended for the project.

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

Approved February 17, 2017.

**Chapter 40****SECRETARY OF STATE-CERTIFICATES OF AUTHENTICATION**

Original House Bill No. 21

AN ACT relating to certificates of authentication; authorizing issuance of certificates of authentication by the secretary of state; authorizing the use of the great seal of the state as specified; specifying 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. 32-1-114 is created to read:

**32-1-114. Certificate of authentication.**

(a) The secretary of state or his designee may sign and issue a certificate of authentication or an apostille evidencing the origin of a public document or the authentication of the official seal or signature of the person or authority in this state that sealed or signed the document.

(b) The secretary of state may affix the great seal of the state to the certificate or apostille.

(c) The secretary of state shall collect a fee of ten dollars (\$10.00) for each certificate or apostille issued pursuant to this section, not to exceed one hundred dollars (\$100.00) per the same transaction or occurrence.

(d) The secretary of state may promulgate rules and regulations to implement this section.

**Section 2.** W.S. 9-1-303 by creating a new subsection (e) and 9-1-305(a)(i) are amended to read:

**9-1-303. Powers and duties; affixing seal to and countersigning commissions and documents; certified copies of acts; file of commissions and appointments; printing of documents.**

(e) The secretary of state may affix the great seal of the state to certificates or apostilles issued pursuant to W.S. 32-1-114.

**9-1-305. Fees; amounts; collection; exceptions.**

(a) The secretary of state shall collect the following fees in advance for:

(i) Except as provided in W.S. 32-1-114(c), certificate and seal, three dollars (\$3.00);

**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, 2017.

## Chapter 41

### OBSOLETE LAWS

Original House Bill No. 36

AN ACT relating to the general revision of laws; amending archaic and obsolete provisions; repealing fully executed or otherwise archaic and obsolete provisions; and providing for an effective date.

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

**Section 1.** W.S. 1-1-138(c), 1-23-107(a), 1-39-103(a)(viii), 1-39-104(a), 6-2-501(c) and (d), 7-6-103(k), 14-12-104, 15-4-304, 16-6-112(a)(intro), 18-2-111, 18-3-510(a), 18-3-513(b), 23-2-101(k), 27-2-109(g), 27-11-103(a)(ii) and 35-2-1108 are amended to read:

**1-1-138. Donation of emergency responder equipment; exemption from civil and criminal liability; definitions; relation to other law.**

(c) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, conflict with any provision of this section, the Wyoming Governmental Claims Act shall prevail.

**1-23-107. Individual liability of members of governmental agencies.**

(a) Notwithstanding W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, the members of any governmental board, agency, council, commission or governing body are not individually liable for any actions, inactions or omissions by the governmental board, agency, council, commission or governing body.

**1-39-103. Definitions.**

(a) As used in this act:

(viii) "This act" means W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

**1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.**

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112, ~~and limited by W.S. 1-39-121~~. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b), ~~and 1-39-121~~. The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

**6-2-501. Simple assault; battery; penalties.**

(c) ~~Except as provided by subsection (e) of this section,~~ Simple assault is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

(d) ~~Except as provided by subsection (f) of this section,~~ Battery 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. Notwithstanding any other provision of law, the term of probation imposed by a judge under this subsection 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 in no case exceed one (1) year.

**7-6-103. Creation of office of state public defender; appointment of state public defender and assistants; duties; removal.**

(k) Notwithstanding any other provision of law to the contrary, any attorney providing services for the office of the state public defender in the defense of a criminal case shall, for matters arising out of such services, be considered a state employee for purposes of coverage and representation under the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, and the state self-insurance program, W.S. 1-41-101 through 1-41-111.

**14-12-104. Applicability of the Wyoming Governmental Claims Act and state self-insurance program.**

Notwithstanding any other provision of law to the contrary, any attorney providing services for the office pursuant to the guardian ad litem program shall, for matters arising out of such services, be considered a state employee for purposes of coverage and representation under the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, and the state self-insurance program, W.S. 1-41-101 through 1-41-111.

**15-4-304. Claims; appeals; exception; definition.**

Except as provided by W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, if any claim against the city is disallowed in whole or in part, the claimant may appeal from the decision of the governing body to the district court of the district in which the city or town is situated pursuant to Rule 12 of the Wyoming Rules of Appellate Procedure. "Claim" as used in this section means claims as are presented for audit and not claims for salaries of officers and employees or other fixed charges against the city or town, nor claims covered by W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

**16-6-112. Contractor's bond or other guarantee; when required; conditions; amount; approval; filing; enforcement upon default.**

(a) Except as provided under W.S. ~~9-2-1016(b)(xviii)~~ 9-2-3004(c)(iv), any contract entered into with the state, any county, city, town, school district or other political subdivision of the state for the construction, major maintenance or renovation of any public building or other public structure or for any public work or improvement and the contract price exceeds seven thousand five hundred dollars (\$7,500.00), shall require any contractor before beginning work under the contract to furnish the state or any political subdivision, as appro-

prorate, a bond or if the contract price is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of guarantee approved by the state or the political subdivision. The bond or other form of guarantee shall be:

**18-2-111. Judgment against county to be paid by tax levy; when execution to issue.**

Except as provided in W.S. 1-39-101 through ~~1-39-121~~ 1-39-120 when a judgment is rendered against the board of county commissioners or any county officer the judgment shall be paid by a tax levied for that purpose and when collected shall be paid by the county treasurer to the judgment creditor upon the delivery of a proper voucher. Execution may issue on the judgment if payment is not made within sixty (60) days after the time required for the payment of county taxes to the county treasurer.

**18-3-510. Claims against county to be itemized and verified; penalty.**

(a) No claim against the county shall be allowed by the board of county commissioners unless it is properly dated and itemized and the value of each item specifically described, and when no specified fees are allowed by law, the date that such services were rendered and the time actually and necessarily devoted to the performance of any service. Each claim shall be accompanied by an affidavit, stating that the claim is just and correct and that no part of the claim has been paid by the county or other person. The board of county commissioners may disallow any account, in whole or in part, when so rendered and verified, and may require further evidence of the truth and propriety of the claim. This section does not apply to claims under W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

**18-3-513. Appeal on disallowance of claim.**

(b) When the appeal is perfected, the clerk of the board shall immediately give notice to the county attorney. The clerk shall make a brief return of the proceedings before the board with the decision properly certified and file the same together with the bond and all papers in the case in his possession with the clerk of the district court. The appeal shall be entered, tried and determined and costs awarded the same as appeals from circuit courts. This section does not apply to claims under W.S. 1-39-101 through ~~1-39-121~~ 1-39-120.

**23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.**

(k) Any resident qualified to purchase a moose or ram big horn sheep hunting license under subsection ~~(b)~~ (j) of this section may pay a fee of seven dollars (\$7.00) in lieu of applying for a moose or ram big horn sheep hunting license. Payment of the fee for a particular species under this subsection shall authorize the person to accumulate points under W.S. 23-1-703(b) for that year in the same manner as if he had unsuccessfully applied for a hunting license for that species. Payment of the fee shall be made in compliance with application dates.



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

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

**27-11-103. Definitions.**

(a) As used in this act:

(ii) "Department" means the department of employment workforce services of the state of Wyoming;

**35-2-1108. Receiver's liability.**

(a) The liability of the department shall be limited as set forth in the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, for the operation of medical facilities and the provision of health care.

(b) If a person is designated to act as a receiver pursuant to W.S. 35-2-1103(f) and is not covered by the Wyoming Governmental Claims Act, W.S. 1-39-101 through ~~1-39-121~~ 1-39-120, the designated receiver shall only be held liable in a personal capacity for the designated receiver's own gross negligence, intentional acts or breach of fiduciary duty.

**Section 2.** W.S. 1-39-103(a)(vii), 1-39-121, 31-2-206(e) and (f), 39-15-105(a)(viii)(N) and 39-16-105(a)(viii)(C) are repealed.

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

**Chapter 42****LEGISLATIVE APPROPRIATIONS**

Original Senate File No. 2

AN ACT relating to appropriations for the legislature; modifying appropriations for the operation of the legislative branch of state government; and providing for an effective date.

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

**Section 1.** 2016 Wyoming Session Laws, Chapter 79, sections 1, 6(b), 8(a), 10(a) and 11 are amended to read:

**Section 1.** There is appropriated from the general fund to the legislative service office the following specified amounts, or as much thereof as may be necessary, to pay the costs and expenses of the Wyoming legislature through June 30, 2018:



## SALARIES

LSO Staff Permanent/Temporary.....	\$6,834,598
	<u>6,051,330</u>
Legislators – Session.....	1,162,740
	<u>1,081,704</u>
Legislators – Interim .....	1,948,352
	<u>1,924,652</u>
Session Staff.....	745,229
	<u>661,899</u>
Employer Paid Benefits .....	3,270,853
	<u>2,943,412</u>

## IN-STATE TRAVEL

Mileage and Per Diem – Session.....	1,038,796
	<u>934,768</u>
Mileage and Per Diem – Interim.....	922,306
	<u>887,876</u>

## OUT-OF-STATE TRAVEL

Travel Expenses.....	118,800
	<u>83,300</u>
Per Diem.....	165,800
	<u>116,700</u>

## ANNUAL DUES

National Conference of State Legislatures.....	242,562
	<u>213,062</u>
The Energy Council.....	76,800
Council of State Governments.....	185,736
	<u>163,436</u>
Other.....	10,600

REGISTRATION FEES.....	81,000
	<u>58,400</u>

TELECOMMUNICATIONS.....	90,000
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ITD SERVICES (Network connections & backup).....	13,000
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GENERAL ADMINISTRATIVE SUPPORT [1.].....	984,566
	<u>630,471</u>

(Information technology, copying,  
supplies and equipment, furniture,  
contract services, special projects, etc.)

STATUTES, SESSION LAWS AND DIGESTS.....	380,000
	<u>55,000</u>
TOTAL.....	\$18,271,738
	<u>15,996,410</u>

Footnotes to Section 1:

1. Legislative laptop computers being replaced shall be sold in accordance with Management Council directives. Any proceeds received from the sale of any laptop computer shall be deposited into the general fund and are hereby reappropriated to the legislative service office to be used for the purchase of replacement laptop computers and support systems.

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

(b) There is appropriated from the general fund to the legislative service office ~~sixty-two thousand dollars (\$62,000.00)~~ twenty thousand dollars (\$20,000.00) or as much thereof as may be necessary for purposes of this section.

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

(a) There is appropriated ~~one hundred twenty-five thousand dollars (\$125,000.00)~~ two hundred seventy-four thousand seven hundred nineteen dollars (\$274,719.00) from the general fund to the legislative service office to be expended at the direction of the Management Council for extraordinary expenses of the legislature and as necessary to supplement any expense category under section 1 of this act.

**Section 10.** [Economic Development Authorized Travel].

(a) There is appropriated ~~fifty thousand dollars (\$50,000.00)~~ forty-six thousand dollars (\$46,000.00) from the general fund to the legislative service office for legislative travel expenses as authorized in this section.

**Section 11.** There is appropriated ~~forty-two thousand dollars (\$42,000.00)~~ twenty-one thousand dollars (\$21,000.00) from the general fund to the legislative service office for payment of registration, mileage and per diem for legislators attending the Wyoming state treasurer’s investment conference in the 2016 or 2017 interim. Registration payments shall not exceed three hundred fifty dollars (\$350.00) per legislator.

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

Approved February 17, 2017.

**Chapter 43****WATER PROJECTS-MAP AND PLAT FILING REQUIREMENTS**

Original Senate File No. 4

AN ACT relating to appropriations of water; relocating filing requirements for specified water appropriations within the Wyoming statutes; specifying requirements for applications to appropriate water; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 33-29-801(e) and 41-4-507 are amended to read:

**33-29-801. Maps, plats, plans and designs for filing or recording to be certified by professional engineer or professional land surveyor; exception; size of maps.**

(e) The state engineer may adopt rules and regulations which provide exceptions to paragraph (a)(i) of this section for projects which, because of their size, nature or location, an exception would not impede upon public safety or the integrity of a water right. ~~The exceptions provided pursuant to this subsection shall be in addition to the exception provided in subsection (b) of this section.~~

**41-4-507. Maps and plats; when required with application; contents; format requirements; copies; duties of state engineer generally.**

(a) Each application for a permit to appropriate waters for beneficial uses under a project embracing the major irrigable portion of an entire drainage basin within the limits of this state which has been approved by either state or federal agencies for development and construction in subdivisions as the result of preliminary investigations; must be accompanied by a map or plat ~~drawn~~ made by or under the responsible charge of a professional engineer or professional land surveyor and be signed by and bear the seal of the professional engineer or professional land surveyor. The map or plat shall be on a scale to conform to the regulations of the state engineer, showing the approximate location of all streams, proposed reservoirs, main canals and the other data required under the terms of W.S. 41-3-301, together with the approximate location and area of the lands to be irrigated and approximate capacity of each of the reservoirs to be constructed. It shall be the duty of the state engineer to approve any such application made in conformity herewith which contemplates the application of the water of a drainage basin to the beneficial use of a major irrigable portion thereof where the proposed use does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare; provided, however, that any permit for appropriation of waters for beneficial uses upon the irrigable lands designated in such a drainage basin project application, must be conditioned for the submission to the state engineer of detailed maps, plans and specifications applicable to a single subdivision of the project and the approval thereof by the state engineer, prior to the commencement of the construction

of any such subdivisions; provided further that such subdivision maps, plans and specifications shall conform to the requirements hereinafter set forth as applicable to other applications not embracing the major irrigable portion of an entire drainage basin.

(b) Except for applications made pursuant to subsection (a) or (c) of this section, every other application for a permit to appropriate water for beneficial uses must be accompanied by a map or plat, showing accurately the location and extent of the proposed work. The maps or plats must be drawn, on a scale to conform to the regulations of the state engineer and be made by or under the responsible charge of a professional engineer or professional land surveyor and be signed by and bear the seal of the professional engineer or professional land surveyor; they must show the location of the headgate or point of diversion by courses and distances from some government corner; they must show the actual location of the ditch or canal, or water line of the reservoir, and must show, wherever section lines are crossed, the distance to the nearest government corner. The map or plat must show the course of the river, stream or other source of supply; the location and area of all lands proposed to be reclaimed; the position and area of all reservoirs or basins intended to be created for the purpose of storing water; the location of the intersection with all other ditches, canals, laterals or reservoirs which are caused by this work, or with which connections are made. These maps must contain the name of the proposed work, and, where possible, the number of the permit. They must in addition, have the name or names of the applicant or applicants and the certificate of the engineer or surveyor, giving the date of survey, his name and address.

(c) Notwithstanding subsections (a) and (b) of this section, an application and accompanying maps, plans, plats and designs filed in the state engineer's office shall comply with the requirements of W.S. 33-29-801(a)(ii) through (iv) and subsections (d) and (e) of this section when the application is to:

(i) Construct small reservoirs for stock or other beneficial uses where the capacity of the reservoir does not exceed twenty (20) acre feet or twenty (20) feet in dam height;

(ii) Develop springs for any beneficial use up to twenty-five (25) gallons per minute; or

(iii) Construct flood water detention dams storing fifty (50) acre feet or less and not to exceed twenty (20) feet in height provided the dam has a minimum outlet of eighteen (18) inches diameter and the dead storage does not exceed twenty (20) acre feet.

(d) An application made pursuant to subsection (c) of this section shall be signed by the applicant or an agent acting for him and shall be accompanied, at a minimum, by aerial photographs, digital imagery or United States geological survey quadrangle maps, of a scale provided by Wyoming board of professional

engineers and professional land surveyors rule, with designation of the township, range, section and section corner or quarter corner and the location of the installation designated in the quarter section on the photographs or United States geological survey quadrangle maps and a description of:

(i) The dam including height, width, depth, construction materials, depth to be submerged and height of the free board; and

(ii) The reservoir including length, width, average depth, submerged area and capacity.

(e) Aerial photographs, digital imagery or United States geological survey quadrangle maps accompanying an application made pursuant to subsection (c) of this section shall comply with the following requirements:

(i) Two (2) aerial photographs, digital images or United States geological survey quadrangle maps shall accompany each application;

(ii) The scale on the aerial photographs, digital imagery or United States geological survey quadrangle maps shall not be less than two (2) inches to the mile;

(iii) An identified section corner or quarter corner shall be shown on each aerial photograph, digital image or United States geological survey quadrangle map;

(iv) The entire section in which the facility is located shall be shown on each aerial photograph, digital image or United States geological survey quadrangle map along with subdivision lines showing forty (40) acre tracts; and

(v) The location of the facility shall be shown within the proper forty (40) acre subdivision.

(f) The state engineer may adopt rules and regulations which provide exceptions to the filing requirements of subsections (a) and (b) of this section for projects for which, because of the size, nature or location, an exception would not impede upon public safety or the integrity of a water right. The exceptions provided pursuant to this subsection shall be in addition to the exceptions provided in subsection (c) of this section.

**Section 2.** W.S. 33-29-801(b) through (d) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

**Chapter 44****SPECIAL DISTRICT PUBLIC RECORDS-BOCES**

Original Senate File No. 18

AN ACT relating to special districts; removing boards of cooperative educational services from the Special District Public Records and Meetings Act; and providing for an effective date.

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

Section 1. W.S. 16-12-103(a)(ii) is repealed.

Section 2. This act is effective July 1, 2017.

Approved February 17, 2017.

**Chapter 45****MILITARY DEPARTMENT COMPOSITION**

Original Senate File No. 39

AN ACT relating to the military department; amending the composition of the military department and the succession of military office; repealing superseded provisions; and providing for an effective date.

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

**Section 1.** W.S. 19-7-101(a)(iv), 19-7-102(a)(intro), 19-7-103(a)(intro), 19-7-104(a), 19-7-105(a)(intro), 19-9-102(a)(ii) and 19-9-301(b) are amended to read:

**19-7-101. Definitions.**

(a) As used in this act:

(iv) "Military department" means the adjutant general, the state military affairs and those divisions of the army national guard, the air national guard and state military affairs that may be authorized by federal or state authority;

**19-7-102. Creation and composition of military department.**

(a) The military department of the state of Wyoming shall consist of the adjutant general, state military affairs and the following three (3) those divisions that may be authorized by federal or state authority.

**19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.**

(a) The governor shall appoint a qualified adjutant general to be chief of staff the commander of the Wyoming national guard and director of the Wyoming military department. He shall have the rank the governor designates and may be removed by the governor as provided in W.S. 9-1-202. A prospective appointee shall possess the following qualifications:

**19-7-104. Assistant adjutants general; general officers; deputy military administrator and fiscal officer.**

(a) The adjutant general shall appoint ~~an such~~ assistant adjutant ~~adjutants~~ general ~~for and other general officers as may be authorized by~~ the army national guard and ~~an assistant adjutant general for~~ the air national guard. Each assistant adjutant general and general officer shall serve in their respective duty positions at the pleasure of the adjutant general and may be removed from the position by the adjutant general as provided under W.S. 9-1-202(b)(i). Each assistant adjutant general and general officer shall hold the rank of brigadier general and shall possess the qualifications set forth in W.S. 19-7-103(a)(i) through (iii). No person shall continue to serve as an assistant adjutant general or general officer after failing to qualify before a federal recognition board for promotion to the grade of brigadier general.

**19-7-105. Succession of office.**

(a) In the event of disability, death, absence or other condition which prevents execution of the duties of the adjutant general, and prior to an appointment of the governor to the contrary, the duties of the adjutant general shall be executed by the ~~following officers: senior assistant adjutant general for either the army national guard or air national guard, by date of rank, as is then currently available. If none are available, then such duties shall be executed by the senior general officer for either the army national guard or air national guard, by date of rank, as is then currently available.~~

**19-9-102. Organization of national guard; duty of governor.**

(a) The Wyoming national guard consists of the following officers and staff in addition to or in combination with such elements of the army and air forces of the national guard of the United States as are allocated to the state by the president, the secretary of defense or the secretary of army or air, and accepted by the state:

(ii) ~~Two (2) Those~~ assistant adjutants general and general officers appointed pursuant to W.S. 19-7-104(a);

**19-9-301. National guard officers generally.**

(b) All officers appointed in the national guard of Wyoming except the adjutant general, ~~and~~ assistant adjutants general and additional general officers shall hold their membership until they have reached seventy (70) years of age unless retired or discharged prior to that time. No officer possesses a property interest in any duty position. The adjutant general is the discharge authority for all officers except the adjutant general, for which the governor shall be that authority. Any officer may be discharged from the Wyoming national guard according to procedures established by orders and regulations prescribed or promulgated by the adjutant general or according to federal law and regulation. An officer discharged from the United States air force or army reserves

or who has his federal recognition withdrawn shall also be discharged from the Wyoming national guard effective as of the date of discharge from the reserves or withdrawal of federal recognition.

**Section 2.** W.S. 19-7-102(a)(i) through (iii) and 19-7-105(a)(i) through (iii) are repealed.

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

Approved February 17, 2017.

## Chapter 46

### SNOW PLOW LIGHTS

Original Senate File No. 19

AN ACT relating to the regulation of traffic on highways; providing the department of transportation rule-making authority relating to lights of a conspicuous color on municipal and county snow plows; and providing for an effective date.

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

**Section 1.** W.S. 31-5-928(d) is amended to read:

**31-5-928. General lighting restrictions; authorized emergency vehicles.**

(d) Every authorized emergency vehicle, except ~~police law enforcement~~ vehicles and as otherwise specified in this subsection, shall, in addition to any other equipment required by law, be equipped with at least one (1) red lamp visible from five hundred (500) feet in front of the vehicle. Except as otherwise provided in this subsection, every authorized emergency vehicle, may be equipped with one (1) or more blue, white or amber lights. Vehicles used or contracted by a municipality, county or the department to clear snow from public streets, roads or highways may be equipped with one (1) or more lights of a conspicuous color as specified by rules adopted by the department. Privately-owned vehicles used by members of a fire department or emergency service organization in performing or traveling to perform assigned duties in those organizations shall display at least one (1) flashing white, red or amber light, but no blue lights, visible from five hundred (500) feet in front of the vehicle.

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

Approved February 17, 2017.



**Chapter 47****MILITARY DEPARTMENT RECORDKEEPING**

Original Senate File No. 40

AN ACT relating to the military department; amending recordkeeping provisions; and providing for an effective date.

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

**Section 1.** W.S. 19-7-103(b)(iii), (xiv), (xv) and by creating a new paragraph (xxiii) and 19-14-107(c) by creating a new paragraph (xi) and by renumbering (xi) as (xii) are amended to read:

**19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.**

(b) The adjutant general of Wyoming shall have powers and duties and be paid a salary as follows:

(iii) He shall keep a record of all officers commissioned by the governor and maintain electronic access to all current orders, rules and regulations prescribed by the secretary of defense and the several agencies of the department of defense for the national guard;

(xiv) Except as federal law requires, he may shall secure and accept the assistance and cooperation of all other governmental agencies and individual citizens in securing a complete and accurate military service record of Wyoming service past and present Wyoming national guard personnel and those veterans who declare Wyoming as their residence upon separation from the military. He may accept the assistance and cooperation of all other governmental agencies and individual citizens to secure such records. He shall carefully keep and preserve such records physically or electronically in accordance with the laws and practices applied to the preservation and safekeeping of official records. All such records are confidential in accordance with the usual procedures and customs prevailing in the military service;

(xv) He is the channel of military and military department related correspondence with the governor and shall have custody of all military records, correspondence and other military documents until he has legal authority to properly dispose of or preserve physically or electronically such documents;

(xxiii) He may delegate part or all of his responsibilities under paragraphs (iii) and (xiv) of this subsection to the veterans' commission.

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

(c) The commission shall:

(xi) Collect, maintain and preserve physically or electronically any military service records of past and present Wyoming national guard personnel

and those veterans who have declared Wyoming as their residence upon separation from the military. This shall include any records maintained by the adjutant general pursuant to W.S. 19-7-103(b)(iii) and (xiv) if delegated such responsibility;

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

**Section 2.** W.S. 19-7-103(b)(xiii) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 48

### VETERAN LICENSE PLATE STICKERS-REPEAL

Original Senate File No. 38

AN ACT relating to motor vehicles; repealing provisions authorizing veteran license stickers; providing conforming amendments; creating exemptions 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 agricultur-

al 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.** W.S. 31-2-215(d), 31-2-216(h), 31-2-217(h) and 31-3-102(a)(xix) are repealed.

**Section 3.** A veteran license sticker displayed on a license plate that is manufactured by the department of transportation and sold by the veterans' affairs commission before July 1, 2017 shall not be considered foreign material for purposes of W.S. 31-2-205(a)(iv).

**Section 4.** This act is effective July 1, 2017.

Approved February 17, 2017.

## Chapter 49

### MANUFACTURED ALCOHOLIC BEVERAGES

Original Senate File No. 13

AN ACT relating to alcoholic beverages; specifying requirements for a manufacturer's license; specifying the manufactured product and amount of samples that may be dispensed; providing definitions; and providing for an effective date.

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

**Section 1.** W.S. 12-2-203(a), (f), (g), (h)(intro), (i)(D), by creating new paragraphs (ii) and (iii) and by renumbering (ii) as (iv) and 12-4-412(d) are amended to read:

**12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.**

(a) The division shall grant a manufacturer's license authorizing the manufacture or rectification of alcoholic liquor ~~or malt beverages~~ or an importer's license authorizing the importation of alcoholic liquor to a qualified resident within this state who submits an application to the division on forms provided by the division and pays an annual license fee of two hundred fifty dollars (\$250.00) for each license. A person may be issued both a manufacturer's license and an importer's license. Applicants for a manufacturer's license shall submit with their application a copy of the applicant's federal basic permit issued by the United States department of the treasury alcohol and tobacco tax and trade bureau and shall be subject to on-site inspections by the division.

(f) A holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier may dispense free of charge ~~on-site at the site identified on the manufacturer's license~~ samples in quantities not to exceed one and one-half (1.5) ounces of their ~~manufactured~~ product manufactured at the site identified on the manufacturer's license and no more than ~~two (2)~~ three (3) ounces of samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license granted under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its ~~manufactured~~ product manufactured at the site identified on the manufacturer's license at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions pursuant to W.S. 12-5-201.

(h) For purposes of subsections (a), (f) and (g) of this section:

(i) "Distiller" includes any person who:

(D) Making or keeping mash, wort or wash, has a still ~~in his possession or use in operation~~ at the site identified on the manufacturer's license.

(ii) "In operation" means is currently being operated or has been operated in the preceding twelve (12) months with all necessary permits;

(iii) "Manufacture" or "manufactured" means distilling or rectifying and bottling or packaging any spirituous fluid, substance or compound intended for beverage purposes which contains at least one-half of one percent (.5%)

alcohol by volume;

(ii)(iv) “Rectifier” includes any person who colors, flavors or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

**12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.**

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell ~~its manufactured~~ wine manufactured at the site identified on the manufacturer’s license at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions of W.S. 12-5-201.

**Section 2.** This act is effective July 1, 2017.

Became law without Governor’s signature February 20, 2017.

## Chapter 50

### ALCOHOLIC BEVERAGES REVISIONS

Original Senate File No. 43

AN ACT relating to alcoholic beverages; repealing requirement license and permit fees be paid in cash or by certified check; repealing restrictions on license and permit holding by a mayor, city or town council member, county commissioner and law enforcement officer; modifying requirements for special malt beverage permits for public auditoriums, civic centers or events centers; modifying provisions related to hours of operations; modifying minimum purchase requirements for permit and license holders; modifying and clarifying application of population formula for licenses; repealing certain preference right; repealing limitation on issuance of restaurant licenses; repealing provisions related to prohibited acts in a licensed building or premises; repealing obsolete provisions; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 12-2-203(f) and (g), 12-4-101(d), 12-4-103(c), 12-4-407(a) and (d), 12-4-410(c), 12-4-412(b)(iii)(A) and (d), 12-4-502(c), 12-4-504(a), 12-5-101 by creating a new subsection (d) and 12-5-201(e) are amended to read:

**12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.**

(f) A holder of a manufacturer’s license under subsection (a) of this section

who is a federally licensed distiller or rectifier may dispense free of charge on-site samples in quantities not to exceed one and one-half (1.5) ounces of their manufactured product and no more than two (2) samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours ~~provided in set pursuant to~~ W.S. 12-5-101 and the dispensing room provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its manufactured product at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours ~~provided in set pursuant to~~ W.S. 12-5-101 and the dispensing room provisions pursuant to W.S. 12-5-201.

**12-4-101. Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment of fees.**

(d) Unless otherwise provided, the licensing authority shall uniformly assess license or permit fees annually for each particular class of license or permit. Applicants for a license or permit shall pay the required fee in cash or by certified check upon receipt of the license or permit.

**12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.**

(c) Except as provided in subsection (d) of this section, ~~a license or permit authorized by this title shall not be renewed if the licensee or permittee did not, during the previous one (1) year term of the license or permit, purchase at least five hundred dollars (\$500.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one (1) year term of the license, purchase at least two thousand dollars (\$2,000.00) of alcoholic or malt beverages or a combination thereof from the division or any authorized malt beverage wholesaler.~~

**12-4-407. Restaurant liquor license; authorized.**

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a restaurant liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon applica-

tion. When the total dollar amount of wholesale purchases from the division of liquor in a county is greater than fifty (50) times the county population, ~~then~~ Population formulas have no application to issuance of restaurant liquor licenses within the county.

(d) Any person presently holding a limited retail liquor license and otherwise qualified for a restaurant liquor license under W.S. 12-1-101(a)(xiv) and 12-4-407 through 12-4-411 may be issued a restaurant liquor license by the appropriate licensing authority. ~~Licenses issued under this subsection shall not be considered in the number of licenses authorized under subsection (c) of this section.~~

**12-4-410. Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.**

(c) All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease or at the hours specified by ~~W.S. 12-5-101(a) set pursuant to W.S. 12-5-101~~ if food sales and services extend beyond ~~the those hours, specified therein.~~

**12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.**

(b) The local licensing authority:

(iii) May approve the dual holding of a microbrewery permit or winery permit and one (1) of the following:

(A) A retail liquor license as provided in W.S. 12-4-101 through ~~12-4-202~~ 12-4-201;

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours ~~provided in set pursuant to W.S. 12-5-101~~ and the dispensing room provisions of W.S. 12-5-201.

**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~~



set pursuant to W.S. 12-5-101. No person or organization shall receive more than a total of twelve (12) malt beverage and thirty-six (36) 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.

**12-4-504. Special malt beverage permit for public auditoriums, civic centers or events centers.**

(a) The appropriate licensing authority in a county, city or town may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers or events centers, ~~meeting the qualifications of subsection (b) of~~ The issuing body may provide rules to implement this section.

**12-5-101. Hours of sale generally.**

(d) Local licensing authorities may set hours of operation for alcohol sales provided that the hours of operation are uniformly applied to establishments similarly situated.

**12-5-201. Location, regulation and restrictions as to place of sale; inspections; additional dispensing rooms.**

(e) Notwithstanding subsection (a) of this section, a licensee who holds a license other than a club license issued under W.S. 12-4-301 or restaurant license issued under W.S. 12-4-407, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, at an additional fee of not to exceed one-half (1/2) of the fee paid for the original license, sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are not subject to hours of operation ~~imposed under set pursuant to~~ W.S. 12-5-101 and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors under W.S. 12-6-101 apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, refrigerated or nonrefrigerated, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device. The appropriate licensing authority may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection.



**Section 2.** W.S. 12-4-103(a)(i) and (ii), 12-4-104(c), 12-4-202, 12-4-407(c), 12-4-504(b) through (e), 12-5-101(a) through (c), 12-5-204 and 12-8-201 are repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 51

### LIMITED LIABILITY COMPANIES

Original Senate File No. 100

AN ACT relating to limited liability companies; amending provisions related to the management of limited liability companies; repealing requirement distributions be made in money upon dissolution; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 17-29-102(a) by creating a new paragraph (xxiv) and 17-29-407(b)(ii) are amended to read:

**17-29-102. Definitions.**

(a) As used in this chapter:

(xxiv) "Majority of the members," unless the operating agreement provides otherwise, means:

(A) For a limited liability company formed before July 1, 2010, more than fifty percent (50%) of its membership interests based on each member's proportionate contribution to the capital of the limited liability company, as adjusted from time to time to properly reflect any additional contributions or withdrawals by the members, unless the limited liability company amends its articles of organization to provide otherwise;

(B) For a limited liability company formed on or after July 1, 2010, a per capita majority of the members.

**17-29-407. Management of limited liability company.**

(b) In a member-managed limited liability company, unless the articles of organization or the operating agreement provide otherwise, the following rules apply:

(ii) Each member has equal rights in the management and conduct of the company's activities except:

(A) That a member's interest is otherwise defined in W.S. 17-29-102(a)(xxiv);

(B) To the extent otherwise provided in any other provision in this chapter; or

(C) To the extent otherwise represented by the company through an authorized representative in tax filings with the Internal Revenue Service in which the status elected by the company is not timely disputed by any member;

**Section 2.** W.S. 17-29-708(d) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 52

### FUND BALANCE DEFINITION

Original Senate File No. 52

AN ACT relating to administration of government; providing a definition of fund balance for purposes of the state budgetary process; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1002(a) by creating a paragraph (xxii) is amended to read:

**9-2-1002. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; divisions enumerated.**

(a) As used in this act:

(xxii) “Fund balance,” “unappropriated fund balance” or “unobligated, unencumbered fund balance,” notwithstanding cash or fund balances reflected in the state of Wyoming’s comprehensive annual financial report, means:

(A) The fund cash and petty cash balance from the comparative balance sheet by fund report which is run within five (5) business days following the close of the prior fiscal year;

(B) Less the fund balance reserved encumbrances from the comparative balance sheet by fund report which is run within five (5) days following the close of the prior fiscal year;

(C) Less the remaining unspent appropriations from that fund for previous biennia, including those unspent appropriations from the most recent legislative session that were effective immediately, as computed by the state auditor’s office;

(D) Less fund reversions as computed by the state auditor’s office;

(E) Less restricted cash as determined by the state auditor’s office;

(F) Plus the net accounts receivable due from the federal government or other entities as of June 30 from the most recently completed fiscal year, as

computed by the state auditor's office;

(G) Plus mineral severance taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;

(H) Plus sales and use taxes, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the department of revenue;

(J) Plus federal mineral royalties, if any, to be distributed to the fund that have been earned in the most recently completed fiscal year but have not yet been distributed, as determined by the state treasurer's office.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

### Chapter 53

## GOVERNMENT ETHICS-CLERKS OF THE DISTRICT COURTS

Original Senate File No. 59

AN ACT relating to government ethics; providing that clerks of the district courts are subject to the Ethics and Disclosure Act; and providing for an effective date.

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

**Section 1.** W.S. 9-13-102(a)(vii) is amended to read:

**9-13-102. Definitions.**

(a) As used in this article:

(vii) "Local office" means the offices of county commissioner, county treasurer, county assessor, county clerk, county sheriff, county coroner, district attorney, county attorney, clerk of the district court, mayor and member of the council of a municipality, member of the board of trustees of a community college district or a school district and member of a joint powers board or special district. As used in this paragraph "special district" means any special district specified under W.S. 22-29-103(a) and any other corporate district authorized to be formed as a political subdivision under the laws of this state;

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

**Chapter 54****STATE INSTITUTION REVENUE ACCOUNTS**

Original Senate File No. 47

AN ACT relating to state institutions; providing for the deposit of monies and income received or collected by public institutions into accounts to be expended as specified; and providing for an effective date.

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

**Section 1.** W.S. 25-10-129 is created to read:

**25-10-129. Receipt and disposition of revenues and gifts.**

The department is authorized to deposit all monies and income received and collected by the Wyoming state hospital into a special revenue account. 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 at the state hospital as identified in settlement agreements which are approved by the director and reported to the governor. If any single capital project is anticipated to 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 committee not later than November 1 of each year detailing expenditures under this section.

**Section 2.** W.S. 9-4-303 and 25-8-104 are amended to read:

**9-4-303. Payment of monies and income into state treasury.**

(a) Except as otherwise provided by law, all monies and income received or collected by any public institution of this state for the care of patients therein, for the maintenance of prisoners therein, or as compensation for any matter whatsoever, received from the institution, shall be paid into the state treasury as frequently as their procedure and their location will permit and credited to the general fund and shall not be paid out except in pursuance of a lawful appropriation. The legislature may provide for the deposit of monies and income received or collected by any public institution of this state into other accounts provided those funds shall be expended to further the mission of the public institution as provided by law.

(b) Except as otherwise provided by law all monies donated to any public institution or organization belonging to the state, whether educational, charitable, military or of other public nature, and any and all monies donated to the state for the use or benefit of the institutions and organizations shall be deposited in the state treasury in the appropriate accounts and shall not be withdrawn except in the manner provided in W.S. 9-4-304. The legislature may provide for the deposit of monies donated to any public institution or organization of this state into a separate fund provided those monies shall be expended to further the mission of the public institution or organization as provided by law.

**25-8-104. Receipt and disposition of revenues and gifts.**

(a) All revenues received from the operation of the pioneer home ~~and the Wyoming retirement center~~ and from gifts given for the general purpose of the pioneer home ~~and the Wyoming retirement center~~ shall be paid over to the state treasurer and deposited in the general fund. Gifts given for a specific purpose shall be kept in a separate account to be expended by the department of health for the specific purpose.

(b) The department shall deposit all funds received, collected by or donated to the Wyoming retirement center for care of patients into the special revenue fund. The funds collected are appropriated to the department and shall only be expended to fund the operation of the Wyoming retirement center and shall be disbursed pursuant to W.S. 9-4-304.

**Section 3.** This act is effective July 1, 2017.

Approved March 1, 2017.

**Chapter 55****FARM LOAN PROGRAM AMENDMENTS**

Original Senate File No. 48

AN ACT relating to farm loans; amending the maximum amount of loans under the farm loan program; amending the total amount of loans that can be made to beginning agricultural producers; and providing for an effective date.

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

**Section 1.** W.S. 11-34-115 and 11-34-117(c) are amended to read:

**11-34-115. Minimum and maximum amount of loans.**

The amount of loans to any one (1) borrower shall not be less than ten thousand dollars (\$10,000.00) nor more than ~~eight hundred thousand dollars (\$800,000.00)~~ one million dollars (\$1,000,000.00) if all loans to the borrower are made for the purposes of purchasing farm lands or other purposes as defined by W.S. 11-34-109(a)(i) through (iv).

**11-34-117. Rates of interest; length of loan; amount.**

(c) The total value of loans outstanding pursuant to subsection (b) of this section shall not exceed ~~ten percent (10%)~~ twenty percent (20%) of the total amount of farm loan investment authorized by W.S. 11-34-129.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

**Chapter 56****FOOD FREEDOM ACT-SALES LOCATIONS**

Original Senate File No. 118

AN ACT relating to the food freedom act; authorizing sales at retail spaces maintained where homemade food is produced; requiring separation from any commercial food establishment; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 11-49-103(d) and 35-7-110(a)(xxx)(A), (B) and by creating a new subparagraph (C) are amended to read:

**11-49-103. Wyoming Food Freedom Act; purpose; exemptions; assumption of risk.**

(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. Nothing in this section shall prohibit the sale of homemade food for home consumption from a retail space located at the ranch, farm or home where the food is produced. A retail space selling homemade food under this section shall inform the end consumer that the homemade food has not been inspected and shall display a sign indicating that the homemade food has not been inspected. If the retail space is in any way associated with a commercial food establishment or offers for sale any inspected product, the retail space selling homemade food shall comply with rules adopted by the department of agriculture which shall require:

(i) That the retail space be physically separated from the commercial food establishment with a separate door and separate cash register or point of sale;

(ii) That each separate space shall include signs or other markings clearly indicating which spaces are offering inspected items for sale and which spaces are uninspected;

(iii) Separation of coolers, freezers and warehouse or other storage areas to prohibit the intermingling of inspected and uninspected products;

(iv) Any other requirements specified by the department of agriculture to ensure the sale of homemade foods is made to an informed end consumer.

**35-7-110. Definitions.**

(a) As used in this act:

(xxx) "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; ~~or~~

(C) Any retail space selling homemade food that is separate from a commercial food establishment in accordance with rules and regulations adopted by the department pursuant to W.S. 11-49-103(d).

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 57

### BOARD OF COUNTY COMMISSIONERS DESIGNEE-ZONING CERTIFICATES

Original Senate File No. 102

AN ACT relating to boards of county commissioners; permitting a board of county commissioners to authorize a designee to carry out its duties related to zoning certificates; and providing for an effective date.

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

**Section 1.** W.S. 18-5-203 is amended to read:

**18-5-203. Certificate required to locate buildings or use land within zoning resolution; issuance and denial; appeal upon denial.**

It is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use any land within any area included in a zoning resolution without first obtaining a zoning certificate from the board of county commissioners or its designee and no zoning certificate shall be issued unless the plans for the proposed building, structure or use fully comply with the zoning regulations then in effect. The board of county commissioners or its designee shall act promptly upon any application filed with it and shall grant certificates when the proposed construction or use complies with the requirements of the zoning resolution. If it denies the application, the board or its designee shall specify the reasons for ~~such the~~ denial. Any applicant desiring to appeal shall appeal to the board of county commissioners. The decision of the board of county commissioners may be reviewed by the district court and by the supreme court upon appeal in the same manner as provided in W.S. 15-1-609, for review of decisions of boards of adjustment.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

**Chapter 58****SMALL EMPLOYER HEALTH REINSURANCE PROGRAM  
AMENDMENTS**

Original Senate File No. 69

AN ACT relating to insurance; amending the small employer health reinsurance program; repealing unnecessary provisions; and providing for an effective date.

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

**Section 1.** W.S. 26-19-307(a) through (e) and (j)(iv) is amended to read:

**26-19-307. Small employer carrier reinsurance program.**

(a) There is hereby created a nonprofit entity to be known as the “Wyoming small employer health reinsurance program.” or “WySEHRP.”

(b) Within sixty (60) days of ~~the effective date of this act~~ a written request by the commissioner, each small employer carrier shall make a filing with the commissioner containing the carrier’s net health insurance premium derived from health benefit plans delivered to small employers in this state in the previous calendar year.

(c) ~~Within sixty (60) days of the effective date of this act the commissioner shall give notice to all participating carriers of the time and place for the initial organizational meeting, which shall take place within one hundred twenty (120) days of the effective date. The Participating carriers shall select the initial board~~ nominate board members which shall be subject to approval by the commissioner. ~~The board shall be selected by a weighted vote based upon net health insurance premium derived from health benefit plans written in this state in the previous calendar year in the small employer market. The board shall consist of at least five (5) three (3) and not more than nine (9) seven (7) representatives of participating carriers who shall serve three (3) year staggered terms. To the extent possible, the board shall include representation from carriers whose principal health insurance business is in the small employer market, health maintenance organizations and nonprofit health, hospital or medical service corporations. No one (1) carrier including its affiliates, shall be represented by a majority of the board.~~ Members of the board shall be reimbursed from the assets of the program for expenses incurred by them as members of the board but shall not otherwise be compensated by the program for their services. The commissioner or the commissioner’s designee shall be an ex officio voting member of the board. In approving the selection of the board, the commissioner shall assure that all participating carriers are fairly represented.

(d) ~~If the initial board is not selected at the organizational meeting at any time there is no board,~~ the commissioner shall ~~may~~ may appoint ~~the~~ an initial board, ~~within fifteen (15) days of the organizational meeting.~~



(e) Within one hundred eighty (180) days after the selection or appointment of ~~the an~~ initial board pursuant to subsection (d) of this section, the board shall submit to the commissioner a plan of operation and thereafter any amendments necessary or suitable, to assure the fair, reasonable and equitable administration of the program. ~~The commissioner may, after notice and hearing, approve the plan of operation provided the commissioner determines it is suitable to assure the fair, reasonable and equitable administration of the program, and provides for the sharing of program gains or losses on an equitable and proportionate basis in accordance with the provisions of this section.~~ The plan of operation shall ~~become~~ be effective upon approval in writing by the commissioner consistent with the date on which the coverage under this section ~~shall be made~~ is available. Any plan of operation or amendments thereto, submitted to the commissioner by the board pursuant to this subsection shall be deemed approved by the commissioner if not expressly disapproved in writing by the commissioner within ninety (90) days of its receipt by the commissioner.

(j) A participating carrier may reinsure with the program as provided for in this subsection:

(iv) ~~Any eligible small employer group business in force before the a~~ program's plan of operation becomes effective shall ~~not~~ be reinsured by the program ~~until July 1, 1995 and then only if the board determines that sufficient funding sources are available. This restriction shall not apply to newly eligible employees and dependents.~~ The board shall adopt rules and regulations providing conditions under which reinsurance will be issued on employers, employees, or dependents who were subject to riders, endorsements or other contract provisions which restricted or excluded coverage or benefits for specified diseases, medical conditions or services otherwise covered by the plans if the provisions were in force prior to the effective date of the program's plan of operation. The reinsurance may be limited to coverage for the specified diseases, medical conditions or services that had previously been restricted or excluded by the riders, endorsements or other provisions;

**Section 2.** W.S. 26-19-307(f) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 59

### STATE ARCHIVES-AMENDMENTS

Original Senate File No. 27

AN ACT relating to archives; amending provisions related to the reproduction, storage, transfer and disposition of public records; authorizing state archives and the records committee to establish standards and best practices as specified; amending the definition of a public record to provide for electronic records; amending and repealing obsolete language; and providing for an effective date.

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

**Section 1.** W.S. 9-2-401(a)(v) and by creating a new paragraph (vi), 9-2-404(b)(i) and (c)(iv), 9-2-406(a)(v), (vii) and (viii), 9-2-407(a) and (c), 9-2-408(a), 9-2-409, 9-2-411, 9-2-412 and 9-2-413(a), (c) through (e) are amended to read:

**9-2-401. Definitions.**

(a) As used in W.S. 9-2-401 through 9-2-415:

(v) "Public record" includes the original and all copies of any paper, correspondence, form, book, photograph, photostat, film, microfilm, scan, sound recording, map, drawing or other document, regardless of physical, digital or electronic form or characteristics, which have been made or received in transacting public business by the state, a political subdivision or an agency of the state;

(vi) "Commission" means the Wyoming parks and cultural resources commission.

**9-2-404. Creation of department; director; references to department.**

(b) The director shall:

(i) Be a college graduate who has had work in social science and history or has educational and administrative experience satisfactory to the board commission;

(c) The director may:

(iv) Operate sales desks, or contract under terms determined by the board commission with nonprofit and charitable corporations, to sell materials relevant to the interpretation of museums and historic sites;

**9-2-406. Director; management of public records.**

(a) The director shall properly manage and safely keep all public records in his custody, and administer the state archives. He shall:

(v) Establish and operate state record centers for preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment. Centers established and operated pursuant to this paragraph may include one (1) or more digital repositories for temporary or permanent digital records;

(vii) Establish and operate a central microfilm division state imaging center in which all memoranda, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, public records may be scanned or microfilmed. The division center shall scan or microfilm public records approved for filming by the head of the office of origin and by the director, and shall establish standards for microfilming. All state departments,

agencies and subdivisions of the state government and all counties, municipalities and political subdivisions thereof shall consult with the director prior to scanning or microfilming within the departments, agencies or political subdivisions and shall comply with the standards for all scanning and microfilming which shall be established by the central microfilm division state archives. The central microfilm division center may scan or microfilm records which are required to be kept a specified length of time or permanently, or to be destroyed by specific methods or under specific supervision. When records are scanned or microfilmed, the microfilm reproductions may be substituted for the original documents and retained in lieu of the original documents and the original documents may be destroyed. One (1) copy shall be made and sent to the director whenever any process is used to reproduce public records scheduled for permanent retention with the intent of disposing of the original or copies of the original;

(viii) Maintain necessary facilities for the review of records approved for destruction and their economical disposition by sale, shredding or burning any method approved by the records committee, and supervise the destruction of public records.

**9-2-407. Director; duties regarding public records in his custody.**

(a) The director shall collect, arrange and make available to the public at reasonable times in his office in original or reproduced form, copies or microfilm copies or negatives, all records in his custody not restricted by law, including official records of the state and its political subdivisions, of the United States or of foreign nations. He is the legal custodian of all public records in the custody of the Wyoming parks and cultural resources commission.

(c) The director has the right of reasonable access to and may examine all public records in Wyoming. He shall examine into and report to the board commission on their condition. He shall require their custodians to put them in the custody and condition prescribed by law and to secure their custody, the recovery of records belonging to their offices, the delivery of records to their successors in office and the adoption of sound practices relative to the use of durable paper and ink, fireproof filing facilities and photographic processes for recording and copying long-term preservation of records.

**9-2-408. Transfer of public records to archives; transfer of records of uncollectible accounts receivable to department; duties of department thereto.**

(a) All public records, not required in the current operation of the office where they are made or kept, and all records of every public office of the state, agency, commission, committee or any other activity of the state or political subdivisions which are abolished or discontinued, shall be transferred to the state archives, or to a recognized supplementary depository agency, selected by the Wyoming parks and cultural resources commission. The transfer of

records shall be in accordance with standards and procedures issued by the records committee and subject to an agreement that ensures the safety, preservation and public availability of the records. Any public officer in Wyoming may deliver to the director for preservation and administration records in his custody if the director is willing and able to receive and care for them.

**9-2-409. Designation of records officer by state departments or agencies; duties.**

Each department or agency of the state government shall designate a records officer who shall supervise the departmental records program, review record retention schedules and ~~who shall represent the office in all departmental matters before the records committee.~~ The records officer and the director shall prepare transfer schedules for the transfer of public records to the records centers or to the archives.

**9-2-411. Records committee created; composition; expenses; meetings; action by majority vote; duties as to retention and disposition of public records.**

The records committee is created to be composed of the director or his deputy, who shall act as chairman and secretary of the committee, the attorney general or his appointee and the director of the state department of audit or his appointee. Committee members shall serve without additional salary, but shall be entitled to traveling expenses incurred incident to committee business. Expenses shall be paid from the appropriations made for operation of their respective departments or offices. The records committee shall meet upon call by the chairman at least once every quarter. Action by the committee shall be by majority vote and records shall be kept of all committee business. When the disposition of records is considered by the records committee, it shall ascertain the recommendations of the head of the department or the departmental records officer. The records committee shall approve, modify or disapprove the recommendations on retention schedules of all public records and act upon requests to destroy any public records. Any modification of a request or recommendation shall be approved by the head of the agency originating the request or recommendation. ~~Upon written request of the department or agency head, the director shall furnish the film or a copy of the film to be retained by the department if deemed necessary or expedient by the records committee.~~ The department shall provide forms, approved by the records committee, upon which it shall prepare recommendations to the committee in cooperation with the records officer of the department or other agency whose records are involved. The records committee may issue to state departments, agencies and political subdivisions thereof guidelines and best practices on records management and digital preservation.

**9-2-412. Destruction or disposition of public records; procedure.**

Public records of the state and political subdivisions shall be disposed of in accordance with W.S. 9-2-411. The records committee may approve a departmental written request upon proper and satisfactory showing that the retention of certain records for a minimum period of ten (10) years is unnecessary and uneconomical. Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms, prepared by the records officer of the agency concerned and the director. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the ~~division of archives, records management and centralized microfilm~~ state archives to arrange for its destruction or disposition.

**9-2-413. Reproduction of public records of political subdivisions.**

(a) Subject to this section and with the approval of the governing body of the political subdivision, any department, agency, board or individual of any political subdivision may record or copy by any ~~microfilming, microphotographic, photographic, photostatic or other~~ permanent reproductive ~~device process approved by the director as required in subsection (c) of this section~~ any public record which the department, agency, board or individual of the political subdivision records, keeps, retains, or is by law, rule or regulation required to record, keep or retain for a period of years or permanently. The ~~microfilm, microphotograph, photograph, photostat or other~~ permanent reproduction is deemed the original or official copy of the public record so reproduced for all purposes. If any department, agency, board or individual of any political subdivision is required to record any writing or document in books or on other forms, recording done directly onto ~~microfilm, microphotograph or other~~ a permanent storage medium in lieu of the other required form of recordation constitutes compliance with the requirement. ~~A master negative of microfilm or microphotographs~~ One (1) copy shall be made and sent to the director whenever any process is used to reproduce public records with the intent of disposing of the original or copies of the original. ~~The master negative shall be sent to the director. One (1) copy of all master negatives~~ permanent reproductions shall be retained by the governmental entity or officer having custody of the writings or papers thus recorded or copied as the official copy.

(c) Prior to adopting any ~~microfilming, microphotographic, photographic, photostatic or other~~ reproductive process, the governing body of a political subdivision shall consult with the director. If any of the public records which are reproduced pursuant to this section are permanent records or, under the laws, rules or regulations in effect at the time of reproduction, are required to be transferred at a later date to any agency or department of the state, the ~~particular microfilming, microphotographic, photographic, photostatic or other~~ reproductive process shall be approved by the director as one which clearly and accurately makes copies that will last the time they are to be kept, or can be subsequently reproduced without distortions that substantially affect their legibility.

(d) If the original documents are disposed of as allowed by law, ~~the set of official microfilm~~ the permanent reproduction retained by the local governmental entity or official shall be stored in a safe place and protected from destruction. ~~The official microfilm Reproductions~~ shall be available to the public for inspection in the same manner as the original documents would have been, and sufficient ~~microfilm and microphotographic readers or other suitable devices~~ access shall be available to the public to permit inspection.

(e) The clerk of district court shall not ~~microfilm, microphotograph, photograph, photostat or otherwise~~ reproduce, for official record purposes, the files of any action or proceeding kept in his office until two (2) years have lapsed since the initial filing in the action or proceeding. The clerk of district court may make certified or other copies of documents in his office for individuals or officials.

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

Approved March 1, 2017.

## Chapter 60

### CHIP-PROGRAM AMENDMENTS

Original Senate File No. 67

AN ACT relating to the child health insurance program; amending program benefits to include authorization for managed care as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-25-104 is amended to read:

**35-25-104. Private insurance program benefits.**

(a) A child eligible for services under this act shall receive benefits developed by the health benefits committee established under W.S. 35-25-105 that include:

(i) Cost sharing factors, not to exceed the maximum allowable under Public Law 105-33;

(ii) Exclusions and limitations; ~~The benefit package shall include, at a minimum;~~

(iii) Inpatient and outpatient hospital services;

(iv) Physician services;

(v) Laboratory and x-ray services;

(vi) Well-baby and well-child care including age appropriate immuniza-

tions; and the additional services of

(vii) Prescription drug coverage;

(viii) Vision coverage; and

(ix) Dental coverage ~~which will include including~~ preventive and basic services; ~~developed by the health benefits committee. and~~

(x) Provision of all services through managed care pursuant to 42 U.S.C. 1397cc(f)(3). This paragraph shall be effective only if the child insurance program under this act is provided through a private insurance company licensed by the insurance commissioner to write insurance in Wyoming.

**Section 2.** This act is effective March 31, 2018.

Approved March 1, 2017.

## Chapter 61

### EDUCATION-LEADER EVALUATION AND SUPPORT

Original Senate File No. 36

AN ACT relating to education; modifying the Wyoming Accountability in Education Act; modifying the requirements for leader evaluation and support; requiring a report; and providing for effective dates.

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

**Section 1.** W.S. 21-2-203(c)(ii)(C), 21-2-204(f)(v) and (vi), 21-2-304(b)(xvi) and 21-3-110(a)(xxx) are amended to read:

**21-2-203. School district data collection and funding model administration; duties and responsibilities specified; data advisory committee; school district compliance.**

(c) The duties of the department are, in accordance with rules promulgated by the state superintendent, to:

(ii) Collect data from school districts necessary for the department to administer the school finance system and the statewide education accountability system established under W.S. 21-2-204. In accomplishing this, the department shall:

(C) Use existing data to establish longitudinal data systems ~~linking student achievement with school principals and school district leaders,~~ as necessary for the statewide education accountability system.

**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:

(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 plan shall include review of the design and implementation of the district's leader evaluation system developed pursuant to W.S. 21-2-304(b)(xvi) and 21-3-110(a)(xxx). The state superintendent shall appoint a representative 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 plan shall include review of the design and implementation of the district's leader evaluation system developed pursuant to W.S. 21-2-304(b)(xvi) and 21-3-110(a)(xxx). 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. The state superintendent shall appoint a representative 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;

**21-2-304. Duties of the state board of education.**

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:



(xvi) Not later than July 1, 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 identify professional 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 each 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 Any alternative leader evaluation system shall be approved by the state board, through the department, before adoption;

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

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

(xxx) Not later than school year 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 each year in accordance with the statewide education accountability system professional standards established by the state board of education under W.S. 21-2-204. ~~Not later than August 15, 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; W.S. 21-2-304(b)(xvi);~~

**Section 2.** W.S. 21-2-304(a)(v)(D), as amended by 2016 Wyoming Session Laws, Chapter 113, Section 1, is amended to read:

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for 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:

(D) Measure year-to-year changes in student performance and progress in the subjects specified under subparagraph (a)(v)(B) of this section, ~~and by school year 2018-2019, link student performance and progress to school and district leaders, including superintendents, principals and other district or school leaders serving in a similar capacity.~~ The assessment system shall ensure the student performance measurements used at each grade level are valid for the purposes for which they are being used, including valid year-to-year comparisons of student and school level results, and shall be sufficient to produce necessary data to enable application of measures of performance indicators as required under W.S. 21-2-204;

**Section 3.** Not later than July 1, 2017, the state board of education shall report to the joint education interim committee on the status and substance of the proposed rules and regulations to be adopted pursuant to W.S. 21-2-304(b)(xvi) as amended by section 1 of this act.

**Section 4.**

(a) Section 2 of this act is effective July 1, 2017.

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

Approved March 1, 2017.

## Chapter 62

### SPECIAL DISTRICT BUDGET REQUIREMENTS

Original Senate File No. 15

AN ACT relating to special districts; providing requirements for the administration of finances of special districts as specified; creating definitions; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 16-12-201, 16-12-202, 16-12-301 through 16-12-304 and 16-12-401 through 16-12-414 are created to read:

#### ARTICLE 2 GENERAL PROVISIONS

**16-12-201. Definitions.**

(a) As used in this chapter:

(i) "Director" or "district director" means a voting member of the govern-

ing body of a special district or other specified entity, regardless of what title is used in the principal act;

(ii) "Principal act" means the statutes under which a special district or other specified entity listed under W.S. 16-12-202(a) is formed or is operating;

(iii) "Special district or other specified entity" means an entity listed under W.S. 16-12-202(a).

**16-12-202. Applicability to special districts and other specified entities; general provisions.**

(a) This chapter applies to the following entities unless otherwise specified:

- (i) Airport joint powers boards;
- (ii) Cemetery districts;
- (iii) Conservation districts;
- (iv) Fire protection districts;
- (v) Flood control districts;
- (vi) Housing authorities;
- (vii) Improvement and service districts;
- (viii) Joint powers boards;
- (ix) Local improvement districts;
- (x) Museum districts;
- (xi) Predator management districts;
- (xii) Recreation districts;
- (xiii) Recreation joint powers boards;
- (xiv) Regional transportation authorities;
- (xv) Resort districts;
- (xvi) Rural health care districts;
- (xvii) Sanitary and improvement districts;
- (xviii) Senior citizens' districts;
- (xix) Solid waste disposal districts;
- (xx) Water and sewer districts;
- (xxi) Water conservancy districts;
- (xxii) Watershed improvement districts;
- (xxiii) Weed and pest districts;
- (xxiv) Other districts as specified by law.

ARTICLE 3  
PUBLIC RECORDS AND MEETINGS

**16-12-301. Short title.**

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

**16-12-302. Applicability; filing requirements.**

(a) This article specifies requirements pertaining to public records and meetings of the entities listed in W.S. 16-12-202(a) where the principal act is silent or unclear. The specific provisions of a principal act or the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205, are effective and controlling to the extent they conflict with this article.

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

**16-12-303. Maintaining public records.**

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

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

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

(d) All special districts or other specified entities shall provide by September 30 each year to the county clerk in every county wherein the entity exists a fil-

ing specifying where documents required under subsection (a) of this section are maintained for public review.

**16-12-304. Public meetings.**

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

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

ARTICLE 4  
ADMINISTRATION OF FINANCES

**16-12-401. Applicability.**

This article specifies requirements pertaining to budgeting of the entities listed in W.S. 16-12-202(a) where the principal act is silent or unclear. The specific provisions of a principal act are effective or controlling to the extent they conflict with this article.

**16-12-402. Definitions.**

(a) As used in this article:

(i) "Appropriation" means an allocation of money to be expended for a specific purpose;

(ii) "Budget" means a plan of financial operations for a fiscal year embodying estimates of all proposed expenditures, the proposed means of financing them and what the work or service is to accomplish;

(iii) "Budget year" means the fiscal year or years for which a budget is prepared;

(iv) "Department" means the state department of audit;

(v) "Estimated revenue" means the amount of revenues estimated to be received during the budget year in each fund;

(vi) "Fiscal year" means the annual period for recording fiscal operations beginning July 1 and ending June 30;

(vii) "Fund balance" means the excess of the assets over liabilities, reserves and contributions, as reflected by an entity's books of account;

(viii) "Proposed budget" means the budget presented for public hearing as required by W.S. 16-12-406 and formatted as required by W.S. 9-1-507(a)(viii) and 16-12-403;

(ix) "Unappropriated surplus" means the portion of the fund balance of a budgetary fund which has not been appropriated or reserved in an ensuing budget year.

**16-12-403. Preparation of budgets; contents; review.**

(a) Each special district or other specified entity shall prepare a proposed budget pursuant to W.S. 9-1-507(a)(viii). The proposed budget shall comply with department rules and set forth:

- (i) Actual revenues and expenditures in the last completed budget year;
- (ii) Estimated total revenues and expenditures for the current budget year;
- (iii) The estimated available revenues and expenditures for the ensuing budget year.

(b) The estimates of revenues shall contain estimates of all anticipated revenues from any source whatsoever. The estimates shall be made according to budget year, including the difference from the previous budget year for each source.

(c) Each proposed and adopted budget shall be accompanied by a budget message in explanation of the budget. The budget message shall contain an outline of the proposed financial policies for the budget year and describe in connection therewith the important features of the budgetary plan. It shall state the amount of reserves on hand and outline the reserve policy for the budget year. It shall also state the reasons for changes from the previous year in appropriation and revenue items and explain any major changes in financial policy.

(d) The proposed budget shall be reviewed and considered by the governing body of the special district or other specified entity in a regular or special meeting called for this purpose. Following a public hearing as provided in W.S. 16-12-406, the special district or other specified entity shall adopt a budget.

**16-12-404. Accumulated reserves or fund surplus.**

(a) A special district or other specified entity may accumulate reserves in any fund. With respect to the general fund the accumulated fund balance may be used to meet any legal obligation of the special district or other specified entity or to:

- (i) Provide cash to finance expenditures from the beginning of the budget year until property taxes and other revenues are collected; or
- (ii) Provide a reserve to meet emergency expenditures.

(b) Money in the reserves may be allowed to accumulate from year to year until the accumulated total is sufficient for specified purposes in accordance with reserve policy.

**16-12-405. Property tax levy.**

The amount of estimated revenue from property tax required by the budget shall constitute the basis for determination of the property tax to be levied for the corresponding tax years subject to legal limitations.

**16-12-406. Budget hearings.**

(a) At the request of the board of county commissioners and prior to adopting a budget, special districts or other specified entities shall hold a prehearing with the county commissioners. The special district or other specified entity shall hold a budget hearing in accordance with this section. Notice of the budget hearing shall be provided pursuant to the requirements of W.S. 16-12-304(b).

(b) At the request of the board of county commissioners and prior to July 1, the governing board of the special district or other specified entity shall present to the county commissioners:

(i) A proposed budget;

(ii) Verification of elections, public meetings and board member training; and

(iii) The minutes from any meetings the district or other specified entity has held that year.

(c) Hearings for special district or other specified entity budgets shall be conducted not later than the third Thursday in July except as hereafter provided. The governing board of any special district or other specified entity may choose to hold the budget hearing in conjunction with the county budget hearings and so advertise. Copies of publications of hearings shall be furnished to the director of the state department of audit.

**16-12-407. Limitation on appropriations.**

A special district or other specified entity shall not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue and reserves of the fund for the budget year.

**16-12-408. Adoption of budget.**

(a) Within three (3) business days of the conclusion of the public hearing under W.S. 16-12-406, the governing body of each special district or other specified entity shall adopt the budget. Certified copies of the adopted budget shall be on file in the office of the special district or other specified entity and made available for public inspection pursuant to W.S. 16-12-303. The adopted budget shall be filed with the department of audit and county clerk on behalf of the county commissioners no later than July 31. The adopted budget shall be forwarded by the county clerk to the county assessor and county commissioners before mill levies are set.

(b) Prior to adopting the budget, the county commissioners may veto, in whole or in part, line items of budgets presented by special districts or other specified entities whose entire governing board was appointed by the county commissioners.

**16-12-409. Transfer of unencumbered or unexpended appropriation balances.**

The governing body of a special district or other specified entity may by resolution transfer any unencumbered or unexpended appropriation balance or part thereof from one (1) fund or account to another. Notice under this section shall be provided pursuant to the requirements of W.S. 16-4-404.

**16-12-410. General fund budget increase.**

The budget of the general fund may be increased by resolution of the governing body of the special district or other specified entity. The source of the revenue shall be shown whether unanticipated, unappropriated surplus, donations, etc. Where required by the principal act, the special district or other specified entity shall receive approval by the county commissioners prior to the budget increase.

**16-12-411. Emergency expenditures.**

If the governing body of a special district or other specified entity determines an emergency exists and the expenditure of money in excess of the general fund budget is necessary, it may make the expenditures from available funds as reasonably necessary to meet the emergency. Notice of the declaration of emergency and the amount of the emergency expenditures shall be provided in accordance with W.S. 16-4-404.

**16-12-412. Appropriations lapse; prior claims and obligations.**

All appropriations shall lapse following the close of the budget year to the extent they are not expended or encumbered. All claims and obligations incurred prior to the close of any fiscal year shall be treated as if properly encumbered.

**16-12-413. Transfer of special fund balances.**

If the necessity to maintain any special revenue or assessment fund ceases and there is a balance in the fund, the governing body of the special district or other specified entity shall authorize the transfer of the balance to the fund balance account in the general fund.

**16-12-414. Interfund loans.**

The governing body of the special district or other specified entity may authorize by resolution interfund loans from one (1) fund to another at interest rates and terms for repayment as it may prescribe and may invest available cash in any fund as provided by law. Where required by the principal act, the special district or other specified entity shall receive approval by the county commissioners prior to the interfund loan.

**Section 2.** W.S. 9-1-507(a)(viii), 11-16-122(a), 16-4-106, 16-4-109(b), 16-4-111(d), 16-4-125(c), 18-3-402 by creating a new subsection (d), 18-3-504(d), 18-10-213(a) and 35-8-314(a) are amended to read:



**9-1-507. Examination of books of state institutions, agencies and certain districts and entities; independent audit authorized; guidelines.**

(a) The director of the state department of audit shall:

(viii) Beginning ~~2014-2018~~, require each special district and other entities specified in W.S. 16-12-202(a) in this state, no matter how formed, except districts created by and subject to administration by the courts, to report to the department and to the ~~board of county commissioners~~ county clerk of the county where the special district or other specified entity is located its proposed budget for the next fiscal year. If a special district or other specified entity operates in multiple counties, the special district or other specified entity may post the proposed budget conspicuously on its website or file the proposed budget with each county clerk of the counties in which the special district or other specified entity operates. The report or posting shall be made not later than June 1 of each year. The format of the reports required by this paragraph shall be established by the department of audit by rule no later than December 31, ~~2013-2017~~.

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

(a) Each conservation district organized under this act shall make an annual estimate of the funds required by the district for conservation programs and present a certified copy of the estimate, along with a budget showing all anticipated income and expenses, to the county commissioners. District supervisors shall administer the finances of the district according to the provisions of the Uniform Municipal Fiscal Procedures Act.

**16-4-106. Property tax levy.**

The amount of estimated revenue from property tax required by the budget shall constitute the basis for determination of the property tax to be levied for the corresponding tax years subject to legal limitations. The amount of tax shrinkage allowed shall not exceed the actual percentage of uncollected taxes to the total taxes levied for the preceding fiscal year or preceding two (2) fiscal years pursuant to W.S. 16-4-104(h). This section also applies to ~~districts and~~ entities described in W.S. 16-4-125(c).

**16-4-109. Budget hearings.**

(b) Hearings for county budgets shall be held not later than the third Monday in July, for city and town budgets not later than the third Tuesday in June, for school districts and community college districts not later than the third Wednesday in July, ~~and for all other special purpose districts having the power to levy or require the levy of taxes not later than five (5) days after the third Thursday in July except as hereafter provided.~~ The governing board of any special purpose district may choose to hold the budget hearing in conjunction with the county budget hearings and so advertise. The governing board of each municipality shall arrange for and hold the hearings and provide accom-

modations for interested persons. Copies of publications of hearings shall be furnished to the director of the state department of audit and school districts shall also furnish copies to the state department of education. This section also applies to ~~districts and~~ entities described in W.S. 16-4-125(c) excluding incorporated towns not subject to this act.

**16-4-111. Adoption of budget.**

(d) As provided by W.S. 39-13-104(k), a copy of the adopted budget, certified by the budget officer, shall be furnished the county commissioners for the necessary property tax levies. Certified copies of the adopted budget shall be on file in the office of the budget officer for public inspection. Copies of school district budgets shall be furnished to the state department of education and copies of community college budgets shall be furnished to the community college commission. This section also applies to ~~districts and~~ entities described in W.S. 16-4-125(c) excluding incorporated cities and towns under four thousand (4,000) inhabitants.

**16-4-125. Fiscal year for governmental entities; budget format for certain entities not subject to the Uniform Municipal Fiscal Procedures Act.**

(c) Incorporated towns not subject to the Uniform Municipal Fiscal Procedures Act; ~~special purpose districts having the authority under the general laws of Wyoming to levy taxes or impose assessments and public entities receiving funds from a municipality as defined by W.S. 16-4-102(a)(xiv), shall prepare budgets in a format acceptable to the director of the state department of audit.~~

**18-3-402. Duties generally.**

(d) Each county clerk shall, after receiving a proposed budget for a special district or other specified entity under W.S. 9-1-507(a)(viii), ensure that the proposed budget is forwarded to the board of county commissioners and county assessor.

**18-3-504. Powers and duties generally.**

(d) Each board of county commissioners shall, after receiving a proposed budget for a special district or other specified entity under W.S. 9-1-507(a)(viii) 18-3-402(d), ensure that the proposed budget is posted on the appropriate area of the website of the county. The posting of the budget shall include the date, time and location of a special district budget session during which final action will be taken on the proposed budget. If a proposed budget is not provided to the county clerk as required by W.S. 9-1-507(a), the board of county commissioners may not approve funding of the special district mill levy. Upon approval of the mill levy for each special district, the final approved budget shall be posted on the appropriate area of the website of the county.

**18-10-213. Administration of finances; assessments and taxation.**

(a) ~~The board of trustees of special museum districts shall administer the~~

finances of the district according to the provisions of the Uniform Municipal Fiscal Procedures Act. Annually, each county assessor shall provide the board of county commissioners with the total assessed value of all taxable property within a special museum district in his county.

**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 16-4-125, 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.~~

**Section 3.** W.S. 16-12-101 through 16-12-105, 18-15-110(a), 35-2-708(a) and 35-3-108 are repealed.

**Section 4.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 63

### LIQUOR DISPENSING ROOMS

Original Senate File No. 45

AN ACT relating to alcoholic beverages; removing restriction and fee on number of dispensing rooms in which alcoholic and malt beverages may be sold; repealing issuance of temporary permits for licensees to sell alcoholic or malt beverages in additional dispensing rooms; providing for the sale of alcoholic and malt beverages anywhere in a licensed building as specified; modifying where a club holding a limited retail license may sell alcoholic or malt beverages; creating an offense for underage persons who enter or remain in establishments that are primarily for off-premise sales of alcoholic or malt beverages as specified; repealing restriction on minors in rooms where alcoholic or malt beverages are sold as specified; conforming provisions; repealing rulemaking requirements; and providing for an effective date.

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

**Section 1.** W.S. 12-2-203(f) and (g), 12-4-102(a)(i), 12-4-103(a)(iii), 12-4-104(a), 12-4-301(c), 12-4-410(a), (b) and by creating a new subsection (f), 12-4-412(d), 12-4-413(f), 12-4-501(c)(i), (iii)(intro) and (iv), 12-4-502(a), 12-4-702(b)(ii) and (c), 12-5-201(a), (e) through (j), (k)(intro), (i), (ii) and by creating a new subsection (m), 12-5-202, 12-5-301(a)(intro), 12-6-101(c)(iv), (v) and by creating a new paragraph (vi) and 12-6-103(d)(v) are amended to read:

**12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.**

(f) A holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier may dispense free of charge on-site samples in quantities not to exceed one and one-half (1.5) ounces of their manufactured product and no more than two (2) samples per consumer per day. The dispensing of samples shall be subject to the schedule of operating hours provided in W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions provided in W.S. 12-5-201.

(g) The local licensing authority may issue to the holder of a manufacturer's license under subsection (a) of this section who is a federally licensed distiller or rectifier, a satellite manufacturer's permit which allows the permittee to sell its manufactured product at not more than one (1) satellite location within Wyoming separate from its manufacturing site under the original permit. All products sold at a manufacturer's satellite location shall be obtained through the division. The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00). The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions pursuant to W.S. 12-5-201.

**12-4-102. Application for licenses and permits; contents; signature and verification.**

(a) Any person desiring a license or permit authorized by this title shall apply to the appropriate licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the clerk of the appropriate licensing authority and shall contain the following provisions:

(i) The location ~~and a description of the~~ room-licensed building in which the applicant will sell under the license if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the room-licensed building and premises to be licensed;

**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);

**12-4-104. Publication of notice; grant or denial; renewal preference; copy of application and notice to division; judicial review.**

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for two (2) consecutive weeks. When a county is the licensing authority, the county clerk shall also post the notice on the official website of the county in the manner provided in W.S. 18-3-516(f). When a city or town is the licensing authority, the city clerk shall also post the notice on the city or town's official website if one exists. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing his application, pay the clerk an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A ...

Notice is hereby given that on the .... day of .... (year) (name of applicant) filed an application for a .... license (permit), in the office of the clerk of the city (or town or county) of .... for the following ~~described place (and room)-building~~ building (insert ~~description-address~~) and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of ....M., on the .... day of .... (year), in the (meeting place of the governing body).

Dated ....

Signed ....

**12-4-301. Sales by clubs; license fees; petition; license restrictions.**

(c) Except as otherwise provided by W.S. 12-5-201(g), a club holding a limited retail license ~~shall not may sell alcoholic or malt beverages for consumption anywhere except within on the licensed premises and for consumption by its members and their accompanied guests only as approved by the local licensing authority. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to insure that all alcoholic or malt beverages sold are consumed within the building, space or premises.~~

**12-4-410. Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.**

(a) Except as provided in subsection (e) of this section, restaurant liquor licensees shall not sell alcoholic or malt beverages for off-premises consumption ~~off the premises from the licensed building~~ owned or leased by the licensee. Except as provided in subsections (b) and (e) of this section, alcoholic or malt beverages shall be served for on-premises consumption only in dining areas which are adequately staffed and equipped for all food services offered by the restaurant.

(b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one (1) room, and one (1) additional room if authorized and approved ~~as provided in W.S. 12-5-201(a) by the local licensing authority~~, upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served and in the case of a golf course upon which a restaurant liquor license is operational or in the case of a guest ranch upon which a retail or restaurant liquor license is operational, at dispensing areas on the premises of the golf course or guest ranch as permitted by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over eighteen (18) years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over eighteen (18) years of age is permitted to enter the separate dispensing room.

(f) For purposes of this section, "room" means, as approved by the local licensing authority, an enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

**12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.**

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the ~~dispensing room~~ licensed building provisions of W.S. 12-5-201.

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

(f) Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for ~~off-premises~~ consumption off the premises from the licensed building owned or leased by the licensee except as allowed under W.S. 12-4-410(e).

**12-4-501. Malt beverage permit for University of Wyoming; fee; rules and regulations.**

(c) The board of trustees of the University of Wyoming shall provide rules and regulations for the following:

(i) ~~Location of the dispensing rooms~~ Locations in which malt beverages may be sold;

(iii) The hours and days of the operation of the ~~dispensing rooms~~ licensed building, which shall be within the following limits:

(iv) Whether food may be sold in the ~~dispensing rooms~~ licensed building;

**12-4-502. Twenty-four hour malt beverage permit and catering permit; restrictions; application procedure; fees.**

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the appropriate licensing authority to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold or consumed off the premises authorized by the permit. ~~W.S. 12-5-201 does not apply to this subsection.~~

**12-4-702. Signature and attestation; contents; display required.**

(b) The following shall be shown in each license:

(ii) ~~A description~~ An address of the place licensed building in which alcoholic or malt beverages may be sold;

(c) Each licensee shall display his license in a conspicuous place in the licensed ~~room~~ building.

ARTICLE 2  
LICENSED BUILDING

**12-5-201. Location, regulation and restrictions as to place of sale; inspections.**

(a) Except as otherwise provided in this section, the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in ~~one (1) room upon the premises~~ the licensed building for which the license



is issued and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license. Alcoholic beverages secured in the licensed room by a server may be served only in the licensed building in which the licensed room is located and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This adjacent area shall not be in another building, and shall be located on the licensed premises. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco, alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, promotional products bearing the name of the licensed retailer, billiard and dart supplies, newspapers, magazines and periodicals may be sold and served in the licensed room. The licensing authority shall, as often as necessary, inspect the licensed room and adjoining rooms building and adjacent areas where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. ~~A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two (2) facilities may be separated by a glass or other suitable partition.~~

(e) Notwithstanding subsection (a) of this section, a licensee who holds a license other than a club license issued under W.S. 12-4-301 or restaurant license issued under W.S. 12-4-407, and who is engaged in a business operation with motel or hotel sleeping room accommodations at the same premises may, ~~at an additional fee of not to exceed one-half (1/2) of the fee paid for the original license;~~ sell alcoholic liquor and malt beverages in sealed containers from a minibar located in any sleeping room of the licensee's motel or hotel operation occupied by a registered guest twenty-one (21) years of age or older. Sales under this subsection shall be only to registered guests age twenty-one (21) years or more, are not subject to hours of operation imposed under W.S. 12-5-101 and shall be only for consumption within the motel or hotel sleeping room premises occupied by the guest. Restrictions imposed upon minors under W.S. 12-6-101 apply to sales authorized under this subsection. The price imposed upon alcoholic liquor, malt beverages and all other items available for sale from the minibar shall be clearly posted. A minibar used for purposes of this subsection shall be a closed container, refrigerated or nonrefrigerated, access to the interior of which is restricted by means of a locking device requiring the use of a key, magnetic card or similar device. The appropriate licensing authority may impose additional reasonable restrictions on the operation of a minibar licensed under this subsection.



(f) A holder of a resort retail liquor license may dispense alcoholic beverages from any location within the boundaries of the resort premises. The resort premises shall be a single property within a contiguous boundary upon which the resort is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of a resort retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the resort premises for which a resort retail liquor license is issued, except that~~ Any location on the resort premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. ~~For each additional fixed dispensing location, the applicant shall pay an annual fee equal to sixty-six and two-thirds percent (66 2/3%) of the original license fee.~~

(g) Any golf club as defined by W.S. 12-1-101(a)(iii)(D) which holds a retail liquor license or a club limited retail liquor license under W.S. 12-4-301 may dispense alcoholic beverages from any location within the boundaries of the golf club premises. The premises shall be a single property within a contiguous boundary upon which the golf club is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to golf clubs as defined by W.S. 12-1-101(a)(iii)(D) which are holders of a retail liquor license or a club limited retail liquor license with respect to alcoholic beverages dispensed within the contiguous boundaries of the golf club premises, except that~~ Any location on the golf club premises where alcoholic beverages are dispensed as approved by the licensing authority shall comply with applicable sanitation and fire hazard requirements and other applicable laws. The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements. Any political subdivision issued a club limited retail liquor license for use at a bona fide golf course may contract for or otherwise subcontract the operations of the golf course or any food and beverage services associated therewith to another individual or entity without transferring the license thereto.

(h) With the approval and on the conditions imposed by the licensing authority, any restaurant liquor licensee operating on a golf course may dispense alcoholic beverages from any location on the premises of the golf course. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses, but such~~ Holders shall comply with all applicable sanitation and fire hazard requirements, and other applicable laws.

(j) Any retail or restaurant liquor licensee operating on a guest ranch as defined by W.S. 12-1-101(a)(xxiii) may dispense alcoholic beverages from any location within the boundaries of the guest ranch premises. The guest ranch

premises shall be a single property within a contiguous boundary upon which the guest ranch is located and which shall be identified in the license. ~~Subsections (a) through (c) and (e) of this section do not apply to holders of such licenses.~~ The licensing authority shall, as often as necessary, inspect the licensed location where alcoholic beverages are dispensed to ensure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. ~~For each additional fixed dispensing location, the applicant shall pay an annual fee equal to two-thirds (2/3) of the original license fee.~~

(k) A licensing authority may authorize a licensee holding a retail liquor license issued under W.S. 12-4-201 to hold an event ~~on~~in the licensed premises ~~building~~ at which persons under the age of twenty-one (21) are permitted ~~upon~~ the premises if:

(i) No alcoholic liquor or malt beverages are sold, served, consumed or possessed by any person ~~in the dispensing room during attending~~ the event;

(ii) ~~The dispensing room is closed during the event and all~~ No alcoholic liquor ~~and~~or malt beverages are removed from the dispensing room in which the event is held and are stored in an area on the licensed premises not accessible to persons in the closed dispensing room during the event or stored in a manner preventing dispensation ~~during attending~~ the event;

(m) Nothing under this act shall prohibit more than one (1) liquor license holder to operate within the same building provided that each licensee maintains distinct areas within the building.

#### **12-5-202. Storage outside licensed premises prohibited; exception.**

A retail licensee shall not store alcoholic liquor or malt beverages outside of the licensed ~~premises~~building unless he files with the division a written statement that he stores alcoholic liquors or malt beverages in a place other than his place of business and states the exact location of the storage place.

#### **12-5-301. Conditions for operation.**

(a) Upon approval of the licensing authority, a drive-in area adjacent or contiguous to the licensed ~~room~~building may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquor or malt beverages under the following conditions:

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

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

(iv) Consume any ethyl alcohol;~~or~~

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

(vi) Enter or remain in an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older.

**12-6-103. Compliance.**

(d) For purposes of this section, the term “compliance check” shall mean an inspection conducted pursuant to the provisions of this section for purposes of education or enforcement of laws prohibiting the sale of alcohol to minors. The use of persons age eighteen (18) to twenty-one (21) during compliance checks is authorized subject to the following:

(v) Any participant or adult aiding a participant in a compliance check under this section shall be granted immunity from prosecution under W.S. 12-6-101, ~~and 12-5-203.~~

**Section 2.** W.S. 12-1-101(a)(xv), 12-4-412(c)(i), 12-4-501(c)(ii), 12-4-504(e), 12-4-505(c), 12-5-201(b) through (d), 12-5-203 and 12-5-301(a)(ii) are repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 64

### APPROVAL OF WATER FUNDS TRANSFER

Original Senate File No. 51

AN ACT relating to water; requiring additional reporting; requiring legislative approval for transfer of funds; and providing for an effective date.

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

**Section 1.** W.S. 99-99-1001(c) is amended to read:

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

(c) The Wyoming water development commission shall annually review the accounts created by subsection (a) of this section and report to the joint appropriations committee, and to the joint agriculture, state and public lands and water resources interim committee in the report required under W.S. 41-2-118(a), the amount of funds in any account which are in excess of that amount needed to meet obligations specified in subsections (d) through (j) of this section. After approval by the legislature, funds in excess of the amount needed to meet obligations specified in subsections (d) through (j) of this section shall be deposited in water development account I created by W.S. 41-2-124(a)(i).

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

**Chapter 65****OMNIBUS WATER BILL-PLANNING**

Original Senate File No. 56

AN ACT relating to water development projects; authorizing specified level I and level II studies; providing appropriations; requiring reports; providing for reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated projects as specified; providing priority for unfunded projects as specified; and providing for an effective date.

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

[2017-2018 WATER PROGRAM]

[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

**Section 1.** LEVEL I RECONNAISSANCE STUDIES – NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Funds appropriated under this section for watershed studies shall be expended by the commission in the order of a prioritized list established by the commission and approved by the select water committee consisting of (1) or more of the following watershed studies, the Beaver Creek watershed study, the Bitter Creek/East Flaming Gorge watershed study, the Greybull River watershed study, the Horse Creek watershed study, the Lower Laramie River watershed study, the Middle Big Horn River watershed study and the Niobrara/Lower North Platte Rivers watershed study, provided that not more than three hundred thousand dollars (\$300,000.00) shall be expended on any one (1) watershed study. Appropriated funds not obligated prior to July 1, 2020 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 2019 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Hog Island Water Master Plan	Teton County	\$165,000
Statewide Water Research	Statewide	\$384,529
Watershed Studies	Statewide	<u>\$1,087,500</u>
Total appropriation for Section 1		\$1,637,029

**Section 2. LEVEL II FEASIBILITY STUDIES – NEW DEVELOPMENT.** The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not obligated prior to July 1, 2020 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 2019 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Big Horn Regional Southern Water Supply	Hot Springs County	\$180,000
Buffalo Groundwater Supply	Johnson County	\$180,000
Douglas Test Well Study	Converse County	\$1,205,000
GR/RS/SC JPWB Wind River Zone Study	Sweetwater County	\$180,000
Lake DeSmet Facilities Acquisition	Johnson County	\$200,000
Rolling Hills Groundwater Supply	Converse County	<u>\$750,000</u>
Total appropriation for Section 2		\$2,695,000

**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 water development commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not obligated prior to July 1, 2020 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 2019 legislative session:

## [LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Hanover ID Master Plan Phase II	Washakie County	\$120,000
LaPrele Irrigation District Master Plan	Converse County	<u>\$190,000</u>
Total appropriation for Section 3		\$310,000

**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 water development commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not obligated prior to July 1, 2020 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 2019 legislative session:

## [LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cody Canal Laterals	Park County	\$180,000
Kirby Ditch Rehabilitation	Hot Springs County	\$100,000
Wheatland ID Tunnel Dam Rehabilitation	Albany County	<u>\$150,000</u>
Total appropriation for Section 4		\$430,000

**Section 5. LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS.** The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the water development commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not obligated prior to July 1, 2022 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 2021 legislative session:

## [LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Big Wind River Storage Study, Phase II	Fremont County	\$475,000
Greybull Valley ID Storage Enlargement, Phase II	Big Horn and Park Counties	\$500,000
Little Wind River Storage Study, Phase II	Fremont County	\$475,000
New Fork Lake Dam Enlarge- ment, Phase II	Sublette County	\$450,000
Stateline Dam Enlargement, Phase II	Uinta County	\$300,000 <sup>a</sup>
West Fork Reservoir, Phase III	Carbon County	<u>\$6,220,000</u>
Total appropriation for Section 5		\$8,420,000

## Footnotes:

(a) Funds from this appropriation shall not be expended until the water development commission has accepted the Level II, Phase I Meeks Cabin Dam Enlargement study.

**Section 6.** If the sums of money appropriated by this act are insufficient to fund the Level I and Level II studies described herein, the water development commission shall prioritize recommendations for funding for those projects over other future applications for funding for a Level I or Level II study.

**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 1, 2017.

## Chapter 66

### GUIDES AND OUTFITTERS-PENALTIES

Original Senate File No. 126

AN ACT relating to guides and outfitters; amending penalty provisions for violations; and providing for an effective date.

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

**Section 1.** W.S. 23-2-417(a) and by creating a new subsection (c) is amended to read:

**23-2-417. Violations in general; penalties.**

(a) Except as provided in subsection (c) of this section, any person violating any provision of this act is guilty of a misdemeanor punishable by a fine of not to exceed five thousand dollars (\$5,000.00).

(c) Any person violating W.S. 23-2-407 is guilty of a misdemeanor punishable by a fine of not to exceed seven thousand five hundred dollars (\$7,500.00), imprisonment for not more than one (1) year, or both.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 67

### PRINCIPLE BASED RESERVING

Original House Bill No. 6

AN ACT relating to insurance; modifying reserve requirements for specified insurers; establishing exemptions; creating additional related requirements for insurers; providing confidentiality for specified documents; requiring use of certain mortality tables under specified conditions; defining the nonforfeiture interest rate for specified insurance policies; 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. 26-6-209 through 26-6-213 are created to read:

**26-6-209. Valuation manual for policies and contracts; amendments to manual; rules on minimum valuation standards; actuarial examinations.**

(a) For policies or contracts issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under W.S. 26-6-202(e), except as provided under subsection (e) or (g) of this section.

(b) The operative date of the valuation manual is January 1, 2017.

(c) Unless an amendment in the valuation manual specifies a later effective date, amendments to the valuation manual shall be effective on January 1 following the date when all of the following have occurred:

(i) The change to the valuation manual has been adopted by the NAIC by an affirmative vote representing:

(A) At least three-fourths (3/4) of the members of the NAIC voting, but not less than a majority of the total membership; and

(B) Members of the NAIC representing jurisdictions totaling greater



than seventy-five percent (75%) of the direct premiums written as reported in the following annual statements most recently available prior to the vote in subparagraph (A) of this paragraph:

- (I) Life, accident and health annual statements;
- (II) Health annual statements; or
- (III) Fraternal annual statements.

(d) The valuation manual shall specify all of the following:

(i) Minimum valuation standards for and definitions of the policies or contracts subject to W.S. 26-6-202(e). The minimum valuation standards shall be:

(A) The commissioner's reserve valuation method for life insurance contracts, other than annuity contracts, subject to W.S. 26-6-202(e);

(B) The commissioner's reserve valuation method for annuity contracts subject to W.S. 26-6-202(e); and

(C) Minimum reserves for all other policies or contracts subject to W.S. 26-6-202(e).

(ii) Which policies or contracts or types thereof are subject to the requirements of a principle based valuation under W.S. 26-6-210(a) and the minimum valuation standards consistent with those requirements;

(iii) For policies and contracts subject to a principle based valuation under W.S. 26-6-210:

(A) Requirements for the format of reports to the commissioner under W.S. 26-6-210(b)(iii), which shall include information necessary to determine if the valuation is appropriate and in compliance with this article;

(B) Assumptions for risks over which the insurer does not have significant control or influence;

(C) Procedures for corporate governance and actuarial function oversight and a process for appropriate waiver or modification of the procedures.

(iv) For policies and contracts not subject to a principle based valuation under W.S. 26-6-210, the minimum valuation standard shall either:

(A) Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

(B) Require reserves that quantify the benefits, guarantees, funding and risks associated with the policies or contracts at a level of conservatism that reflects conditions including unfavorable events with a reasonable probability of occurring.

(v) The experience data required under W.S. 26-6-211 including reporting and any data analysis requirements; and

(vi) Any other requirement including those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memoranda, transition rules and internal controls.

(e) In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual is not in the commissioner's opinion in compliance with this article, the insurer shall comply with minimum valuation standards prescribed by the commissioner by rule or regulation.

(f) The commissioner may, at the expense of the insurer, engage, employ or contract a qualified actuary to perform an actuarial examination of the insurer and opine on the appropriateness of any reserve assumption or method used by the insurer, or to review and opine on an insurer's compliance with any requirement set forth in this article. The commissioner may rely upon the opinion of a qualified actuary engaged by the commissioner of another state, district or territory of the United States regarding provisions contained within this article.

(g) The commissioner may require an insurer to change any assumption or method that in the commissioner's opinion is necessary to comply with the requirements of the valuation manual or this article. An insurer shall adjust the reserves as required by the commissioner. The commissioner may take other disciplinary action as permitted pursuant to W.S. 26-1-107.

**26-6-210. Principle based valuation; requirements.**

(a) An insurer shall establish reserves using a principle based valuation that meets all of the following conditions for policies or contracts issued on or after the operative date of the valuation manual as specified in the valuation manual:

(i) Quantifies the benefits, guarantees, funding and risks associated with the policies or contracts at a level of conservatism that reflects conditions including unfavorable events with a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk;

(ii) Incorporates assumptions, risk analysis methods and financial models and management techniques that are consistent with those utilized within the insurer's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods;

(iii) Incorporates assumptions derived in one (1) of the following manners:

(A) Assumptions prescribed in the valuation manual;

(B) For assumptions not prescribed in the valuation manual, assumptions that:

(I) Use the insurer's available experience, to the extent it is relevant and statistically credible; or

(II) To the extent that company data on experience is not available, relevant or statistically credible, use other relevant, statistically credible experience.

(iv) Provides margins for uncertainty including adverse deviation and estimation error such that the greater the uncertainty the greater the margin and resulting reserve.

(b) An insurer using a principle based valuation for one (1) or more policies or contracts subject to this section as specified in the valuation manual shall:

(i) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual;

(ii) Provide to the commissioner and the insurer's board of directors an annual certification of the effectiveness of the internal controls with respect to the principle based valuation. The controls shall be designed to assure all material risks inherent in the liabilities and associated assets subject to the valuation are included in the valuation and valuations are made in accordance with the valuation manual. The certification shall be based on the controls in place as of the end of the preceding calendar year;

(iii) Develop, and file with the commissioner upon the commissioner's request, a principle based valuation report that complies with standards prescribed in the valuation manual.

(c) A principle based valuation may include a prescribed formulaic reserve component.

**26-6-211. Experience data reporting for policies and contracts.**

An insurer shall submit mortality, morbidity, policyholder behavior or expense experience and other data as prescribed in the valuation manual.

**26-6-212. Confidential information; when disclosure is permitted.**

(a) Privilege for, and confidentiality of, confidential information is as follows:

(i) Except as otherwise provided in this section, an insurer's confidential information is confidential and privileged and shall not be subject to public inspection, subpoena, discovery or be admissible in evidence in any private civil action. The commissioner may use an insurer's confidential information in the furtherance of any regulatory or legal action brought against the insurer as part of the commissioner's official duties;

(ii) Neither the commissioner nor any person who receives confidential information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning an insurer's

confidential information;

(iii) In order to assist in the performance of the commissioner's duties, and provided that a recipient agrees, and has the legal authority to agree to maintain the confidentiality and privileged status of documents, materials, data and other information in the same manner and to the same extent as required for the commissioner, the commissioner may share confidential information with other state, federal and international regulatory agencies or law enforcement officials, with the NAIC and its affiliates and subsidiaries and, in the case of confidential information specified in paragraphs (c)(i) and (iv) of this section only, with the actuarial board for counseling and discipline or its successor upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings and with state, federal and international law enforcement officials;

(iv) The commissioner may receive documents, materials, data and other information, including otherwise confidential and privileged documents, materials, data or information, from the NAIC and its affiliates and subsidiaries, regulatory or law enforcement officials of other foreign or domestic jurisdictions and the actuarial board for counseling and discipline or its successor. The commissioner shall maintain as confidential or privileged any document, material, data or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information;

(v) The commissioner may enter into agreements governing the sharing and use of information consistent with the provisions of this subsection;

(vi) No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized under paragraph (iii) of this subsection;

(vii) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection shall be available and enforced in any proceeding of this state;

(viii) As used in this section "regulatory agency," "law enforcement agency" and the "NAIC" include their employees, agents, consultants and contractors.

(b) Notwithstanding subsection (a) of this section, any confidential information specified in paragraphs (c)(i) and (iv) of this section:

(i) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under W.S. 26-6-208 or principle based valuation report developed under W.S. 26-6-210(b)(iii) by reason of an action required by this article or by rule or regulation promulgated in accor-

dance with this article;

(ii) May otherwise be released by the commissioner with the written consent of the insurer the confidential information relates to; and

(iii) Once any portion of a memorandum in support of an opinion submitted under W.S. 26-6-208 or a principle based valuation report developed under W.S. 26-6-210(b)(iii) is cited by the insurer in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by the insurer to the news media, all portions of the memorandum or report shall no longer be privileged or confidential.

(c) For purposes of this section, “confidential information” means:

(i) A memorandum in support of an opinion submitted under W.S. 26-6-208 and any other documents, materials and other information including all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with the memorandum;

(ii) Except as otherwise provided in this paragraph, all documents, materials, digital or electronic documents and other information including all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination made under W.S. 26-6-209(f). If an examination report or other material prepared in connection with an examination made under W.S. 26-2-116 is not held as private and confidential information under W.S. 26-2-116, an examination report or other material prepared in connection with an examination made under W.S. 26-6-209(f) shall not be confidential information to the same extent as if the examination report or other material had been prepared under W.S. 26-2-116;

(iii) Any reports, documents, materials and other information developed by an insurer in support of, or in connection with, an annual certification by the insurer under W.S. 26-6-210(b)(ii) and any reports, documents, materials, digital or electronic documents and other information including all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with the reports, documents, materials and other information;

(iv) Any principle based valuation report developed under W.S. 26-6-210(b)(iii) and any other documents, materials, digital or electronic documents and other information including all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with the report; and

(v) Any experience data submitted by an insurer under W.S. 26-6-211 and any reports, documents, materials, data, digital or electronic documents and other information including all working papers, and copies thereof, created or

produced in connection with the experience data that include any potentially insurer identifying or personally identifiable information, that is provided to or obtained by the commissioner. This includes any reports, documents, materials, data, digital or electronic documents and other information including all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with the experience data or any other report, document, material, datum, digital or electronic documents or other information referred to in this paragraph.

**26-6-213. Single state exemption.**

(a) The commissioner may exempt specific product forms or product lines of a domestic insurer that is licensed and doing business only in Wyoming from the requirements of W.S. 26-6-209, provided that:

(i) The commissioner has issued an exemption in writing to the insurer and has not subsequently revoked the exemption in writing; and

(ii) The insurer computes reserves using assumptions and methods used prior to the operative date of the valuation manual in addition to any requirements established by rule and regulation of the commissioner.

(b) For any insurer granted an exemption under this section, W.S. 26-6-203 and 26-6-205 through 26-6-208 shall be applicable. With respect to any insurer applying the exemption granted under this section, any reference to W.S. 26-6-209 found in W.S. 26-6-203 and 26-6-205 through 26-6-208 shall not be applicable.

**Section 2.** W.S. 26-6-201, 26-6-202(a), (c), (d) and by creating a new subsection (e), 26-6-203(a)(intro), 26-6-205(b)(intro), (i)(intro), (ii)(intro), (c)(i) and (f), 26-6-206(a)(intro), (ii)(intro), (b)(i)(A) through (C) and (v)(A), 26-6-207, 26-6-208 by creating new subsections (g) and (h), 26-6-201 by creating a new subsection (c) and 26-6-209(j)(vi), by creating a new paragraph (vii), by amending and renumbering (vii) as (viii), by creating a new paragraph (ix) and (k) are amended to read:

**26-6-201. Short title; definitions.**

(a) This article is known as the Standard Valuation Law.

(b) For the purposes of this article the following definitions shall apply on or after the operative date of the valuation manual. To the extent a definition which follows is inconsistent or different from a definition elsewhere in this code, the definition in this section shall be applicable for the purposes of this article:

(i) “Accident and health insurance” means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness or medical conditions and as may be specified in the valuation manual;

(ii) “Appointed actuary” means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required in W.S. 26-6-208(h);

(iii) “Deposit type contract” means contracts that do not incorporate mortality or morbidity risks and as may be specified in the valuation manual;

(iv) “Insurer” means an entity which:

(A) Has written, issued or reinsured life insurance contracts, accident and health insurance contracts or deposit type contracts in this state and has at least one (1) of the contracts or policies in force or on claim; or

(B) Has written, issued or reinsured life insurance contracts, accident and health insurance contracts or deposit type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance or deposit type contracts in this state.

(v) “Life insurance” means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual;

(vi) “Policyholder behavior” means any action a policyholder, contract holder or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this article including lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract;

(vii) “Principle based valuation” means a reserve valuation that uses one (1) or more methods or one (1) or more assumptions determined by the insurer and that complies with W.S. 26-6-210 as specified in the valuation manual;

(viii) Except as provided in W.S. 26-6-208(g), “qualified actuary” means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing the statements and who meets the requirements specified in the valuation manual;

(ix) “Tail risk” means a risk that occurs where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude;

(x) “Valuation manual” means the manual of valuation instructions adopted by the NAIC as specified in this article and as subsequently amended.

**26-6-202. Annual valuation of reserves required; minimum standard valuation; other valuations accepted; conditions.**

(a) Policies and contracts issued prior to the operative date of the valuation manual shall be governed by the following provisions:



(i) ~~The commissioner, annually, shall value, or cause to be valued, the reserve liabilities (or reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of any authorized life insurer and may certify the amount of those reserves, specifying the mortality tables, interest rates and methods used in calculating the reserves issued prior to the operative date of the valuation manual.~~ The commissioner may use group methods and approximate averages for fractions of a year or otherwise in calculating reserves. In the case of an alien insurer, the valuation is limited to its United States business;

(ii) Instead of the valuation of reserves required of any foreign or alien insurer, the commissioner may accept any valuation from the insurance supervisory official of any state or other jurisdiction if that valuation complies with the minimum standard provided in this article;

(iii) The commissioner may accept the valuation made by any domestic life insurer upon satisfactory proof of its correctness and compliance with W.S. 26-6-208;

(iv) The provisions set forth in W.S. 26-6-203 and 26-6-205 through 26-6-207 shall apply to all policies and contracts, as appropriate, subject to this article prior to the operative date of the valuation manual and the provisions set forth in W.S. 26-6-209 and 26-6-210 shall not apply to the policies and contracts.

(c) Any insurer which adopts any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided in this article, with the commissioner's approval, may adopt any lower standard of valuation, but not lower than the minimum standard. For the purposes of this section, the holding of additional reserves previously determined by ~~a qualified~~ the appointed actuary to be necessary to render the opinion required by W.S. 26-6-208 shall not be deemed to be the adoption of a higher standard of valuation.

(d) Reserves for any category of policies, contracts or benefits as the commissioner establishes, may at the insurer's option, be calculated according to any standards which produce greater aggregate reserves for the category than those calculated according to the minimum standard provided in this article. However, the rates of interest used for policies and contracts other than annuity and pure endowment contracts shall not be ~~higher~~ greater than the corresponding rates of interest used in calculating any nonforfeiture benefits provided in the policies and contracts.

(e) Policies and contracts issued on or after the operative date of the valuation manual shall be governed by the following provisions:

(i) The commissioner shall annually value, or cause to be valued, the reserve liabilities (or reserves) for all outstanding life insurance contracts, annu-



ity and pure endowment contracts, accident and health contracts, and deposit type contracts of any authorized life insurer issued on or after the operative date of the valuation manual. In the case of an alien insurer, the valuation is limited to its United States business;

(ii) Instead of the valuation of reserves required of any foreign or alien insurer, the commissioner may accept any valuation from the insurance supervisory official of any state or other jurisdiction if that valuation complies with the minimum standard provided in this article;

(iii) The commissioner may accept the valuation made by any domestic life insurer upon satisfactory proof of its correctness and compliance with W.S. 26-6-208;

(iv) The provisions set forth in W.S. 26-6-209 and 26-6-210 shall apply to all policies and contracts issued on or after the operative date of the valuation manual.

**26-6-203. Reserve calculation; valuation net premium exceeding gross premium charged.**

(a) If in any contract year the gross premium charged by any life-insurer on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve for the policy or contract shall be the greater of either the reserve calculated according to:

**26-6-205. Computation of minimum standard; reserve valuation method, life insurance and endowment benefits; annuity and pure endowment benefits; minimum reserves; reserve calculation; indeterminate plans.**

(b) Except as otherwise provided in W.S. 26-6-206 and 26-6-207 the minimum standard for the valuation of all policies and contracts subject to this article issued prior to the effective date of the standard valuation law shall be that provided by the laws in effect immediately prior to that date. Except as otherwise provided in W.S. 26-6-206 and 26-6-207 the minimum standard for the valuation of all policies and contracts subject to this article issued on or after the effective date of the standard valuation law and prior to the operative date of the valuation manual shall be the commissioners' reserve valuation method defined in subsections (c) and (e) of this section, W.S. 26-6-203 and 26-6-207, three and one-half percent (3 1/2%) interest or four percent (4%) interest for life insurance policies and contracts other than annuity and pure endowment contracts issued on or after July 1, 1975 and prior to May 20, 1981, five and one-half percent (5 1/2%) interest for single premium life insurance policies, and four and one-half percent (4 1/2%) interest for all other such policies issued on or after May 20, 1981, and the following tables:

(i) For all ordinary policies of life insurance issued on the standard basis,

excluding any disability and accidental death benefits in those policies:

(ii) For ~~all~~ industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in those policies:

(c) Except as provided in W.S. 26-6-203, 26-6-207 and subsection (e) of this section reserves according to the commissioners' reserve valuation method:

(i) For the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of the future guaranteed benefits provided by those policies, over the then present value of any future modified net policy premiums. The modified net premiums for any such policy shall be a uniform percentage of the contract premiums for the benefits such that the present value, at the date of issue of the policy, of all the modified net premiums shall be equal to the sum of the then present value of the benefits provided by the policy and the excess of (1) over (2) as follows: (1) A net level annual premium equal to the present value, at the date of issue, of the benefits provided after the first policy year, divided by the present value at the date of issue, of an annuity of one (1) per annum payable on each policy anniversary on which a premium falls due. The net level annual premium shall not exceed the net level annual premium on the nineteen (19) year premium whole life plan for insurance of the same amount at an age one (1) year higher than the age at issue of the policy; (2) A net one (1) year term premium for benefits provided in the first policy year;

(f) No insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, shall be less than the aggregate reserves calculated in accordance with the method set forth in subsections (b), (c), (d), (e) and (h) of this section and W.S. 26-6-203, and the mortality tables and rates of interest used in calculating nonforfeiture benefits for those policies. In no event shall the aggregate reserves for all policies, contracts and benefits be less than the aggregate reserves determined by the ~~qualified~~-appointed actuary to be necessary to render the opinion required by W.S. 26-6-208.

**26-6-206. Computation of minimum standard for annuities; computation of minimum standard valuation by calendar year of issue.**

(a) Except as provided in subsection (b) of this section the minimum standard ~~for the~~of valuation ~~of all~~for individual annuity and pure endowment contracts issued on or after the operative date of this section as defined in subsection (b) of this section, and for ~~all~~ annuities and pure endowments purchased on or after that operative date under group annuity and pure endowment contracts, shall be the commissioners' reserve valuation method defined in W.S. 26-6-205(c), (d) and (e) and the following tables and interest rates:

(ii) For ~~all~~ annuities and pure endowments purchased:

(b) (i) The interest rates used in determining the minimum standard for the

valuation of:

(A) ~~All~~Life insurance policies issued in a particular calendar year, on or after the operative date of W.S. 26-16-209;

(B) ~~All~~Individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1995;

(C) ~~All~~Annuities and pure endowments purchased in a particular calendar year on or after January 1, 1995, under group annuity and pure endowment contracts; and

(v) The reference interest rate referred to in paragraphs (ii) and (iii) of this subsection shall be defined as follows:

(A) For ~~all~~life insurance, the lesser of the average over a period of thirty-six (36) months and the average over a period of twelve (12) months, ending on June 30 of the calendar year next preceding the year of issue, of the monthly average of the composite yield on seasoned corporate bonds, as published by Moody's Investors Service, Inc.;

**26-6-207. Minimum standards for accident and health insurance contracts including disability plans.**

The commissioner shall promulgate regulations containing the minimum standards applicable to the valuation of accident and health contracts, including disability plans, issued prior to the operative date of the valuation manual. For accident and health insurance contracts issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under W.S. 26-6-202(e).

**26-6-208. Actuarial opinion of reserves.**

(g) Actuarial opinions issued prior to the operative date of the valuation manual shall be governed by the following provisions:

(i) Every life insurer doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by regulation are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this state. The commissioner by regulation shall define the specifics of this opinion and add any other items deemed to be necessary to its scope;

(ii) Every life insurer, except as exempted by regulation, shall also annually include in the opinion required by paragraph (i) of this subsection, an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by regulation, when considered in light of the assets held by the insurer with respect to the reserves and related actuarial items, including

the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the insurer's obligations under the policies and contracts including the benefits under and expenses associated with the policies and contracts. The commissioner may provide by regulation for a transition period for establishing any higher reserves which the qualified actuary deems necessary in order to render the opinion required by this section;

(iii) Each opinion required by paragraph (ii) of this subsection shall be governed by the following provisions:

(A) A memorandum, in form and substance acceptable to the commissioner as specified by regulation, shall be prepared to support each actuarial opinion;

(B) If the insurer fails to provide a supporting memorandum at the request of the commissioner within a period specified by regulation or the commissioner determines that the supporting memorandum provided by the insurer fails to meet the standards prescribed by regulation or is unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and prepare any supporting memorandum required by the commissioner.

(iv) Every opinion required by this subsection shall be governed by the following provisions:

(A) The opinion shall be submitted with the annual statement reflecting the valuation of reserve liabilities for each year ending on or after December 31, 1995;

(B) The opinion shall apply to all business in force including individual and group health insurance plans, in form and substance acceptable to the commissioner as specified by regulation;

(C) The opinion shall be based on standards adopted by the actuarial standards board and on additional standards as the commissioner by regulation prescribes;

(D) In the case of an opinion required to be submitted by a foreign or alien insurer, the commissioner may accept the opinion filed by that insurer with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to an insurer domiciled in this state;

(E) Except in cases of fraud, willful misconduct or negligence the qualified actuary shall not be liable for damages to any person, other than the insurer and the commissioner, for any act, error, omission, decision or conduct with respect to the actuary's opinion;

(F) Disciplinary action by the commissioner against the insurer or the

qualified actuary shall be in accordance with W.S. 26-1-107;

(G) Any memorandum in support of the opinion, and any other material provided by the insurer to the commissioner in connection with the opinion, shall be kept confidential by the commissioner, may be shared as authorized by and in accordance with the provisions of W.S. 26-2-113(d), and shall not be made public other than for the purpose of defending an action seeking damages from any person by reason of any action required by this section or by regulations promulgated under this section. Once any portion of the confidential memorandum is cited by the insurer in its marketing or is cited before any governmental agency other than a state insurance department or is released by the insurer to the news media, no portion of the memorandum shall be confidential. The memorandum or other material may otherwise be released by the commissioner:

(I) With the written consent of the insurer; or

(II) To the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the commissioner for preserving the confidentiality of the memorandum or other material.

(v) For the purposes of this subsection, "qualified actuary" means a member in good standing of the American Academy of Actuaries and who meets requirements prescribed by regulation of the commissioner.

(h) Actuarial opinions of reserves issued after the operative date of the valuation manual shall be governed by the following provisions:

(i) Every insurer with outstanding life insurance contracts, accident and health insurance contracts or deposit type contracts in this state and subject to regulation by the commissioner shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, based on assumptions that satisfy contractual provisions, consistent with prior reported amounts and comply with applicable laws of this state;

(ii) Every insurer with outstanding life insurance contracts, accident and health insurance contracts or deposit type contracts in this state and subject to regulation by the commissioner, except as exempted in the valuation manual, shall also annually include in the opinion required by paragraph (i) of this subsection, an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the insurer with respect to the reserves and related actuarial items including the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provi-

sion for the insurer's obligations under the policies and contracts including the benefits under and expenses associated with the policies and contracts;

(iii) Each opinion required by paragraph (ii) of this subsection shall be governed by the following provisions:

(A) A memorandum, in form and substance as specified in the valuation manual and acceptable to the commissioner, shall be prepared to support each actuarial opinion;

(B) If the insurer fails to provide a supporting memorandum at the request of the commissioner within a period specified in the valuation manual or the commissioner determines that the supporting memorandum provided by the insurer fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the commissioner.

(iv) Every opinion required by this subsection shall be governed by the following provisions:

(A) The opinion shall be in form and substance as specified in the valuation manual and acceptable to the commissioner;

(B) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after the operative date of the valuation manual;

(C) The opinion shall apply to all policies and contracts subject to paragraph (ii) of this subsection, plus other actuarial liabilities as may be specified in the valuation manual;

(D) The opinion shall be based on standards adopted by the actuarial standards board or its successor, and on any additional standards as may be prescribed in the valuation manual;

(E) In the case of an opinion required to be submitted by a foreign or alien insurer, the commissioner may accept the opinion filed by that insurer with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to an insurer domiciled in this state;

(F) Except in cases of fraud or willful misconduct, the appointed actuary shall not be liable for damages to any person, other than the insurer and the commissioner, for any act, error, omission, decision or conduct with respect to the appointed actuary's opinion;

(G) Disciplinary action by the commissioner against the insurer or the appointed actuary shall be in accordance with W.S. 26-1-107.

**26-16-201. Short title; policy issue date; valuation manual operative date.**

(c) For the purpose of this article, “operative date of the valuation manual” means January 1, 2017.

**26-16-209. Section applicability; premium adjustment for any policy; annual calculation; exception.**

(j) All adjusted premiums and present values referred to in this article shall be calculated for all policies of ordinary insurance on the basis of the commissioners’ 1980 standard ordinary mortality table or, at the election of the company for any one (1) or more specified life insurance plans, the commissioners’ 1980 standard ordinary mortality table with ten-year select mortality factors; for all industrial insurance policies on the basis of the commissioners’ 1961 standard industrial mortality table; and for all policies issued in a particular calendar year on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this section for policies issued in that calendar year, except that:

(vi) ~~Any~~ For policies issued prior to the operative date of the valuation manual, ~~any commissioners’ standard~~ ordinary mortality tables the ~~National Association of Insurance Commissioners NAIC~~ adopts after 1980, that are approved by regulation the commissioner promulgates, for use in determining the minimum nonforfeiture standard, may be substituted for the commissioners’ 1980 standard ordinary mortality table with or without ten-year select mortality factors or for the commissioners’ 1980 extended term insurance table;

(vii) For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the commissioners’ standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the commissioners’ 1980 standard ordinary mortality table with or without ten-year select mortality factors or for the commissioners’ 1980 extended term insurance table. If the commissioner approves by regulation any commissioners’ standard ordinary mortality table adopted by the NAIC for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual;

~~(vii)~~(viii) For policies issued prior to the operative date of the valuation manual, ~~any commissioners’ standard~~ industrial mortality tables the ~~National Association of Insurance Commissioners NAIC~~ adopts after 1980, that are approved by regulation the commissioner promulgates, for use in determining the minimum nonforfeiture standard, may be substituted for the commissioners’ 1961 standard industrial mortality table or the commissioners’ 1961 industrial extended term insurance table;

(ix) For policies issued on or after the operative date of the valuation



manual, the valuation manual shall provide the commissioners' standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the commissioners' 1961 standard industrial mortality table or the commissioners' 1961 industrial extended term insurance table. If the commissioner approves by regulation any commissioners' standard industrial mortality table adopted by the NAIC for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

(k) The nonforfeiture interest rate is defined as follows:

(i) For policies issued prior to the operative date of the valuation manual, the nonforfeiture interest rate per annum for any policy issued in a particular calendar year is equal to one hundred twenty-five percent (125%) of the calendar year statutory valuation interest rate for such policy as defined in the standard valuation law rounded to the nearer one-fourth percent (1/4%), provided the nonforfeiture interest rate shall not be less than four percent (4%);

(ii) For policies issued on or after the operative date of the valuation manual, the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be provided by the valuation manual.

**Section 3.** W.S. 26-6-202(b) and 26-6-208(a) through (f) are repealed.

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

Approved March 1, 2017.

## Chapter 68

### SPONSORSHIP OF LEGISLATION

Original House Bill No. 35

AN ACT relating to the legislature; specifying the committees comprised of members of both houses of the legislature authorized to sponsor and introduce legislation during legislative sessions; and providing for an effective date.

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

**Section 1.** W.S. 28-8-104 by creating a subsection (e) is amended to read:

**28-8-104. Direction by legislature during sessions; joint interim committees; requests for services; establishment of priorities; appointment of select committees; vacancies; enlarging committees.**

(e) Of committees comprised of members of both houses of the legislature, only management council, joint interim committees of the legislature, the joint



appropriations committee, the management audit committee and select committees explicitly authorized by statute or joint rule or resolution of the legislature shall sponsor and introduce legislation during a legislative session. Nothing in this subsection shall restrict the right of a member of the legislature to sponsor legislation.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 69

### STATE INVESTMENT POLICY

Original House Bill No. 60

AN ACT relating to public funds; amending restrictions on the investment of permanent funds; providing for a strategy to evaluate the risks of investments; requiring the state loan and investment board to establish metrics for managing and mitigating the risks of investments; requiring evaluations of the risks of investments as specified; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 9-4-715(b) and (d) and 9-4-716(b) by creating a new paragraph (ix), (d)(i)(A) and by creating a new subparagraph (C) are amended to read:

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

(b) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, upon written authority, may invest monies up to seventy percent (70%) of the permanent funds in securities but not more than fifty-five percent (55%) shall be invested in common stocks equities, including stocks of corporations. The state treasurer shall report at least annually to the select committee on capital financing and investments and the joint appropriations committee on the analysis conducted pursuant to paragraph (d)(ii) of this section and W.S. 9-4-716(b)(ix).

(d) When approving, acquiring, investing, reinvesting, exchanging, retaining, selling and managing investments of the state of Wyoming, the members of the board, the state treasurer, designees of the state treasurer or any other fiduciary appointed by the state treasurer or the board shall:

(i) Exercise the judgment and care of a prudent investor as specified by the Uniform Prudent Investor Act, W.S. 4-10-901 through 4-10-913;

(ii) Evaluate the risk of investments using a strategy based on the principles of the capital market theory which are generally accepted and followed by institutional investors including long-term investors. This strategy includes a consideration of the following:

(A) Risks shall be mitigated through diversification of asset classes and investment approaches and through diversification of individual securities;

(B) Prudent risk taking is a necessary element of long-term investing and is needed to achieve the long-term objectives of a fund.

**9-4-716. State investment policy; investment consultant.**

(b) The investment policy statements shall include the following:

(ix) Two (2) risk mitigation metrics for managing and mitigating the risks of investments consistent with the strategy specified in W.S. 9-4-715(d)(ii):

(A) One (1) metric shall specify the maximum percentage of monies in the state fund or state funds that may be invested in securities in consideration of all the factors developed for the fund's investment policy statement under this subsection; and

(B) One (1) metric shall measure risk in the state fund or state funds using a value at risk measurement technique or other similar risk measurement technique.

(d) The board:

(i) Shall procure the services of a qualified entity to evaluate:

(A) At least annually, the reasonableness and comprehensiveness of the investment policy statements required under this section; and

(C) At least annually or when market conditions warrant a change or reallocation of investments, the risks of investing state funds using the metrics specified in the investment policy statements pursuant to paragraph (b)(ix) of this section.

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

Approved March 1, 2017.

## Chapter 70

### SECURITY FOR ON DEPOSIT PUBLIC FUNDS

Original House Bill No. 183

AN ACT relating to public funds; amending the securities that banks or savings and loan associations may pledge for on deposit public funds; and providing for an effective date.

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

**Section 1.** W.S. 9-4-821(a)(xix) and by creating a new paragraph (xxiii) is amended to read:

**9-4-821. Deposits by political subdivisions; security in lieu of surety bonds.**

(a) Instead of the bonds provided for in W.S. 9-4-820, the banks or savings and loan associations receiving on deposit public funds may, as security therefor, furnish to the proper treasurer of any county, municipality, community college districts or school district, any of the following:

(xix) Bank qualified municipal bonds of this state or of counties, cities, community college districts or school districts of this state or warrants issued by virtue of the laws of this state, or special improvement bonds issued by incorporated cities and towns of the state of Wyoming, at market value;

(xxiii) Bank qualified municipal bonds of any state, county, city, community college district or school district or special improvement bonds issued by incorporated cities and towns of any state, at market value and bearing a rating of one (1) of the three (3) highest investment grades provided by a nationally recognized rating organization.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 71

### NONRESIDENT EMPLOYER BONDING REQUIREMENTS

Original House Bill No. 221

AN ACT relating to labor and employment; increasing bond or other security required for nonresident employers; expanding application of bond or security funds; increasing the penalty for violations; and providing for an effective date.

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

**Section 1.** W.S. 27-1-106(b), (c)(i), by creating a new paragraph (ii) and by amending and renumbering (ii) as (iii) and 27-1-107 are amended to read:

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

(b) The bond or other security required by subsection (a) of this section shall be in the amount of ~~ten thousand dollars (\$10,000.00)~~ twenty thousand dollars (\$20,000.00) plus an additional ~~one thousand dollars (\$1,000.00)~~ two thousand dollars (\$2,000.00) for each one hundred twenty thousand dollars (\$120,000.00) or fraction thereof that the expected wages exceed one hundred twenty thousand dollars (\$120,000.00) annually.

(c) The bond or security provided for in this section shall ensure:

(i) The payment of wages of employees working in the state; ~~and~~

(ii) The payment of civil penalties the occupational health and safety commission may assess; and

(ii)(iii) All other payments or obligations of the nonresident employer required by:

(A) The Wyoming Worker's Compensation Act unless waived by the director pursuant to W.S. 27-14-302;

(B) Any other section under title 27 of Wyoming statutes or any department of workforce services rule or regulation.

**27-1-107. Nonresident employers to post bond; penalty.**

Any person or persons, corporation, agent, manager or employer who shall violate or fail to comply with any of the provisions of W.S. 27-1-106 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense, be subject to a fine of not more than ~~seven hundred fifty dollars (\$750.00)~~ one thousand dollars (\$1,000.00), imprisonment ~~in the county jail~~ for not more than one (1) year, or both.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 72

### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ACTIONS

Original House Bill No. 70

AN ACT relating to the administration of government; recognizing limitations on the regulatory authority of the occupational safety and health administration; providing legislative findings in relation to those limitations; specifying the policy of the state in regard to actions of the occupational safety and health administration; authorizing intervention by the attorney general to protect the interests of the state as specified; and providing for an effective date.

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

**Section 1.** W.S. 9-14-102(a) by creating a new paragraph (iv), by amending and renumbering (iv) as (v), (b) and (c) is amended to read:

**9-14-102. Unauthorized federal agency actions.**

(a) The legislature finds:

(iv) The federal occupational safety and health administration has expanded its regulation of highly hazardous chemicals on questionable authority;

(iv)(v) When rulemaking and other actions of the federal environmental protection agency or the federal occupational safety and health administration rest on questionable congressional authority the state is authorized to protect its interests and the interests of its citizens and should challenge those actions, including unlawful rulemaking.

(b) The legislature declares it is the state's policy to vigorously defend its interests and those of its citizens against rulemaking and other actions of the federal environmental protection agency or the federal occupational safety and health administration which are not authorized by the United States congress or which rest upon questionable authority.

(c) The attorney general may seek to take action before the federal environmental protection agency, the federal occupational safety and health administration or in any state or federal court to stop the enforcement, administration or implementation of rulemaking or other actions taken by ~~that agency~~ those agencies if, in his judgment, the rulemaking or other action exceeds the authority granted by the United States congress or otherwise rests on questionable authority. Before intervening in or initiating any lawsuit pursuant to this section, the attorney general shall obtain the approval of the governor.

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

Approved March 1, 2017.

## Chapter 73

### LOCAL OPTIONAL SALES AND USE TAXES

Original House Bill No. 82

AN ACT relating to sales and use tax; providing that the local option taxes may be imposed through separate propositions up to the specified limitations; and providing for an effective date.

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

**Section 1.** W.S. 39-15-203(a)(i)(A), (D), (ii)(B), (E), (iii)(C), (iv)(A), (v)(A) and (D) and 39-16-203(a)(i)(A), (D), (ii)(C), (iii)(A), (iv)(A) and (D) are amended to read:

#### **39-15-203. Imposition.**

(a) Taxable event. The following shall apply:

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

(A) Except as provided by subparagraph (F) of this paragraph, no tax shall be imposed under W.S. 39-15-204(a)(i) until the proposition to impose the taxes is submitted to the vote of the qualified electors of the county, and a majority of those casting their ballots vote in favor of imposing the taxes. If a county seeks to increase a tax rate previously approved by the qualified electors of the county that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the

limitations specified in W.S. 39-15-204(a)(i) and (iv). A county may impose both taxes authorized in W.S. 39-15-204(a)(i) and (ii), but the proposition to impose each tax also shall be individually stated and voted upon. Except as otherwise provided, excise taxes imposed under this paragraph shall commence as provided by W.S. 39-15-207(c) following the election approving the imposition of the tax;

(D) If the proposition to impose or continue the tax is defeated the proposition shall not again be submitted to the electors of the county for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the proposition the tax is repealed and shall not be collected following June 30 of the year immediately following the year in which the proposition is defeated; except:

(I) If the proposition was for less than the full amount authorized in W.S. 39-15-204(a)(i), this subparagraph shall not prohibit a separate proposition for the remaining authorized amount of the tax as provided in subparagraph (A) of this paragraph;

(II) If the proposition was to increase the amount of the tax originally adopted by the electors, the defeat of the proposition to increase the amount of the tax shall not repeal the proposition originally adopted by the electors.

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

(B) No tax shall be imposed under W.S. 39-15-204(a)(ii) until the proposition to impose the taxes is submitted to the vote of the qualified electors of the county or of a city or town if the proposition is to impose the tax only city wide or town wide, and a majority of those casting their ballots vote in favor of imposing the taxes. If a county seeks to increase a tax rate previously approved by the qualified electors of the county, that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-15-204(a)(ii). A county may impose both taxes authorized in W.S. 39-15-204(a)(i) and (ii), but the proposition to impose each tax shall be individually stated and voted upon. Except as otherwise provided, excise taxes imposed under this paragraph shall commence as provided by W.S. 39-15-207(c) following the election approving the imposition of the tax;

(E) If the proposition to impose or continue the tax is defeated the proposition shall not again be submitted to the electors of the county for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the proposition the tax is repealed and shall not be collected following June 30 of the year immediately following the year in which the proposition is defeated; except:

(I) If the proposition was for less than the full amount authorized in

W.S. 39-15-204(a)(ii), this subparagraph shall not prohibit a separate proposition for the remaining authorized amount of the tax as provided in subparagraph (B) of this paragraph;

(II) If the proposition was to increase the amount of the tax originally adopted by the electors, the defeat of the proposition to increase the amount of the tax shall not repeal the proposition originally adopted by the electors.

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

(C) No tax shall be imposed under this paragraph until the proposition to impose the tax for specific purposes in specific amounts is approved by the vote of the majority of the qualified electors voting on the proposition. The amount of revenue to be collected and the purpose or purposes for which it is proposed to be used shall be specified in the proposition. The election shall be held in accordance with W.S. 22-21-101 through 22-21-112. Any debt created may also be repaid, in whole or in part, by a property tax levy if general obligation bonds are authorized by the electors. If a county seeks to increase a tax rate previously approved by the qualified electors of the county that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-15-204(a)(iii) and (iv). Any excise tax imposed under this subsection shall commence as provided by W.S. 39-15-207(c) following the election approving the imposition of the tax, except that it shall commence on the first day of any subsequent month following the receipt of tax funds in the approved amount by any tax previously imposed under this subsection as provided by subparagraph (E) of this paragraph. Unless terminated earlier by the sponsoring entities pursuant to subparagraph (G) of this paragraph, the relevant portion of the tax shall terminate as provided by W.S. 39-15-207(c) when the amount approved by the electors is collected;

(iv) The following provisions apply to imposition of the resort district excise tax under W.S. 39-15-204(a)(v):

(A) The tax shall be imposed if favorably supported by a resolution adopted by the board of the resort district and approved by a majority of the district voters under W.S. 18-16-119. If a resort district seeks to increase a tax rate previously approved by the district voters that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-15-204(a)(v);

(v) The following provisions apply to imposition of the excise tax under W.S. 39-15-204(a)(vi) the purpose of which is economic development:

(A) No tax shall be imposed under W.S. 39-15-204(a)(vi) until the proposition to impose the tax is submitted to the vote of the qualified electors of the county, and a majority of those casting their ballots vote in favor of imposing



the taxes. If a county seeks to increase a tax rate previously approved by the qualified electors of the county that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-15-204(a)(iv) and (vi). Except as otherwise provided, excise taxes imposed under this paragraph shall commence as provided by W.S. 39-15-207 following the election approving the imposition of the tax;

(D) If the proposition to impose or continue the tax is defeated the proposition shall not again be submitted to the electors of the county for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the proposition the tax is repealed and shall not be collected following June 30 of the year immediately following the year in which the proposition is defeated; except:

(I) If the proposition was for less than the full amount authorized in W.S. 39-15-204(a)(vi), this subparagraph shall not prohibit a separate proposition for the remaining authorized amount of the tax as provided in subparagraph (A) of this paragraph;

(II) If the proposition was to increase the amount of the tax originally adopted by the electors, the defeat of the proposition to increase the amount of the tax shall not repeal the proposition originally adopted by the electors.

### **39-16-203. Imposition.**

(a) Taxable event. The following shall apply:

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

(A) Except as provided by subparagraph (F) of this paragraph, no tax shall be imposed under W.S. 39-16-204(a)(i) until the proposition to impose the taxes is submitted to the vote of the qualified electors of the county, and a majority of those casting their ballots vote in favor of imposing the taxes. If a county seeks to increase a tax rate previously approved by the qualified electors of the county that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-16-204(a)(i) and (iii). A county may impose both taxes authorized in W.S. 39-16-204(a)(i) and (ii), but the proposition to impose each tax also shall be individually stated and voted upon. Except as otherwise provided, excise taxes imposed under this paragraph shall commence as provided by W.S. 39-16-207(c) following the election approving the imposition of the tax;

(D) If the proposition to impose or continue the tax is defeated the proposition shall not again be submitted to the electors of the county for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the proposition the tax is repealed and shall not be



collected following June 30 of the year immediately following the year in which the proposition is defeated; except:

(I) If the proposition was for less than the full amount authorized in W.S. 39-16-204(a)(i), this subparagraph shall not prohibit a separate proposition for the remaining authorized amount of the tax as provided in subparagraph (A) of this paragraph;

(II) If the proposition was to increase the amount of the tax originally adopted by the electors, the defeat of the proposition to increase the amount of the tax shall not repeal the proposition originally adopted by the electors.

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

(C) No tax shall be imposed under this subsection until the proposition to impose the tax for specific purposes in specific amounts is approved by the vote of the majority of the qualified electors voting on the proposition. The amount of revenue to be collected and the purpose or purposes for which it is proposed to be used shall be specified in the proposition. The election shall be held in accordance with W.S. 22-21-101 through 22-21-112. Any debt created may also be repaid, in whole or in part, by a property tax levy if general obligation bonds are authorized by the electors. If a county seeks to increase a tax rate previously approved by the qualified electors of the county that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-16-204(a)(ii) and (iii). Provided, any excise tax imposed under this subsection shall commence as provided by W.S. 39-16-207(c) following the election approving the imposition of the tax, except that it shall commence on the first day of any subsequent month following the receipt of tax funds in the approved amount by any tax previously imposed under this subsection as provided by subparagraph (E) of this paragraph. Unless terminated earlier by the sponsoring entities pursuant to subparagraph (G) of this paragraph, the relevant portion of the tax shall terminate as provided by W.S. 39-16-207(c) when the amount approved by the electors is collected;

(iii) The following provisions apply to imposition of the resort district excise tax under W.S. 39-16-204(a)(iv):

(A) The tax shall be imposed if favorably supported by a resolution adopted by the board of the resort district and approved by a majority of the district voters under W.S. 18-16-119. If a resort district seeks to increase a tax rate previously approved by the district voters that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-16-204(a)(iv);

(iv) The following provisions apply to imposition of the excise tax under W.S. 39-16-204(a)(v) the purpose of which is economic development:

(A) No tax shall be imposed under W.S. 39-16-204(a)(v) until the proposition to impose the tax is submitted to the vote of the qualified electors of the county, and a majority of those casting their ballots vote in favor of imposing the taxes. If a county seeks to increase a tax rate previously approved by the qualified electors of the county that increase shall be separately proposed and voted upon, provided that the total amount of the separate propositions is subject to the limitations specified in W.S. 39-16-204(a)(iii) and (v). Except as otherwise provided, excise taxes imposed under this paragraph shall commence as provided by W.S. 39-16-207 following the election approving the imposition of the tax;

(D) If the proposition to impose or continue the tax is defeated the proposition shall not again be submitted to the electors of the county for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the proposition the tax is repealed and shall not be collected following June 30 of the year immediately following the year in which the proposition is defeated; except:

(I) If the proposition was for less than the full amount authorized in W.S. 39-16-204(a)(v), this subparagraph shall not prohibit a separate proposition for the remaining authorized amount of the tax as provided in subparagraph (A) of this paragraph;

(II) If the proposition was to increase the amount of the tax originally adopted by the electors, the defeat of the proposition to increase the amount of the tax shall not repeal the proposition originally adopted by the electors.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 74

### SCHOOL FINANCE-INTERFUND BORROWING

Original House Bill No. 38

AN ACT relating to school finance; eliminating the interest charged for funds borrowed from the common school account within the permanent land fund to cash flow the school foundation program account; amending the date for the repayment of borrowed funds; conforming account names; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 21-13-313(g) and 21-13-316(a) are amended to read:

**21-13-313. Distribution of funds from foundation account; property tax and cash reserve adjustment; regulations.**

(g) In addition to subsections (b) and (c) of this section, the state superintendent shall, for any district subject to W.S. 21-13-102(b) as determined

by the department for any school year, or for any district not subject to W.S. 21-13-102(b) whose entitlement amount determined under W.S. 21-13-311(a) for any school year is equal to or less than twenty percent (20%) of the foundation program amount computed under W.S. 21-13-309(p), and upon demonstration by the district of financial need as documented by cash flow analysis, provide payments from the school foundation program account in an amount 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 department may use fiscal information available from foundation program computations for the previous school year in the manner provided under subsection (b) of this section. Any district receiving a payment under this subsection ~~and repaying shall repay the foundation program account by not later than December 15 of that school year, shall not be assessed interest. After December 15, the district shall be assessed interest at a rate equal to the rate specified by W.S. 21-13-316(a) until the payment is repaid in full. In no event shall an advance payment under this subsection extend beyond and remain unpaid by any district, including interest, on and after June 15 of that school year.~~

**21-13-316. Interfund borrowing.**

(a) The state treasurer may utilize interfund loans from the common school account within the permanent land fund to the school foundation program account to enable statutory payments to be made when dedicated revenues are not yet received. ~~However, Any interfund loans shall bear interest at the rate of six percent (6%) per year payable from the foundation account to the common school account within the permanent land income fund and executed pursuant to this section shall be repaid in whole or in part periodically as soon as school foundation program account revenues permit.~~

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

**Chapter 75**

**OMNIBUS WATER BILL-CONSTRUCTION**

Original House Bill No. 86

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; extending the sunset dates for sponsor's contingency funds; modifying project descriptions, amounts and terms of appropriations for specified prior projects; and providing for effective dates.

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

**Section 1.** W.S. 99-3-2201 through 99-3-2205 are created to read:

ARTICLE 22  
2017 CONSTRUCTION PROJECTS

**99-3-2201. Definitions.**

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

**99-3-2202. General authorization.**

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

**99-3-2203. 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 – Broken Wheel Ranch Water Supply 2017:

(i) Project sponsor: Broken Wheel Ranch Improvement and Service District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: Nine hundred fifteen thousand dollars (\$915,000.00);

(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 thirteen thousand fifty dollars (\$613,050.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission six hundred thirteen thousand fifty dollars (\$613,050.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2022;

(vii) Special conditions:

(A) Funds from this appropriation shall not be expended until the formation of the Broken Wheel Ranch Improvement and Service District has been approved by Lincoln County;

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

(c) Project – Cody Tank 2017:

- (i) Project sponsor: City of Cody;
  - (ii) Project purpose: Municipal and 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: Three million six hundred thousand dollars (\$3,600,000.00);
  - (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million four hundred twelve thousand dollars (\$2,412,000.00) 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 four hundred twelve thousand dollars (\$2,412,000.00) 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, 2022;
  - (vii) Special conditions: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.
- (d) Project – Cowley Tank 2017:
- (i) Project sponsor: Town of Cowley;
  - (ii) Project purpose: Municipal and 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: Four million seven hundred ten thousand dollars (\$4,710,000.00);
  - (v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three million one hundred fifty-five thousand seven hundred dollars (\$3,155,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;
  - (vi) Appropriation: There is appropriated from water development account I to the commission three million one hundred fifty-five thousand seven hundred dollars (\$3,155,700.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2022;
  - (vii) Special conditions: The sponsor is responsible for acquiring thirty-three percent (33%) of the total project budget from other sources.

(e) Project – Gillette Regional Extensions 2017:

(i) Project sponsor: City of Gillette;

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

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

(iv) Total project budget: Five hundred forty thousand dollars (\$540,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement and project land procurement of the project an amount not to exceed three hundred sixty-one thousand eight hundred dollars (\$361,800.00) 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 three hundred sixty-one thousand eight hundred dollars (\$361,800.00) 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, 2022;

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

(f) Project – Glenrock Transmission Pipeline 2017:

(i) Project sponsor: Town of Glenrock;

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

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

(iv) Total project budget: Three hundred eighty thousand dollars (\$380,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred fifty-four thousand six hundred dollars (\$254,600.00) 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 two hundred fifty-four thousand six hundred dollars (\$254,600.00) 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, 2022;

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

(g) Project – High Meadow Ranch Well, Tank and Pipeline 2017:

(i) Project sponsor: High Meadow Ranch Water District;

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: Two million nine hundred seventy-three thousand dollars (\$2,973,000.00);

(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 ninety-one thousand nine hundred ten dollars (\$1,991,910.00) 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 ninety-one thousand nine hundred ten dollars (\$1,991,910.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2022;

(vii) Special conditions:

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

(B) In addition to the amount under subparagraph (A) of this paragraph, the sponsor is responsible for acquiring one hundred percent (100%) of the total well purchase price from other sources;

(C) The sponsor shall purchase the well drilled during the level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor shall purchase the well with a lump sum payment.

(h) Project – Opal Well Improvements 2017:

(i) Project sponsor: Town of Opal;

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

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

(iv) Total project budget: Seven thousand dollars (\$7,000.00);

(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 thousand six hundred ninety dollars (\$4,690.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission four thousand six hundred ninety dollars (\$4,690.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2022;

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

(j) Project – Pineview Tank and Booster Pump 2017:

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

(ii) Project purpose: Rural domestic water supply;

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

(iv) Total project budget: Five hundred fifty thousand dollars (\$550,000.00);

(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 sixty-eight thousand five hundred dollars (\$368,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred sixty-eight thousand five hundred dollars (\$368,500.00) 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, 2022;

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

(k) Project – Pioneer Transmission Pipeline 2017:

(i) Project sponsor: Pioneer Water and Sewer District;

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

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



(iv) Total project budget: One million eight hundred sixty thousand dollars (\$1,860,000.00);

(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 two hundred forty-six thousand two hundred dollars (\$1,246,200.00) 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 one million two hundred forty-six thousand two hundred dollars (\$1,246,200.00) 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, 2022;

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

(m) Project – Thayne Tank 2017:

(i) Project sponsor: Town of Thayne;

(ii) Project purpose: Municipal and 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: Eight hundred eighty thousand dollars (\$880,000.00);

(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 eighty-nine thousand six hundred dollars (\$589,600.00) 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 five hundred eighty-nine thousand six hundred dollars (\$589,600.00) 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, 2022;

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

(n) Project – Weather Modification Wind River Mountains 2018:

(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 2017-2018 fall, winter and spring seasons;

(iv) Total project budget: Five hundred ninety thousand dollars (\$590,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office one hundred fifty-five thousand dollars (\$155,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2019;

(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 five hundred eighty thousand dollars (\$580,000.00) 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 or other interested parties for seventy-five percent (75%) of actual project operations costs;

(D) If the state of Wyoming is unable to secure adequate funding commitments and the project is cancelled, the Wyoming water development office is authorized to use the appropriated funds to remove weather modification equipment and reclaim project sites.

(o) Project – Wheatland Wells 2017:

(i) Project sponsor: Town of Wheatland;

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

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

(iv) Total project budget: One million four hundred eighty-five thousand dollars (\$1,485,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed nine hundred ninety-four thousand nine hundred fifty dollars (\$994,950.00) 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 nine hundred ninety-four thousand nine hundred

fifty dollars (\$994,950.00) 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, 2022;

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

**99-3-2204. Level III construction projects – rehabilitation.**

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

(b) Project – Casper CY Booster Station Replacement 2017:

(i) Project sponsor: City of Casper;

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

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

(iv) Total project budget: One million two hundred seventy-three thousand dollars (\$1,273,000.00);

(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 fifty-two thousand nine hundred ten dollars (\$852,910.00) 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 fifty-two thousand nine hundred ten dollars (\$852,910.00) 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, 2022;

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

(c) Project – Deaver Irrigation District Flume Replacement/Laterals 2017:

(i) Project sponsor: Deaver Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Three hundred thirty-eight thousand four hundred thirty-three dollars (\$338,433.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed ninety-one thousand dollars (\$91,000.00) 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 ninety-one thousand dollars (\$91,000.00) 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, 2022;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(d) Project – Dry Creek Irrigation District Pipeline Replacement 2017:

(i) Project sponsor: Dry Creek Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Six hundred seventy thousand dollars (\$670,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred forty-eight thousand nine hundred dollars (\$448,900.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred twenty-one thousand one hundred dollars (\$221,100.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission six hundred seventy thousand dollars (\$670,000.00) 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, 2022.

(e) Project – Goshen Irrigation District Rehabilitation 2017:

(i) Project sponsor: Goshen Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Three hundred ninety-eight thousand five hundred twenty-six dollars (\$398,526.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed two hundred fourteen thousand dollars (\$214,000.00) 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 fourteen thousand dollars (\$214,000.00) 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, 2022;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(f) Project – Heart Mountain Irrigation District Rehabilitation 2017:

(i) Project sponsor: Heart Mountain Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: one million one hundred sixty-three thousand

six hundred eight-two dollars (\$1,163,682.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed four hundred ten thousand dollars (\$410,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred ten thousand dollars (\$410,000.00) 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, 2022;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(g) Project – LeClair Irrigation District Rehabilitation 2017:

(i) Project sponsor: LeClair Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: One million seven hundred fifty-three thousand dollars (\$1,753,000.00);

(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 one hundred seventy-four thousand five hundred ten dollars (\$1,174,510.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred fifty-six thousand four hundred dollars (\$356,400.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) years from the date the commission determines that project benefits accrue to the sponsor,

at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission one million five hundred thirty thousand nine hundred ten dollars (\$1,530,910.00) 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, 2022;

(viii) Special conditions: The sponsor is responsible for acquiring an additional two hundred twenty-two thousand ninety dollars (\$222,090.00) from other sources to supplement the loan of three hundred fifty-six thousand four hundred dollars (\$356,400.00). The combined total of these two (2) funding sources is five hundred seventy-eight thousand four hundred ninety dollars (\$578,490.00) which equals thirty-three percent (33%) of the total project budget.

(h) Project – Midvale Pilot 27.0 A Lateral 2017:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Five hundred fifty-five thousand dollars (\$555,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed three hundred fifty-five thousand dollars (\$355,000.00) 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 fifty-five thousand dollars (\$355,000.00) 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, 2022;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.



(j) Project – Shoshone Irrigation District Rehabilitation 2017:

(i) Project sponsor: Shoshone Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Four hundred eighty-two thousand dollars (\$482,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed two hundred thirty-four thousand dollars (\$234,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two hundred thirty-four thousand dollars (\$234,000.00) 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, 2022;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(k) Project – Sidon Irrigation District Rehabilitation 2017:

(i) Project sponsor: Sidon Irrigation District;

(ii) Project purpose: Agriculture water supply;

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

(iv) Total project budget: Eight hundred fifty-nine thousand seven hundred forty dollars (\$859,740.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the purchase of project materials as supported by vendor invoices and as approved by the commission an amount not to exceed four hundred eighty-three thousand dollars



(\$483,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred eighty-three thousand dollars (\$483,000.00) 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, 2022;

(vii) Special conditions:

(A) The sponsor is responsible for all project costs with the exception of the purchase of project materials as supported by vendor invoices and as approved by the commission;

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and monitor construction activities including the installation of project components and the tracking of project expenditures.

(m) Project – Thermopolis Pipeline Replacement 2017:

(i) Project sponsor: Town of Thermopolis;

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

(iii) Project description: Construction of pipelines and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Two million three hundred six thousand two hundred sixty-seven dollars (\$2,306,267.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million five hundred forty-five thousand two hundred dollars (\$1,545,200.00) 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 one million five hundred forty-five thousand two hundred dollars (\$1,545,200.00) 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, 2022;

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

**99-3-2205. Level III construction projects – dams and reservoirs.**

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

(b) Project – Big Sandy Reservoir Enlargement:

(i) Project sponsor: Eden Valley Irrigation and Drainage District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Modification and raising of Big Sandy Dam to create a reservoir enlargement of approximately thirteen thousand five hundred (13,500) acre feet and appurtenances necessary to make the project function in the manner intended;

(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 project land procurement, construction engineering and construction of the project an amount not to exceed six million seven hundred twenty thousand dollars (\$6,720,000.00) or eighty percent (80%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed one million six hundred eighty thousand dollars (\$1,680,000.00) or twenty percent (20%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission eight million four hundred thousand dollars (\$8,400,000.00) 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, 2023;

(viii) Special conditions: The state of Wyoming acting through the water development commission is hereby authorized to contract with the United States Bureau of Reclamation for the construction engineering and construction of the project as provided in this subsection.

(c) Project – Middle Piney Reservoir:

(i) Project sponsor: State of Wyoming;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Reconstruction of the Middle Piney Dam to recover and make usable approximately three thousand three hundred seventy (3,370) acre feet of the reservoir water right with a priority date of 1919 and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Twelve million one hundred sixty-eight thousand dollars (\$12,168,000.00);

(v) Appropriation: There is appropriated from water development account III to the commission for project land procurement, construction engineering and construction of the project twelve million one hundred sixty-eight thousand dollars (\$12,168,000.00) 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, 2022;

(vi) Special conditions:

(A) Prior to commencing construction, the state of Wyoming acting through the water development commission shall secure a special use permit from the United States – Bridger-Teton National Forest to authorize construction of the Middle Piney Dam;

(B) Prior to commencing construction, the state of Wyoming acting through the water development commission shall secure a special use permit or other agreement from the United States – Bridger-Teton National Forest to authorize the commission to operate the dam and manage the storage water once construction is complete;

(C) The state of Wyoming acting through the water development commission is hereby authorized to contract with the United States – Bridger-Teton National Forest for the construction engineering and construction of the project as provided in this subsection.

(d) Project – Alkali Creek Reservoir:

(i) Project sponsor: Nowood River Watershed Improvement District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Construction of a new dam on Alkali Creek which will impound approximately eight thousand (8,000) acre feet, to include water supply facilities and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Thirty-five million dollars (\$35,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed thirty-two million nine hundred thousand dollars (\$32,900,000.00) or ninety-four percent (94%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed two million one hundred thousand dollars (\$2,100,000.00) or six percent (6%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission thirty-five million dollars (\$35,000,000.00) 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 III on July 1, 2025.

(e) Project – Leavitt Reservoir Expansion:

(i) Project sponsor: Shell Valley Watershed Improvement District;

(ii) Project purpose: Agriculture water supply;

(iii) Project description: Construction of a new off-channel dam which will impound approximately six thousand six hundred (6,600) acre feet, to include water supply facilities and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Forty-one million dollars (\$41,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed thirty-nine million three hundred nineteen thousand dollars (\$39,319,000.00) or ninety-five and nine-tenths percent (95.9%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed one million six hundred eighty-one thousand dollars (\$1,681,000.00) or four and one-tenth percent (4.1%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission forty-one million dollars (\$41,000,000.00) 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 III on July 1, 2025.

[AMENDMENTS TO PRIOR PROJECTS]

**Section 2.** W.S. 99-3-1106(a)(vii) and (b)(vii), 99-3-1403(m)(vii), 99-3-1603(f)(vii), 99-3-1604(m)(vii), 99-3-1903(g)(iv), (v), (vii) and by creating a new paragraph (viii), 99-3-2004(d)(iv) through (vi) and 99-3-2104(e)(vii) are amended to read:

**99-3-1106. Sponsor's contingency funds.**

There are created the following sponsor's contingency funds:

(a) Project – Sponsor’s Contingency Fund – New Development:

(vii) Appropriation: There is appropriated from water development account I to the commission two million dollars (\$2,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2017~~2025; and

(b) Project – Sponsor’s Contingency Fund-Rehabilitation:

(vii) Appropriation: There is appropriated from water development account II to the commission 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, ~~2017~~2025; and

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

(m) Project – Riverton Water Supply:

(vii) Appropriation: There is appropriated from water development account I to the commission 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, ~~2017~~2020;

**99-3-1603. Level III construction projects – new development**

(f) Project – GR/RS/SC Raw Water Reservoir:

(vii) Appropriation: There is appropriated from water development account I to the commission eight million two hundred eighty-two thousand dollars (\$8,282,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2017~~2018;

**99-3-1604. Level III construction projects – rehabilitation.**

(m) Project – Willwood Dam Rehabilitation:

(vii) Appropriation: There is appropriated from water development account II to the commission one million six hundred twenty thousand dollars (\$1,620,000.00) 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, ~~2017~~2018.

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

(g) Project – Laramie North Side Tank:

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

(iv) Total project budget: ~~One million two hundred thousand dollars (\$1,200,000.00)~~ Twelve million one hundred thousand dollars (\$12,100,000.00);

(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, ~~and project land procurement, construction engineering and construction~~ of the project an amount not to exceed ~~eight hundred four thousand dollars (\$804,000.00)~~ eight million one hundred seven thousand dollars (\$8,107,000.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account I to the commission ~~one million two hundred thousand dollars (\$1,200,000.00)~~ eight million five hundred three thousand dollars (\$8,503,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2019~~ 2020;

(viii) Special conditions: The sponsor is responsible for acquiring an additional three million five hundred ninety-seven thousand dollars (\$3,597,000.00) from other sources to supplement the sponsor's existing commission loan thereby providing thirty-three percent (33%) of the total project budget.

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

(d) Project – Dull Knife Reservoir Spillway Rehabilitation:

(iv) Total project budget: ~~Four million nine hundred thousand dollars (\$4,900,000.00)~~ Five million six hundred twenty thousand dollars (\$5,620,000.00);

(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)~~ one million nine hundred sixty-seven thousand dollars (\$1,967,000.00) 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)~~ one million nine hundred sixty-seven thousand dollars (\$1,967,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2020;

**99-3-2103. Level III construction projects – new development.**

(g) Project – Gillette Regional Extensions-Phase II:

(iii) Project description: Design and construction of a ~~pipeline~~ pipelines

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

(iv) Total project budget: ~~Eight hundred forty thousand dollars (\$840,000.00)~~ Three million three hundred forty thousand dollars (\$3,340,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, ~~and project land procurement, construction engineering and construction~~ of the project an amount not to exceed ~~five hundred sixty-two thousand eight hundred dollars (\$562,800.00)~~ two million two hundred thirty-seven thousand eight hundred dollars (\$2,237,800.00) 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)~~ two million two hundred thirty-seven thousand eight hundred dollars (\$2,237,800.00) 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, 2021;

**99-3-2104. Level III construction projects – rehabilitation.**

(e) Project – LeClair Irrigation District Rehabilitation 2016:

(vii) Appropriation: There is appropriated from water development account II to the commission seven hundred sixty thousand dollars (\$760,000.00) 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, ~~2021~~ 2017.

**Section 3.**

(a) Except as otherwise provided in subsection (b) of this section, this act is effective July 1, 2017.

(b) W.S. 99-3-2205(c) created in section 1 of this act, describing the Middle Piney Reservoir project, is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 1, 2017.



**Chapter 76****BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Original House Bill No. 44

AN ACT relating to professional engineers and land surveyors; providing the number of board members required for a quorum; revising licensure requirements; specifying evidence that can be required by the board; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 33-29-304(c), 33-29-403(a)(iii), 33-29-406(a)(i) and (b)(i) and 33-29-703(b) are amended to read:

**33-29-304. Organization of board.**

(c) ~~Six (6)~~ Five (5) members of the board constitute a quorum.

**33-29-403. Requirements for professional license.**

(a) An applicant for a license as a professional engineer who has not graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:

(iii) Has one (1) of the following:

(A) Has met the requirements for an engineer intern certificate and has four (4) years of engineering experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional engineer; or

(B) Has graduated from a curriculum approved by the board of at least four (4) years and has been actively engaged in engineering practice of a character satisfactory to the board for at least ten (10) years after graduation.

**33-29-406. License on the basis of comity.**

(a) An applicant who holds a license issued by another jurisdiction to practice professional engineering or professional land surveying may be issued a professional license provided:

(i) The applicant has not been disciplined by another jurisdiction submitted evidence satisfactory to the board that the applicant is of good moral character and repute;

(b) An applicant who holds a license issued by another jurisdiction to practice professional engineering or professional land surveying, and who has held the license for fifteen (15) years immediately prior to submitting the application, may be issued a professional license provided the applicant:

(i) Has not been disciplined in any jurisdiction Is of good moral character and repute; and

**33-29-703. Disciplinary proceedings.**



(b) The board may conduct investigations and issue subpoenas for the attendance of witnesses and the production of evidence books, records, electronic records, documents and other evidence the board deems relevant to an investigation or hearing.

**Section 2.** This act shall apply to applications filed with the Wyoming board of professional engineers and professional land surveyors on or after the effective date of this act.

**Section 3.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 77

### ELECTIONS-RECOUNT DEPOSITS

Original House Bill No. 163

AN ACT relating to elections; modifying deposit fees and liability for costs related to candidate initiated recounts; and providing for an effective date.

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

**Section 1.** W.S. 22-16-113 is amended to read:

**22-16-113. Recount deposit; expense of recount.**

(a) An affidavit requesting a recount must be accompanied by a the following deposit; of one hundred dollars (\$100.00):

(i) If the difference in number of votes cast as calculated pursuant to W.S. 22-16-109(b) is one percent (1%) or greater but less than five percent (5%), five hundred dollars (\$500.00);

(ii) If the difference in number of votes cast as calculated pursuant to W.S. 22-16-109(b) is five percent (5%) or greater, three thousand dollars (\$3,000.00).

(b) If the recount shows sufficient error to change the result of the election, the county in which the recount is taken shall pay expenses of the recount and the deposit shall be returned. Otherwise the applicant or applicants seeking the recount shall be liable for the actual cost of conducting the recount up to a maximum of five hundred dollars (\$500.00) the amount deposited under subsection (a) of this section, per county recounted. Every county clerk shall issue a complete accounting of all costs of the recount to the candidate requesting the recount, and shall refund any surplus to the candidate.

(c) If the recount is initiated by the county canvassing board or required by W.S. 22-16-109(b), the cost of the recount shall be paid by the county in which the recount is taken regardless of the result of the recount.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 78

### DEPARTMENT OF HEALTH FACILITIES

Original House Bill No. 291

AN ACT relating to department of health facilities; providing authorization for construction and renovation at the Wyoming state hospital and Wyoming life resource center; providing an appropriation for the construction and renovation at the Wyoming state hospital and Wyoming life resource center; providing a contingent appropriation with authority for an interfund loan for the construction and renovation at the Wyoming state hospital and Wyoming life resource center; reappropriating funds related to the level III design study for the Wyoming state hospital and Wyoming life resource center; continuing the task force on department of health facilities; specifying duties of the task force; repealing prior law related to the task force; providing an appropriation for the task force; and providing for an effective date.

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

#### **Section 1.**

(a) The governor and department of health, through the state construction department, are authorized to conduct all preconstruction and construction activities necessary to plan, contract for, construct and renovate facilities at the Wyoming state hospital and Wyoming life resource center, consistent with the Level III design study authorized by 2016 Wyoming Session Laws, Chapter 97, Section 4.

(b) The state construction department may enter into contracts and retain experts as necessary to complete the planning, construction and renovation authorized by subsection (a) of this section. The department shall keep the department of health and joint legislative and executive task force on department of health facilities (“task force”) informed of all contracting activities. No contract shall be executed without the approval of the governor.

(c) All funds remaining from the nine million dollars (\$9,000,000.00) appropriated by 2016 Wyoming Session Laws, Chapter 97, Section 4 from the state facilities construction account to the department of administration and information for the purpose of procuring, developing and implementing a Level III design study for the Wyoming state hospital and Wyoming life resource center are reappropriated to the state construction department for the purpose of completing the Level III design study and for the purposes specified in subsections (a) and (b) of this section.

(d) There is appropriated one hundred thirty-five million two hundred thousand dollars (\$135,200,000.00) from the state facilities construction account to the state construction department. This appropriation shall be expended only for the purposes specified in subsections (a) and (b) of this section.

(e) For the period beginning with the effective date of this act and ending October 15, 2017, prior to making any deposits under W.S. 9-4-719(q) to the legislative stabilization reserve account, four million three hundred thousand dollars (\$4,300,000.00) which would otherwise be deposited to the legislative stabilization reserve account under W.S. 9-4-719(q) shall be distributed to the state facilities construction account created in W.S. 9-4-221. Funds deposited to the state facilities construction account under this subsection shall be immediately appropriated to the state construction department for the purposes specified in subsections (a) and (b) of this section and shall be expended for those purposes if the amounts appropriated in subsections (c) and (d) of this section are insufficient. In addition to the authority provided under W.S. 9-1-417, the state treasurer and the state auditor may utilize up to four million three hundred thousand dollars (\$4,300,000.00) in interfund loans from the unexpended, unobligated balance of the legislative stabilization reserve account for deposit to the state facilities construction account as necessary to meet contract obligations of the state construction department incurred for purposes of this act.

#### **Section 2.**

(a) The joint legislative and executive task force on department of health facilities, created in 2014 Wyoming Session Laws, Chapter 26, Section 329 as amended by 2015 Wyoming Session Laws, Chapter 142 and as continued by 2016 Wyoming Session Laws, Chapter 97, Section 4, is hereby continued.

(b) The task force shall be comprised of:

(i) Three (3) members of the senate, appointed by the president of the senate;

(ii) Three (3) members of the house of representatives, appointed by the speaker of the house;

(iii) Two (2) members of executive branch departments 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 finalize a Level III design study and oversee construction and renovation at the Wyoming state hospital and Wyoming life resource center.

(c) The task force shall implement the recommendations for its continued work as provided in the task force's November 1, 2016 Interim Report on Activities, on file with the legislative service office, including:

(i) Providing oversight and recommendations to the governor, the department of health and the state construction department for the finalization of the Wyoming state hospital and Wyoming life resource center Level III design study as authorized by 2016 Wyoming Session Laws, Chapter 97, Section 4;

(ii) Providing oversight and recommendations to the governor, the department of health and the state construction department on all preconstruction and construction activities necessary to plan, contract for, construct and renovate facilities at the Wyoming state hospital and Wyoming life resource center, consistent with the final Level III design study;

(iii) Providing oversight and recommendations to the governor, the department of health and the state construction department necessary to assure that the Wyoming state hospital and life resource center are planned, constructed and renovated in a manner which considers impacts on available federal funding;

(iv) Providing oversight and recommendations to the governor, the department of health and the state construction department for the expenditure of funds for construction and renovation at the Wyoming state hospital and Wyoming life resource center within the project budget;

(v) Collaborating with and receiving regular reports from the state construction department, the department of administration and information, the department of health, working groups, architects, owner's representatives, planners, construction companies, contractors and all other entities involved with the construction and renovation authorized by this act in order to collect information, provide appropriate oversight and make informed recommendations;

(vi) Assuring that the state building commission is kept informed of progress on the construction and renovation authorized by this act;

(vii) Providing interim reports on the activities of the task force to the joint appropriations committee and the joint labor, health and social services interim committee not later than November 1 of each year until the construction and renovation required by this act is complete;

(viii) Providing recommendations for legislative action.

(d) The task force shall be staffed by the legislative service office.

(e) The task force shall terminate on June 30 of the year following the year in which construction and renovation at the Wyoming state hospital and Wyoming life resource center is complete and the facilities are occupied.

(f) All funds remaining from the forty thousand dollars (\$40,000.00) appropriated by 2016 Wyoming Session Laws, Chapter 97, Section 4(h) from the general fund to the legislative service office for the purpose of funding salary, mileage and per diem of legislative members of the task force are reappropriated to the legislative service office and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30 of the year following the year in which construction and renovation at the Wyoming state hospital and Wyoming life resource center is complete and the facilities are occupied.

(g) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office. 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 of the year following the year in which construction and renovation at the Wyoming state hospital and Wyoming life resource center is complete and the facilities are occupied.

**Section 3.** 2016 Wyoming Session Laws, Chapter 97, Section 4 is repealed.

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

Approved March 1, 2017.

## Chapter 79

### AGENT ORANGE HEALTH AWARENESS MONTH

Original House Bill No. 74

AN ACT relating to state recognized commemorative days; designating Agent Orange Health Awareness Month; providing recommendations for observation of the month; imposing duties on the Wyoming veterans' commission; and providing for an effective date.

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

**Section 1.** W.S. 8-4-110 is created to read:

**8-4-110. Agent Orange Health Awareness Month.**

(a) In recognition of those who have been exposed to Agent Orange and as many as five (5) future generations who may also suffer from a number of deleterious health effects associated with the toxic dioxin in Agent Orange, and in recognition that because more than nineteen million (19,000,000) gallons of herbicide was sprayed throughout South Vietnam, with Agent Orange accounting for approximately eleven million (11,000,000) gallons, causing the United States department of veterans affairs to presume that all veterans who served in Vietnam were exposed, the month of August of each year is designated as "Agent Orange Health Awareness Month." The month may be appropriately observed in the public schools of the state and by organizations within the state. The legislature recommends that Wyoming communities host programs during Agent Orange Health Awareness Month to encourage all Vietnam veterans and their offspring who have not already done so to seek proper health screening and to educate the general population of Wyoming about the Vietnam War era, Agent Orange and the health effects of Agent Orange.

(b) The governor, not later than July 10 of each year, shall issue a proclamation requesting proper observance of Agent Orange Health Awareness Month and requesting healthcare, military and veterans' organizations to work with Wyoming school districts and communities to encourage health screenings and observe the month with appropriate activities and programs.

(c) The Wyoming veterans' commission, in conjunction with the United States department of veterans affairs, shall develop and publicize a campaign during the month of August to encourage Wyoming Vietnam veterans and their families to register with the United States department of veterans affairs Agent Orange registry health exam. The Wyoming veterans' commission may encourage Wyoming Vietnam veterans to schedule and take the Agent Orange registry health exam. The Wyoming veterans' commission shall also develop and publicize an outreach campaign to notify Wyoming Vietnam veterans of changes to the presumptive medical conditions associated with Agent Orange as recognized by the United States department of veterans affairs.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 80

### TRIBAL LICENSE PLATES

Original House Bill No. 128

AN ACT relating to motor vehicle registration; authorizing special Eastern Shoshone Indian tribe license plates and Northern Arapaho Indian tribe license plates; establishing a fee; eliminating production of the plates as specified; requiring a report upon cessation of production; and providing for an effective date.

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

**Section 1.** W.S. 31-2-230 is created to read:

**31-2-230. Tribal license plates.**

(a) Any person required to register a vehicle in Wyoming pursuant to this article may apply for distinctive Eastern Shoshone Indian tribe license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by the applicant upon registration of the vehicle. The department, in consultation with the business council of the Eastern Shoshone Indian tribe, shall prescribe the design of the Eastern Shoshone license plate, which shall include an image of the bucking horse and rider as described in W.S. 8-3-117, and need not include Arabic numerals for the county. The design of the plate shall comply with any applicable federal or state law.

(b) Any person required to register a vehicle in Wyoming pursuant to this article may apply for distinctive Northern Arapaho Indian tribe license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle

owned or leased by the applicant upon registration of the vehicle. The department, in consultation with the business council of the Northern Arapaho Indian tribe, shall prescribe the design of the Northern Arapaho license plate, which shall include an image of the bucking horse and rider as described in W.S. 8-3-117, and need not include Arabic numerals for the county. The design of the plate shall comply with any applicable federal or state law.

(c) The department shall arrange for production of the license plates authorized by this section. The county treasurer of each county shall issue the license plates.

(d) The applicant shall pay an application fee of seventy dollars (\$70.00) to the University of Wyoming, whereupon the university shall issue a written statement of eligibility for license plates under this section. Any fees collected under this subsection shall be deposited in equal amounts to the Chief Washakie memorial endowment fund and the Northern Arapaho endowment fund and are continuously appropriated for the purpose of funding scholarships for students at the University of Wyoming.

(e) Applicants shall apply at least thirty (30) days before registration is required for the vehicle for which the plates are intended. Except as provided in this section, application for, issuance and renewal of license plates under this section shall be subject to the same requirements and fees as provided in this article in addition to the application fee in subsection (d). The license plate fee required under W.S. 31-3-102(a)(viii) shall accompany each application.

(f) License plates issued under this section shall be displayed only upon the vehicle for which they are issued.

(g) The department may prepare any special forms and issue any rules and regulations necessary to carry out this section.

(h) Unless five hundred (500) sets of license plates are issued under this section before December 31, 2025, the plates authorized under this section shall be eliminated from production, and the department shall report the cessation of production to the legislature not later than January 15, 2027.

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

Approved March 1, 2017.

## Chapter 81

### POSTMORTEM DESPOILING AND DISPOSAL PENALTIES

Original Senate File No. 133

AN ACT relating to crimes and offenses; amending crimes of mutilation of a dead human body; specifying crimes for concealing a felony; amending exceptions; and providing for an effective date.



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

**Section 1.** W.S. 6-4-502(a), (b)(ii) and by creating a new subsection (c) is amended to read:

**6-4-502. Mutilation of dead human bodies; concealing a felony; penalties; exceptions.**

(a) Except as provided in this section, a person who dissects or mutilates a dead human body is guilty of a felony punishable by imprisonment for not more than ~~three (3)~~ five (5) years, a fine of not more than ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00), or both.

(b) This section does not apply to:

(ii) Dissection to determine the cause of death when authorized by the nearest living kin of deceased, a court of competent jurisdiction or other qualified officer;

(c) A person who mutilates a dead human body or disposes of a dead human body in a hidden, undisclosed or transient location in order to conceal a felony offense is guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 82

### ENTERPRISE TECHNOLOGY SERVICES AMENDMENTS

Original Senate File No. 41

AN ACT relating to the administration of government; amending provisions related to the department of enterprise technology; requiring application to the federal universal service fund and requiring deposit of funds received in the school foundation account; providing conditions for replacement of computers under the state chief information officer's computer replacement program; providing conditions and limitations on a state government unified telecommunications network; 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) by creating a paragraph (v), (e) by creating a paragraph (v) and (n) 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:

(v) All computer purchases made via the chief information officer's state technology replacement program shall be made in accordance with the provi-



sions of this subsection, using standardized pricing established by the program. All funds appropriated for computer acquisition shall be restricted and not expended for any other purpose.

(e) The department shall provide the following services:

(v) The department shall annually apply to the universal service administrative company under the federal communications commission for amounts available to the state under the schools and libraries program of the universal service fund. All federal funds received by the state from the schools and libraries program of the universal service fund shall be deposited into the school foundation program account.

(n) Nothing in this article shall be construed to authorize the department or the director to regulate or otherwise have any jurisdiction or authority over nongovernmental providers of telecommunications services or broadband services. Nothing in this article shall be construed to authorize the department or the state to be a telecommunications services provider to the private sector. To the extent a network is developed and implemented under subsection (g) of this section to provide telecommunications transport services for state government and higher education, 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. Such a 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. In relation to use of this network, "Wyoming state government" does not include local government, cities, towns, counties, hospitals, joint powers boards, special districts or other local governmental entities; and

(ii) Wyoming public schools and public libraries.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 83

### SEX OFFENDER REGISTRATION-ACCESSORIES

Original Senate File No. 154

AN ACT relating to sex offender registration; requiring an offender convicted as accessory before the fact of specified offenses to register; and providing for an effective date.

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

**Section 1.** W.S. 7-19-301(a)(viii) is amended to read:

**7-19-301. Definitions.**

(a) Unless otherwise provided, for the purposes of this act:

(viii) “Offender” means a person convicted of a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706, ~~or convicted of a criminal offense from Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j); 6-2-702, 6-2-703, 6-2-705 or 6-2-706;~~ “Offender” shall also include any person convicted:

(A) As an accessory before the fact as provided in W.S. 6-1-201 for a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706;

(B) Of a criminal offense in Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j), 6-2-702, 6-2-703, 6-2-705 or 6-2-706.

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 84

### QUEBEC 1 TRANSFER

Original House Bill No. 195

AN ACT relating to the Quebec 1 missile alert facility; authorizing the transfer of ownership of the Quebec 1 missile alert facility to the state 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. 36-8-1601(c) is amended 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.**

(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~~ A transfer under this subsection shall be in accordance with the following:

(i) ~~Prior to any transfer,~~ 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~~ authorizes the governor to accept the terms of the transfer which shall provided that:

(A) The governor considers the findings reported under paragraph (i) of this subsection and determines it is in the best interests of the state to take ownership of the facility;

(B) The governor reports the terms of the transfer to the joint appropriations committee prior to the transfer;

(C) The terms of the transfer 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.

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

Approved March 1, 2017.

## Chapter 85

### SALES FROM REMOTE SELLERS

Original House Bill No. 19

AN ACT relating to sales tax; providing for collection of sales tax from remote sellers as specified; providing for a declaratory judgment action; providing an injunction during the pendency of the action; limiting liability for payment of the sales tax; implementing related provisions; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 39-15-501 is created to read:

#### ARTICLE 5

#### SALES FROM REMOTE SELLERS

#### **39-15-501. Sales from remote sellers.**

(a) Notwithstanding any other provision of law, any seller of tangible personal property, admissions or services which are subject to taxation under chapter

15 or 16 of this title who does not have a physical presence in this state shall remit sales tax and follow all applicable procedures and requirements of this chapter as if the seller had a physical presence in this state once the seller meets either of the following requirements for the current calendar year or the immediately preceding calendar year:

(i) The seller's gross revenue from the sale of tangible personal property, admissions or services delivered into this state exceeds one hundred thousand dollars (\$100,000.00); or

(ii) The seller sold tangible personal property, admissions or services delivered into this state in two hundred (200) or more separate transactions.

(b) Notwithstanding any other provision of law, the department may bring an action in this state to obtain a declaratory judgment that the obligation of the seller to remit sales tax under subsection (a) of this section is applicable and valid under state and federal law.

(c) The filing of a declaratory judgment action under subsection (b) of this section operates as an injunction during the pendency of the action prohibiting the department or any other state entity from enforcing the obligation in subsection (a) of this section against any seller who does not affirmatively consent or otherwise remit sales tax on a voluntary basis.

(d) If a court has entered a judgment against a seller or otherwise lifted or dissolved an injunction under this section, the department shall assess and apply the obligation under subsection (a) of this section from the date the judgment is entered or the injunction is lifted with respect to that seller.

(e) A seller complying with this section voluntarily or pursuant to an action brought under this section may seek a recovery of taxes, penalties or interest by following the procedures established in this chapter. No claim for a refund or recovery of taxes, penalties or interest shall be granted on the basis that the seller lacked a physical presence in this state and complied with this section voluntarily while under the protection of an injunction granted under this section. Nothing in this subsection shall limit the ability of a seller to obtain a refund or recovery of taxes, penalties or interest for any other reason including mistake of fact or a miscalculation of the applicable tax.

(f) No seller who remits sales tax voluntarily or otherwise under this section shall be liable to any person who claims that the sales tax has been over collected if any provision of this act is later deemed unlawful.

(g) Nothing in this section shall be construed to affect the obligation of any purchaser in this state to remit use tax for any applicable transaction.

**Section 2.** W.S. 39-15-101(a)(xv) is amended to read:

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

(a) As used in this article:

(xv) “Vendor” means any person engaged in the business of selling at retail or wholesale tangible personal property, admissions or services which are subject to taxation under this article. “Vendor” includes a vehicle dealer as defined by W.S. 31-16-101(a)(xviii) and a remote seller to the extent provided by W.S. 39-15-501;

**Section 3.** This act shall not apply to any tax liability arising prior to the effective date of this act.

**Section 4.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 86

### SECRETARY OF STATE’S OFFICE-AMENDMENTS

Original House Bill No. 23

AN ACT relating to the secretary of state; modifying time period, publication and notice requirements relating to business entities; amending requirements for the secretary of state to publish certain documents; removing requirement for the secretary of state to distribute copies of the election code to county clerks; accordingly repealing the requirement that county clerks distribute copies of election code to 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. 9-1-303(d)(intro) and by creating a new subsection (e), 17-10-204(e), 17-16-125(c), 17-21-1101(f)(ii), 17-23-111, 17-29-705(a) and 22-2-120 are amended to read:

**9-1-303. Powers and duties; affixing seal to and countersigning commissions and documents; certified copies of acts; file of commissions and appointments; publication of documents.**

(d) The secretary of state shall print make the following documents ~~and make those documents available to the public upon tender of fees prescribed by rule and regulation, which fees shall be sufficient to the extent practical to recover the secretary of state’s cost of the document provided by publishing the documents on the secretary of state’s official website:~~

(e) The secretary of state shall print and make available the constitution of the state of Wyoming upon payment of a fee established by rule and in an amount to recover the costs of printing the document.

**17-10-204. Registered agent; change of registered office or registered agent.**

(e) If any cooperative has failed for thirty (30) days to appoint and maintain a registered agent in this state, or has failed for thirty (30) days after change of its registered office or registered agent to file in the office of the secretary of state

a statement of the change it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and the forfeiture shall be made effective in the following manner. The secretary of state shall mail by ~~certified first class mail, or by electronic means if the cooperative has consented to receive notices electronically,~~ a notice of its failure to comply with aforesaid provisions. Unless compliance is made within thirty (30) days of ~~the delivery of mailing or electronic submission of the~~ notice, the cooperative shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Provided, that any defunct cooperative may at any time within two (2) years after the forfeiture of its certificate, in the manner herein provided, be revived and reinstated, by filing the necessary statement under this act and paying a reinstatement fee established by the secretary of state by rule, together with a penalty of one hundred dollars (\$100.00). The reinstatement fee shall not exceed the costs of providing the reinstatement service. The cooperative shall retain its registered name during the two (2) year reinstatement period under this section.

**17-16-125. Filing duty of secretary of state.**

(c) If the secretary of state refuses to file a document, he shall return it to the domestic or foreign corporation or its representative within ~~five (5) fifteen (15)~~ days after the document was delivered, together with a brief, written explanation of the reason for his refusal.

**17-21-1101. Registered limited liability partnerships.**

(f) Registration is effective immediately upon the filing of a statement of registration or at any later date or time specified in the statement of registration, and remains effective until:

(ii) Sixty (60) days after ~~the first date of publication by the office of the secretary of state of notice by the secretary of state~~ that the partnership has failed to make timely payment of the annual fee specified in subsection (n) of this section or has failed to pay any penalties imposed under W.S. 17-28-109, unless the fee and any penalties are paid within the sixty (60) day period, or that the partnership is without a registered agent or registered office in this state, unless the partnership regains a registered agent or registered office in this state during the sixty (60) day period. The secretary of state shall mail such notice by ~~certified first class mail to the last known mailing address of the partnership and shall publish the notice once a week for two (2) consecutive weeks, in a newspaper of general circulation in the county in which the registered office of the partnership is located or by electronic means if the partnership has consented to receive notices electronically.~~ Notwithstanding any other provisions of this paragraph, any domestic registered limited liability partnership whose statement of registration has lapsed under this paragraph may be reinstated as provided in W.S. 17-21-1107.

**17-23-111. Failure to maintain registered agent or registered office or pay annual fee.**

If any statutory trust has failed to comply with the provisions of W.S. 17-28-101 through 17-28-111 or has failed to pay the fee required by W.S. 17-23-117, it is transacting business within this state without authority and shall forfeit any franchises, rights or privileges acquired under the laws of this state. The forfeiture shall be made effective in the following manner. The secretary of state shall mail by ~~certified first class mail, or by electronic means if the statutory trust has consented to receive notices electronically,~~ a notice of its failure to comply. Unless compliance is made within sixty (60) days of ~~the delivery of mailing or electronic submission of the notice,~~ the statutory trust shall be deemed defunct and to have forfeited its certificate of organization acquired under the laws of this state. Any defunct statutory trust may at any time within two (2) years after the forfeiture of its certificate, be revived and reinstated, by filing the necessary statement under this chapter and paying the prescribed fee, together with a penalty of one hundred dollars (\$100.00). The statutory trust shall retain its registered name during the two (2) year reinstatement period.

**17-29-705. Administrative forfeiture of authority and articles of organization.**

(a) If any limited liability company's registered agent has filed its resignation with the secretary of state and the limited liability company has not replaced its registered agent and registered office, or the limited liability company is without a registered agent or registered office in this state for any reason, it shall be deemed to be transacting business within this state without authority and to have forfeited any franchises, rights or privileges acquired under the laws thereof and the forfeiture shall be made effective in the following manner. The secretary of state shall mail by ~~certified first class mail, or by electronic means if the limited liability company has consented to receive notices electronically,~~ a notice of its failure to comply with aforesaid provisions. Unless compliance is made within sixty (60) days of ~~the delivery of mailing or electronic submission of the notice,~~ the limited liability company shall be deemed defunct and to have forfeited its articles of organization acquired under the laws of this state. Provided, that any defunct limited liability company may at any time within two (2) years after the forfeiture of its articles of organization or certificate of authority, in the manner herein provided, be revived and reinstated, by filing the necessary statement under this act and paying a reinstatement fee established by the secretary of state by rule, together with a penalty of two hundred fifty dollars (\$250.00). The reinstatement fee shall not exceed the costs of providing the reinstatement service. The limited liability company shall retain its registered name during the two (2) year reinstatement period under this section.

**22-2-120. Publication of Election Code.**

The secretary of state, not later than the first of July in general election years,



shall ~~distribute copies of~~ publish the Election Code to county and municipal clerks ~~on the secretary of state's official website.~~

**Section 2.** W.S. 22-12-107(a)(ix) is repealed.

**Section 3.** There is appropriated five thousand dollars (\$5,000.00) from the general fund to the secretary of state. This appropriation shall only be expended for the purpose of printing the constitution of the state of Wyoming as required under W.S. 9-1-303(e) as created 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, 2018. This appropriation shall be included in the secretary of state's 2019-2020 standard biennial budget request.

**Section 4.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 87

### BARK BEETLE-PROGRAM FUNDING

Original House Bill No. 26

AN ACT relating to state lands; authorizing expenditures for bark beetle mitigation projects; specifying requirements for the expenditure of funds; providing a repeal date; and providing for an effective date.

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

**Section 1.** W.S. 36-1-402 by creating a new subsection (e) is amended to read:

**36-1-402. Emergency fire suppression account; creation; investment of funds; authorized expenditures.**

(e) In addition to expenditures made out of the emergency fire suppression account pursuant to subsection (c) of this section, up to five hundred thousand dollars (\$500,000.00) may be expended from the account by the division each fiscal year for bark beetle mitigation projects. Any expenditures under this subsection are subject to the availability of funds in the account and shall only be expended on or after July 1 of each fiscal year and upon approval of the governor. These funds may be expended for bark beetle mitigation on private, state or federal lands pursuant to memoranda of agreement entered into by the division and any appropriate local, state or federal agency. This subsection is repealed effective June 30, 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 1, 2017.

## Chapter 88

### PUBLIC PURPOSE INVESTMENTS

Original House Bill No. 254

AN ACT relating to state investments; increasing total amount authorized to be invested for specific public purposes; and providing for an effective date.

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

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

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

(n) The state treasurer shall not invest state funds for a specific public purpose authorized or directed by the legislature in excess of a total of ~~six hundred million dollars (\$600,000,000.00)~~ one billion dollars (\$1,000,000,000.00), excluding investments made pursuant to W.S. 37-5-406. By November 1 of each calendar year, the state treasurer, in consultation with the board, the Wyoming water development office, the Wyoming business council and the office of state lands and investments, shall provide a report to the select committee on capital financing and investments on all state funds invested for a specific public purpose authorized or directed by the legislature. The report shall include:

**Section 2.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 89

### COUNTY COLLECTIVE ACCOUNTS

Original House Bill No. 111

AN ACT relating to worker's compensation; providing that county governments or county governmental entities may establish a collective system for managing worker's compensation claims and benefits; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 27-14-109 is created to read:

**27-14-109. Collective system for county governments or county governmental entities.**

The division, upon application, may allow county governments or county governmental entities to establish a collective system to report payroll, pay premiums, process injury reports, manage claims and provide other services required under this chapter for the employees of the county governments or county governmental entities. The division shall adopt rules and regulations to implement this section.

**Section 2.** W.S. 27-14-102(a)(viii) by creating a new subparagraph (K) is amended to read:

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

(a) As used in this act:

(viii) "Employer" means any person or entity employing an employee engaged in any extrahazardous occupation or electing coverage under W.S. 27-14-108(j) or (k) and at least one (1) of whose employees is described in W.S. 27-14-301. "Employer" includes:

(K) A collective group of county governments or county governmental entities as specified under W.S. 27-14-109.

**Section 3.** This act is effective July 1, 2017.

Approved March 1, 2017.

## Chapter 90

### PROFESSIONAL LICENSING BOARDS-TELEMEDICINE/ TELEHEALTH

Original House Bill No. 164

AN ACT relating to professions and occupations; allowing licensure boards to promulgate rules related to telemedicine/telehealth as specified; and providing for an effective date.

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

**Section 1.** W.S. 9-2-117(a) by creating a new paragraph (ix) and 33-1-303(a) by creating a new paragraph (iv) are amended to read:

**9-2-117. Office of rural health created; duties.**

(a) The office of rural health is created within the department of health. The office shall:

(ix) As required by W.S. 33-1-303(a)(iv) and in collaboration with the state health officer and the state chief information officer or their designees, collaborate with professional and occupational licensure boards concerning the promulgation of rules and definitions related to the practice of telemedicine/telehealth and the use of telemedicine/telehealth technologies.

**33-1-303. Powers of licensure boards.**

(a) Except as otherwise specifically provided by statute, a board authorized to establish examination, inspection, permit or license fees for any profession or occupation regulated under this title or under W.S. 11-25-105, 21-2-802 or 23-2-414 may:

(iv) Adopt rules and regulations allowing the practice of telemedicine/telehealth and the use of telemedicine/telehealth technologies within an applicable profession or occupation consistent with the profession's or occupation's duties and obligations. For purposes of this paragraph, telemedicine/telehealth shall be defined within each promulgated rule in a manner applicable to the individual profession or occupation and in a manner which facilitates the development and promotion of uniform, system wide standards for the practice of telemedicine/telehealth and the use of telemedicine/telehealth technologies. Any board promulgating rules under this paragraph shall first confer with the office of rural health for the purpose of promoting the goals established by W.S. 9-2-117(a)(vi) through (viii).

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

Approved March 1, 2017.

## Chapter 91

### STATE FUNDS EQUITY INVESTMENTS POOL

Original House Bill No. 79

AN ACT relating to public funds; creating the pool A investment account; specifying the maximum percentage of the pool which may be invested in equities including stocks of corporations; specifying state funds which are to be included in the pool; providing conforming amendments for the investment of permanent funds of the state; and providing for an effective date.

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

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

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

(b) The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, upon written authority as provided in subsections (c) and (d) of this section, may invest ~~monies up to seventy percent (70%) of the permanent funds in securities but not more than fifty-five percent (55%) shall be invested in common equities, including stocks of corporations.~~

(p) There is created the pool A investment account. The state treasurer, or his designee, which shall be registered under the Investment Advisor's Act of 1940 as amended if required to be registered by the terms of that act as amended, upon written authority as provided in subsections (c) and (d) of this section and after consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, may invest up to seventy percent (70%) of the monies comprising the pool A investment account in equities including stocks of corporations. The state loan and investment board, in consultation with the state agency or agencies receiving or administering investment earnings from the monies invested in the pool A investment account, shall annually review the state investment policy statements for the investment pool created by this subsection as required under W.S. 9-4-716. Monies in the following funds shall be invested in the pool A investment account:

(i) The Wyoming tobacco settlement trust fund created by W.S. 9-4-1203(a);

(ii) The Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a);

(iii) The Wyoming cultural trust fund established by W.S. 9-2-2304(a);

(iv) The Wyoming public television matching fund account created by W.S. 21-23-202(a);

(v) The trust account within the Wyoming game and fish fund created by W.S. 23-1-501(f).

**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, 2017.

## Chapter 92

### COURT ORDERED PLACEMENTS-AGE RESTRICTIONS

Original House Bill No. 41

AN ACT relating to education; amending age restrictions related to court ordered placements; inserting missing cross references; and providing for an effective date.

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

**Section 1.** W.S. 21-13-315(a)(intro), (d)(intro), (f) and (k) is amended to read:

**21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and ju-**

**venile detention facilities.**

(a) The department of family services shall establish an account to pay residential and treatment costs excluding educational and medical costs of court ordered placements of children in private residential treatment facilities and group homes located in Wyoming. Programs providing education services including programs for children with disabilities provided by a board of cooperative educational services, shall bill the department of education directly for educational costs of court ordered placements. In addition, costs of all services provided pursuant to a student's individualized education ~~plan (IEP) program~~, including special education services, related services and supplementary aids and services for children with disabilities and costs of education assessment for other children incurred as a result of court order prior to any placement, shall be billed directly to the department of education. The department of family services shall promulgate reasonable rules and regulations to provide procedures for implementing subsection (m) of this section. If the court rejects an in-state placement recommendation of the predisposition report or multidisciplinary team under W.S. 14-6-227 or 14-6-427, the court shall enter on the record specific findings of fact relied upon to support its decision to deviate from the recommended disposition. No court shall order an out-of-state placement unless:

(d) If a placement of a child is to be made and funded under this section, the predisposition study required by W.S. 14-6-227 or 14-6-427 shall include:

(f) Only group homes and residential treatment facilities certified by the department of family services are eligible to receive funding for residential and treatment services under this section. Costs for education services shall be paid by the department of education under this section only if the educational program of the group home or residential treatment facility or the program provided by the board of cooperative educational services meets the standards of subsection (b) of this section and has been approved by the department. The department of family services and the department of education shall provide the courts with a list of approved facilities and services. The court shall determine the parents' or the guardian's contribution to the court ordered placement for all costs excluding necessary education costs based on the parents' or guardian's ability to pay as provided by W.S. 14-6-236 or 14-6-435.

(k) Except as otherwise provided by law, this section applies to children who are at least ~~six (6) five (5)~~ years of age as of September 15 of the applicable school year but who are under ~~eighteen (18) twenty-one (21)~~ years of age.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

**Chapter 93****LLC-DISSOLUTION DISTRIBUTIONS**

Original House Bill No. 98

AN ACT relating to limited liability companies; clarifying that winding up distributions shall be paid in money or other property; and providing for an effective date.

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

**Section 1.** W.S. 17-29-708(d) is amended to read:

**17-29-708. Distribution of assets in winding up limited liability company's activities.**

(d) All distributions made under subsections (b) and (c) of this section shall be paid in money or other property.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

**Chapter 94****SCHOOL FINANCE-COURT ORDERED PLACEMENT**

Original House Bill No. 139

AN ACT relating to school finance; specifying when a school district may count children under court ordered placement among its average daily membership; and providing for an effective date.

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

**Section 1.** W.S. 21-13-315(b) is amended to read:

**21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and juvenile detention facilities.**

(b) Except to the extent costs are covered under subsection (n) of this section, the department of education using federal or foundation funds, or both, shall pay for the allowable education costs of juvenile and district court ordered placements of children residing in private treatment facilities and group homes where a fee is charged, including court ordered placements in programs for children with disabilities provided by a board of cooperative educational services. No district shall receive funds, either directly or indirectly, from any facility or home receiving payment under this section for providing education programs and services to children placed and residing in the facility or home, but the district may count the children among its average daily membership if the district provides education services directly to the children or pays another district to provide education services to the children pursuant to contract. The

department of education shall adopt reasonable rules and regulations prescribing standards and allowable costs for educational program services funded under this section. Standards shall be subject to W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and shall be designed to fit the unique populations of residential centers, group homes, programs and services provided by boards of cooperative educational services and out of state placement facilities.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 95

### EDUCATION ACCOUNTABILITY

Original House Bill No. 40

AN ACT relating to education accountability; modifying the Wyoming Accountability in Education Act as specified; modifying provisions to comply with the federal Every Student Succeeds Act; conforming provisions; modifying the operation of the advisory committee to the select committee on statewide education accountability; repealing the select committee on statewide education accountability; requiring reporting; and providing for effective dates.

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

**Section 1.** W.S. 21-2-202(a)(xiv) and (xxxvi), 21-2-204(c) by creating a new paragraph (viii), by creating a new subsection (e), by amending and renumbering (e) as (f), by amending and renumbering (f) as (h), by renumbering (h) as (j), by amending and renumbering (j) as (k) and by renumbering (k) as (m), 21-2-304(a)(vi) and 21-13-307(a)(iv) 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:

(xiv) For purposes of the statewide assessment of students and reporting student performance under W.S. 21-2-304(a)(v), have authority to assess and collect student educational assessment data from school districts, community colleges and the University of Wyoming. All data shall be consolidated, combined and analyzed in accordance with W.S. ~~21-2-204(h)~~ 21-2-204(j) and shall be provided within a reasonable time in accordance with rules and regulations of the state board;

(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(h).

**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:

(viii) English language proficiency as measured by student longitudinal progress on the Wyoming English language proficiency assessments used to evaluate and monitor the English language proficiency of students identified as English language learners.

(e) The state board, through the department of education, shall establish long term and interim performance targets for all Wyoming schools for the indicators measured pursuant to subsection (c) of this section. The performance targets shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. The state board shall utilize the performance targets in carrying out the duties and the deliberative process required under subsection (f) of this section.

~~(e)(f)~~ The state board, through the department of education, shall compile, evaluate and determine the target levels for an overall school performance rating and for content indicator level performance. The board shall execute this determination when a significant aspect of the school accountability system changes or based upon periodic review of the system that requires evaluation of the target and indicator levels for school performance ratings through a prescribed deliberative process informed by a panel comprised of broad based representation from both public education and the community at-large. 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)~~ (m) of this section and shall be used by the state board through the department to:

(i) Identify four (4) levels of school performance tied to the overall school performance rating that demonstrate a range of performance levels as follows:

(A) Exceeding expectations including those schools performing above standards in all measured areas;



- (B) Meeting expectations;
- (C) Partially meeting expectations; and
- (D) Not meeting expectations.

(ii) Further measure performance specified under paragraph (i) of this subsection by identifying ~~content indicator~~ level performance in all areas specified by subsection (c) of this section and from this analysis determine schools that are exceeding, meeting or are below targets in each content area;

(iii) Coordinate the target levels, school and ~~content indicator~~ level determinations with the availability of the system of support, including comprehensive and targeted support and interventions and consequences administered in accordance with subsection ~~(f)-(h)~~ of this section.

~~(f)(h)~~ A progressive multi-tiered system of support; and intervention ~~and consequences~~ to assist schools shall be established by the state board, and shall conform to the January 2012 education accountability report as defined by subsection ~~(k)-(m)~~ of this section. The system shall clearly identify and prescribe the actions for each level of support, including comprehensive and targeted support and 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:

- (i) Repealed By Laws 2012, Ch. 101, § 2.
- (ii) Repealed By Laws 2012, Ch. 101, § 2.

(iii) ~~Schools designated as exceeding expectations shall file a communication plan with the school district superintendent and the department to document effective practices and to communicate effective practices with other schools in the state;~~

(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 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 im-

provement plan ~~in accordance with paragraph (iv) of this subsection with the school district superintendent and the department~~ that identifies and addresses all content and indicator areas where performance is below target levels. 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 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)-(v)~~ of this subsection that identifies and addresses all content and indicator areas where performance is below target levels. 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. The state superintendent shall appoint a representative 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;

(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 (v)~~ and (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 provide suggestions on the improvement plans submitted by schools in accordance with paragraphs ~~(iv) through (v)~~ and (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; and 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;

(viii) To the extent permitted by law and rule and regulation, plans submitted in compliance with paragraphs ~~(iii) through (v)~~ and (vi) of this subsection shall serve to comply with similar requirements administered by the 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. In addition, the following shall apply to the plans submitted under this subsection:

(A) 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);

(B) Schools designated as partially meeting expectations under paragraph (v) of this subsection or designated as not meeting expectations under paragraph (vi) of this subsection shall file the required improvement plan the first year of designation and submit yearly updates on the progress towards the goals and strategies outlined in the improvement plan so long as the school maintains the same performance designation.

(ix) In addition to paragraphs ~~(iii)-(v)~~ through (viii) of this subsection, the state board shall administer this subsection as part of school district accreditation required under W.S. 21-2-304(a)(ii), through appropriate administrative action taken in accordance with W.S. 21-2-304(b)(ii).

~~(h)~~(j) Measured performance results obtained and collected pursuant to this section, together with subsequent actions responding to results, shall be com-

bined with other information and measures maintained and acquired under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H), 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement compared to established targets. The statewide accountability system shall include a process for consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of student achievement incorporated into the statewide system. In establishing a reporting system under this subsection, the department shall describe the performance of each public school in Wyoming. The performance report shall:

(i) Include an overall school performance rating along with ratings for each of the indicators and content levels in the accountability system that:

(A) Supports the overall school performance rating; and

(B) Provides detailed information for analysis of school performance on the various components of the system.

(ii) In a manner to maintain student confidentiality, be disaggregated as appropriate by content level, target level, grade level and appropriate subgroups of students. For purposes of this paragraph, reported subgroups of students shall include at minimum, economically disadvantaged students, English language learners, identified racial and ethnic groups and students with disabilities;

(iii) Provide longitudinal information to track student performance on a school, district and statewide basis;

(iv) Include, through the use of data visualization techniques, the development of longitudinal student-level reports of assessment and other relevant readiness indicators that provide information to parents, teachers and other school personnel regarding student progress toward college and career readiness and other relevant outcomes. These reports shall be maintained by the district in each student's permanent record within the district's student data system; and

(v) Provide valid and reliable data on the operation and impact of the accountability system established under this section for use by the legislature to analyze system effectiveness and to identify system improvements that may be necessary.

~~(j)~~(k) Beginning school year 2014-2015, and each school year thereafter, the state board shall through the 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; and 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.

~~(k)~~(m) As used in this section, the “January 2012 education accountability report” means the report prepared by legislative consultants submitted to and approved by the legislature that addresses phase one of the statewide accountability in education system and establishes the design framework for this system. The report is on file with and available for public inspection from the legislative service office.

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(vi) Subject to and in accordance with W.S. 21-2-204, through the state superintendent and in consultation and coordination with local school districts, by rule and regulation implement a statewide accountability system. The accountability system shall include a technically defensible approach to calculate achievement, growth, readiness and equity as required by W.S. 21-2-204. The state board shall establish performance targets as required by W.S. ~~21-2-204(e)~~ 21-2-204(f), establish a progressive multi-tiered system of supports; and interventions ~~and consequences~~ as required by W.S. ~~21-2-204(f)~~ 21-2-204(h) and shall establish a statewide reporting system pursuant to W.S. ~~21-2-204(h)~~ 21-2-204(j). The system created shall conform to the January 2012 education accountability report as defined by W.S. ~~21-2-204(k)~~ 21-2-204(m). ~~In addition~~ As part of the statewide accountability system, and for purposes of complying with requirements under the federal ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act, 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~~ interventions and supports resulting from accountability determinations;

**21-13-307. Eligibility to share in distribution of money from foundation account; mandatory financial reporting.**

(a) Each district which meets the following requirements is eligible to share in the distribution of funds from the foundation account:

(iv) The district shall provide evidence to the state superintendent that the district has maintained an average student-teacher ratio of not greater than sixteen (16) to one (1) for the aggregate of all classes in kindergarten through grade three (3) in the district in the preceding school year. The requirement of this paragraph may be waived by the department of education for any district that demonstrates insufficient school facility capacity, positive

school performance, positive student achievement or for other reasons related to the delivery of the education program to students. This paragraph shall not apply to charter schools established under W.S. 21-3-301 through 21-3-314 or schools designated as exceeding expectations pursuant to W.S. ~~21-2-204(e)(i)(A)~~ 21-2-204(f)(i)(A). Schools designated as exceeding expectations pursuant to W.S. ~~21-2-204(e)(i)(A)~~ 21-2-204(f)(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.

**Section 2.** W.S. 21-2-204(c)(i), (iv) and (vii), as amended by 2016 Wyoming Session Laws, Chapter 113, Section 1, is 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:

(i) Student longitudinal academic growth in English language arts and mathematics as measured by assessments administered under paragraph (ii) of this subsection, beginning in grade four (4) and for all subsequent grades for which a state summative achievement assessment is administered in the immediately preceding grade, including a standardized college readiness test in grade eleven (11);

(iv) Post secondary readiness, as defined to include college readiness and career readiness. School level performance shall be based upon the percentage of students meeting either college or career readiness. College readiness shall be measured by a standardized college entrance examination administered pursuant to W.S. 21-2-202(a)(xxx) in grade eleven (11), together with a readiness indicator defined by a series of student eligibility data reports generated under the Hathaway student scholarship program established by W.S. 21-16-1301 through 21-16-1310, with school level results aggregated according to a procedure in which values and weights determined by a deliberate



method are tied to specified definitions of post-secondary readiness and other college readiness indicators as determined by the state board of education in consultation with the state superintendent. Career readiness shall be measured by student performance in accordance with other provisions of this title as determined by the state board of education in consultation with the state superintendent;

(vii) Equity as defined by a measure of academic student growth for ~~non-proficient~~ students that score below the proficient standard in English language arts 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 state superintendent;

**Section 3.** W.S. 21-2-204(c)(ii)(B) is repealed.

**Section 4.** 2016 Wyoming Session Laws, Chapter 108, Section 3 and 2016 Wyoming Session Laws, Chapter 113, Section 3(a) are repealed.

**Section 5.** W.S. 21-2-204(f)(iii) and (iv) renumbered in Section 1 of this act as (h)(iii) and (iv) is repealed.

**Section 6.** Notwithstanding 2016 Wyoming Session Laws, Chapter 113, Section 3(b), the advisory committee to the joint education interim committee shall continue to exist and shall assist the joint education interim committee as the committee deems necessary through December 31, 2018. The members appointed under 2011 Wyoming Session Laws, Chapter 184, Section 4(d), as amended by 2013 Wyoming Session Laws, Chapter 195, Section 3 and 2015 Wyoming Session Laws, Chapter 30, Section 5, shall continue to serve on the advisory committee. The advisory committee shall also include up to two (2) members of the house education committee appointed by the speaker of the house of representatives and up to two (2) members of the senate education committee appointed by the president of the senate. The appointing authority for any member who vacates membership shall fill the vacancy. Any member appointed or serving on the advisory committee who 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 to state employees under W.S. 9-3-103. Payment shall be from amounts appropriated under 2016 Wyoming Session Laws, Chapter 113, Section 6(b). The department of education shall staff the advisory committee. The department of education may retain consultants as necessary to staff and advise the advisory committee.

**Section 7.**

(a) The advisory committee to the joint education interim committee shall consider development of an additional indicator or indicators to measure

school quality or student success as part of the Wyoming Accountability in Education Act. Not later than August 15, 2017, the advisory committee shall report to the joint education interim committee recommendations for the additional indicator or indicators. The report shall include identification of any enabling legislation that may be necessary.

(b) The state board of education shall identify the measures and method to determine post secondary readiness as required under W.S. 21-2-204(c)(iv) as amended by section 2 of this act. Not later than August 15, 2017, the state board shall report to the joint education interim committee the methods and process recommended to determine post secondary readiness. The methods and process shall conform to recommendations provided by the advisory committee to the joint education interim committee. The report shall include identification of any enabling legislation that may be necessary.

(c) The state board, through the department of education, shall conduct the deliberative process required under W.S. 21-2-204(f) as amended by section 1 of this act to set the target and indicator levels to determine the overall school performance ratings for school year 2017-2018. The state board shall include documentation and explanation of the deliberative process and benchmarks established in the September 1, 2018 report required under W.S. 21-2-204(j) as amended by section 1 of this act.

**Section 8.** 2016 Wyoming Session Laws, Chapter 108, Section 1(a), (d) and (e), Section 2 (a) and (c), Section 4(a) and (b) are amended to read:

**Section 1.**

(a) The department of education shall commence development of an alternative school level accountability model to be piloted in school year 2016-2017. The model shall adhere, as closely as possible, to the recommendations contained in the “Wyoming Alternative School Accountability Framework: Recommendations from the Alternative Accountability Advisory Committee” report dated October 15, 2015, submitted by the technical advisory group pursuant to 2015 Wyoming Session Laws, Chapter 179, Section 5, to the select committee on statewide education accountability, and any additional recommendations by the technical advisory group in carrying out the duties required by this act. The department of education shall periodically report progress on development of the pilot required under this subsection to the technical advisory group, ~~the select committee on statewide education accountability~~ and the joint education interim committee. Data from the alternative schools operating in Wyoming pursuant to W.S. 21-13-309(m)(v)(B) shall be utilized to perform the pilot. The department of education may retain consultants as necessary to develop the model and pilot required under this subsection.



(d) Not later than school year 2017-2018, the state board of education, through the department, and with the assistance of the technical advisory group, shall compile, evaluate and determine the target levels for an overall school performance rating and for content level performance that are appropriate for alternative schools operating pursuant to W.S. 21-13-309(m)(v)(B). The board shall execute this determination through a prescribed deliberative process informed by a panel comprised of professionals with the appropriate expertise to establish target levels for performance to appropriately distinguish and recognize the varied levels of school performance associated specifically with the operation of alternative schools as measured by the indicators contained in subsection (b) of this section. Performance level targets shall be established to identify alternative school performance levels for exceeding expectations, meeting expectations, partially meeting expectations and not meeting expectations. The state board shall report periodically to ~~the select committee on statewide education accountability and the joint education interim committee~~ on the progress related to setting target levels associated with school performance rating required under this subsection and a final report shall be submitted no later than October 15, 2018.

(e) The state board of education shall, in consultation with the technical advisory group, study and develop recommendations related to the progressive multi-tiered system of support, interventions and consequences required under W.S. 21-2-204(f) specifically targeted to assist alternative schools, as necessary, for the four (4) levels of school performance to be established under subsection (d) of this section. The state board shall report any recommendations for modification, as may be necessary, pursuant to this subsection, to ~~the select committee on statewide accountability and the joint education interim committee~~, no later than October 15, 2018.

## **Section 2.**

(a) Notwithstanding 2015 Wyoming Session Laws, Chapter 179, Section 5(a), the alternative school technical advisory group shall ~~continue to assist the select committee on statewide education accountability joint education interim committee~~ as the ~~select committee~~ deems necessary through December 31, 2018. The technical advisory group shall review and provide necessary feedback to the state board of education and the department of education as necessary in carrying out the duties assigned under section 1 of this act.

(c) The ~~legislative service office department of education~~ shall staff the technical advisory group. The ~~legislative service office department of education~~ may retain consultants as necessary to staff and advise

the technical advisory group and the select committee on statewide education accountability in execution of the duties prescribed under 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.~~

**Section 4.**

(a) For the period beginning upon the effective date of this section and ending June 30, 2019, six thousand five hundred dollars (\$6,500.00) is appropriated from the school foundation program account to the state board of education to convene the panel of professionals, required under section 1(d) of this act, to set target performance levels. This appropriation may be expended for per diem and mileage of any member who serves on the panel of professionals. The amounts appropriated under this subsection shall not be expended to secure meeting space or to pay for food, beverage or catering services. Any member appointed or serving on the panel who is not an employee of a governmental subdivision or a member of a political subdivision, board or commission shall receive per diem and mileage in the manner and amount provided to state employees under W.S. 9-3-103. Notwithstanding any other provision of law, the appropriation under this subsection shall not be transferred or expended for any purpose other than specified in this subsection. Any unexpended, unobligated funds remaining from the appropriation under this subsection shall revert as provided by law on June 30, 2019. Not later than December 31, 2018, the state board shall report expenditures of amounts appropriated under this subsection to ~~the select committee on statewide education accountability and the joint education interim committee.~~

(b) For the period beginning upon the effective date of this section and ending June 30, 2019, three thousand five hundred dollars (\$3,500.00) is appropriated from the school foundation program account to the state board of education to provide support and administration of the technical advisory group continued under section 2 of this act. This appropriation may be expended for per diem and mileage of the technical advisory group. The amounts appropriated under this subsection shall not be expended to secure meeting space or to pay for food, beverage or catering services. Any member appointed or serving on a committee who is not an employee of a governmental subdivision or a member of a political subdivision, board or commission shall receive per diem and mileage in the manner and amount provided to state employees under W.S. 9-3-103. Notwithstanding any other provision of law, the appropriation under this subsection shall not be transferred or expended for any purpose other than specified in this subsection. Any unexpended, unobligated funds remaining from the appropriation under this subsection shall

revert as provided by law on June 30, 2019. Not later than December 31, 2018, the state board shall report expenditures of amounts appropriated under this subsection to ~~the select committee on statewide education accountability and the joint education interim committee.~~

**Section 9.**

(a) Sections 4, 6, 7 and 8 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2017.

Approved March 2, 2017.

**Chapter 96**

**INVOLUNTARY COMMITMENT-EMERGENCY DETENTION  
AMENDMENTS**

Original House Bill No. 156

AN ACT relating to involuntary commitment; amending provisions related to emergency detentions; and providing for an effective date.

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

**Section 1.** W.S. 25-10-109(a), (b)(intro), (ii), (d), (e) through (h), (k)(ii) and by creating a new subsection (n) is amended to read:

**25-10-109. Emergency detention.**

(a) A person may be detained when;

(i) A law enforcement officer or examiner has reasonable cause to believe a person is mentally ill pursuant to W.S. 25-10-101;~~the person may be detained.~~

(ii) A court has entered an ex parte order for immediate detention of a person pursuant to W.S. 25-10-110.1(h);

(iii) A hospital revokes convalescent status release of a person pursuant to W.S. 25-10-127(b) based on a previous or current determination of mental illness.

(b) Immediately after detaining the person, the officer shall contact an examiner. A preliminary examination of the person shall be conducted by an examiner within twenty-four (24) hours after the detention. If a preliminary examination is not conducted within twenty-four (24) hours the detained person shall be released. If the person is detained following the preliminary examination, an examiner shall reexamine the person not less than every forty-eight

(48) hours until the hearing under subsections (h) through (k) of this section. If the examiner giving the preliminary examination, or any reexamination as required by this subsection, finds that the person:

(ii) Was mentally ill, but is no longer dangerous to himself or others, the ~~person shall be~~ examiner shall, with patient consent, arrange follow up mental health care and the person shall be released immediately; or

(d) A person taken into custody under this section may be detained in a hospital or other ~~suitable facility care setting~~ which is appropriate under the circumstances and which complies with subsection (n) of this section. The person shall not be detained in a nonmedical facility used for detention of persons charged with or convicted of penal offenses except in extreme emergency or if there are no other reasonable alternatives. The law enforcement officer or examiner who detained the person shall immediately notify the person responsible for the care and custody of the detained person, if known, of the time and place of detention.

(e) The law enforcement officer or examiner who initially detained the person shall make a written statement of the facts of the emergency detention. A copy of the statement shall be given to the detained person, his parent or guardian, to any attorney representing the person, to the county attorney in the county where the person is detained, to any gatekeeper designated by the department and to any subsequent examiner.

(f) When a person is detained under emergency circumstances, treatment may be given during the emergency detention period if the person voluntarily and knowingly consents. The parent or guardian of a minor or incompetent person may consent to treatment. If the parent or guardian of a minor patient does not consent to treatment, a petition may be filed under the Child Protection Act. Treatment may be given without the consent of the detained person or his parent or guardian when treatment is limited to diagnosis or evaluation or when treatment is necessary to prevent immediate and serious physical harm to the person or others. Prior to treatment, the person shall be fully advised of the scope of treatment, and a report of the treatment shall be provided to the county attorney, to any gatekeeper designated by the department and shall be filed with the court if continued detention is sought, or if directed outpatient commitment or involuntary hospitalization proceedings are commenced. An examiner or a physician who provides treatment in good faith pursuant to this subsection shall be immune from civil liability for the treatment except there shall be no immunity from liability for negligent acts or deliberate misconduct.

(g) At the time of emergency detention the person shall be informed orally and in writing of his right to contact his family and an attorney, of his right to appointed counsel if he is indigent, of his right to remain silent and that his statements may be used as a basis for continued detention, directed outpatient commitment or involuntary hospitalization.

(h) When a person is detained in emergency detention and continued detention is sought, or an application for directed outpatient commitment or involuntary hospitalization is filed by the county attorney, the court shall appoint an attorney to represent the detained person unless he has his own attorney,<sup>5</sup> ~~and~~ The court shall conduct a hearing within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, of the initial detention to determine whether continued detention is required pending directed outpatient commitment or involuntary hospitalization proceedings. The county attorney of the county where the application is filed shall appear on behalf of the state at the hearing. Any gatekeeper designated by the department pursuant to W.S. 25-10-112(g) shall appear at the hearing and provide testimony concerning continued detention and, if applicable, the issues outlined in subsection (m) of this section. Notice of the preliminary hearing shall be given to the county attorney, any gatekeeper designated by the department, the detained person and his parent, guardian and attorney. The court may delay the hearing only at the request of the detained person or his parent, guardian or his attorney. An emergency detention ~~The hearing for continued detention~~ may be waived at the request of the detained person or the detained person's parent, guardian or attorney. If an emergency detention hearing a hearing for continued detention has been waived, the court may immediately conduct the directed outpatient commitment or involuntary hospitalization hearing.

(k) The standard of proof in an emergency detention hearing shall be by a preponderance of the evidence. If the court finds at an emergency detention hearing that:

(ii) The person is mentally ill and has applied for and received voluntary admission, the court may dismiss the proceedings; or

(n) Treatment provided as a result of an emergency or continued detention pursuant to this section shall be provided in the least restrictive and most therapeutic setting available with consideration given to requests of the detained person, his parent, guardian or attorney, and recommendations of any gatekeeper. Treatment may include the treatment options outlined in W.S. 25-10-110.1(d).

**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, 2017.

**Chapter 97****DRIVER'S LICENSES-REVISIONS**

Original House Bill No. 275

AN ACT relating to motor vehicles; amending driver's license endorsement provisions; providing exemptions from motor vehicle requirements as specified to conform to federal regulations; requiring rulemaking; and providing for effective dates.

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

**Section 1.** W.S. 31-7-109(h)(viii)(intro), 31-7-303(a)(intro), (i)(B) and by creating a new subsection (b) and 31-18-103(a)(iv) and (v) are amended to read:

**31-7-109. Classes of licenses.**

(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 not be required for any driver exempted from licensing requirements of this article under W.S. 31-7-303 and 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:

**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 and other requirements of this article or from the requirements of any rule or regulation adopted pursuant to 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:

(B) Used in agricultural operations as defined in W.S. 31-18-801(a)(i), exempted under W.S. 31-18-103(a) 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

(b) The department of transportation shall by rule and regulation grant to any person or class of persons specified under subsection (a) of this section any exemption from the requirements of this title that is granted by the secretary of the United States department of transportation.

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

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

(iv) Intrastate transportation on his own motor vehicle or combination of vehicles having a gross vehicle weight of less than ~~fifty-five thousand (55,000)~~ eighty thousand (80,000) pounds by any farmer or rancher, or the employee of a farmer or rancher exclusively in his service, transporting produce or commodities for his own use to and from his farm or ranch;

(v) The exchange of intrastate transportation in their own motor vehicles, or combination of vehicles having a gross vehicle weight of less than ~~fifty-five thousand (55,000)~~ eighty thousand (80,000) pounds by farmers or ranchers, or the employees of farmers or ranchers exclusively in their service, when the exchange is between farmers or ranchers, or their employees, in the immediate community;

**Section 2.** The department of transportation shall adopt any rules necessary to implement this act on or before July 1, 2017.

**Section 3.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2017.

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

Approved March 2, 2017.

## Chapter 98

### APPROVED DEPOSITORIES FOR PUBLIC FUNDS

Original House Bill No. 28

AN ACT relating to public depositories; providing for the deposit of public funds in banks other than state and national banks as specified; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 5-9-149, 9-4-803(a), 9-4-817(a)(intro) and (b)(intro) are amended to read:

**5-9-149. Bank accounts.**

The accounting system established by the Wyoming supreme court may provide for bank accounts for each circuit court in which money received by the circuit court may be deposited and disbursed as provided therein, and for such records, reports and procedures as the supreme court requires. Money received



as fines, forfeitures or court costs may not be deposited in the same bank account as money received in civil matters. If a bank account is established into which fines, costs or forfeitures are deposited, the accounting system established by the supreme court shall require, where available, the use of accounts in a financial institution ~~listed in W.S. 9-4-817(a)~~ authorized by W.S. 9-4-803(a) which may earn interest, in which the deposits are subject to payment upon demand and which are insured or secured as provided in W.S. 9-4-817(c). Interest earned on deposits of fines and forfeitures in such accounts shall be forwarded monthly to the county treasurer and credited to the county public school fund. Interest earned on all other deposits in such accounts shall be forwarded to the state treasurer quarterly and credited to the victim's compensation account created by W.S. 1-40-114(a).

**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 any bank chartered under the laws of the United States or under the law of any state if the bank is conducting business in Wyoming and has 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.

**9-4-817. Deposits by political subdivisions; selected institutions; security; withdrawals.**

(a) To the extent they are not otherwise invested, the monies collected and held by a treasurer of a political subdivision, municipality or special district within this state shall be deposited in: banks which qualify as depositories for public monies as specified in W.S. 9-4-803(a).

(b) In depositing the monies in the financial institutions ~~enumerated in~~ authorized by subsection (a) of this section, the treasurer shall select the institution:

**Section 2.** W.S. 9-4-817(a)(i) through (iv) is repealed.

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

Approved March 2, 2017.



**Chapter 99****WATER RIGHTS PROCEDURES**

Original House Bill No. 47

AN ACT relating to water; specifying fees related to water adjudication; specifying use of the fees; and providing for an effective date.

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

**Section 1.** W.S. 41-3-914(d), 41-4-203(a)(i), 41-4-204, 41-4-307, 41-4-511 and 41-4-513 are amended to read:

**41-3-914. Adjudication of waters within control area.**

(d) At the first regular meeting of the board after completion of such proof and advertisement, the board shall cause to be entered in the records of its office an order showing the priorities of right to the use of water in the control area, the amount of appropriation of the parties claiming water therefrom, the character and kind of use for which the appropriation is made, and the places or points of use. The secretary of the board shall issue to each person represented in the determination, a certificate of appropriation signed by the president of the board and attested under seal of the secretary of the board which shall state the name and post-office address of the appropriator, the priority date of the appropriation, the amount of water appropriated, the use to which the water has been applied and, if the appropriation is for irrigation, a description of the legal subdivision of land to which the water is applied, or the place of use if the appropriation is not being used for irrigation. The certificate shall be transmitted by certified mail to the county clerk of the county in which the appropriation has been made and the county clerk shall, upon receipt of the proper fee, record the same and thereupon immediately transmit the certificate to the appropriator. At the time of the submission of final proof of appropriation before the state engineer or superintendent of a water division, a fee not to exceed ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) shall be collected, which shall be used for advertising the proof of appropriation and recording the certificate. The priority of appropriation shall be the determining factor in adjudicating underground water; the person first making the appropriation being first entitled to the use of the underground water, except as modified by W.S. 41-3-933.

**41-4-203. Collection of fees generally.**

(a) The secretary of the state board of control shall collect in advance reasonable fees not to exceed the following:

(i) ~~Fifty dollars (\$50.00)~~ One hundred dollars (\$100.00) with each proof of appropriation of water or proof of construction of a reservoir;

**41-4-204. Collection of fees; disposition generally.**

Said secretary shall, out of the fees so collected, remit with each certificate or order of the state board of control, sent to a county clerk for recording, the statutory fee for recording such instrument and pay all costs of advertising each proof of appropriation of water or proof of construction of reservoir; all other fees so collected to be paid to the state treasurer as by law provided.

**41-4-307. Notice; payment of printing costs.**

All bills for the printing of notices to claimants of water in the adjudications provided for in this act shall be paid for by the ~~county in which the stream, the appropriation of whose waters shall have been so adjudicated, shall be situated, the said bills to be approved by the superintendent of the water division in which the adjudication is made~~ secretary of the state board of control.

**41-4-511. Final proof of appropriation; procedures generally.**

Whenever an appropriation of water has been perfected in accordance with any permit issued by the state engineer, the appropriator may submit final proof of appropriation of water at any time within the time specified by W.S. 41-4-506, to the superintendent of the water division in which the water right involved is situated, or, when more expedient, before the superintendent of another water division or the state engineer, or before a water commissioner in accordance with the provisions of W.S. 41-4-308. Proof shall be made by appropriators under oath upon forms furnished by the state board of control. The superintendent shall collect for each proof taken a fee not to exceed ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00), which fee shall be transmitted to the secretary of the board of control together with the several proofs taken. The secretary of the board of control shall use the fee to pay the appropriate amount for the county recording fee shall be used by the secretary of the board to pay for the recording of the certificate of appropriation in the office of the county clerk of the county in which the water right is situated and the newspaper advertising fee for advertising the several proofs as provided in this section. The remainder of the fee shall be remitted to the state treasurer to the credit of the general fund. If the board of control rejects any proof, the ~~recording~~ fee shall be returned to the person, association or corporation submitting such proof. At least thirty (30) days prior to any regular meeting of the state board of control the superintendent of each water division shall cause all proofs taken by him to be advertised in at least one (1) issue of a newspaper having general circulation in the community where the water right involved is situated, such advertisement to contain in each case the permit number, the date of priority, the name of the ditch, canal or reservoir, the name of the appropriator, the name of the stream from which the appropriation is made, and the amount of the appropriation expressed in acres for ditches designed for the irrigation of lands and in acre-feet for reservoirs, or in cubic feet per second or gallons per minute when the appropriation is for domestic, stock, municipal, industrial, manufacturing, fish hatchery or power purposes. Advertisements shall state the time when,

and the place where, the proofs of appropriation of water taken by the superintendent will be open for public inspection for a period of not less than one (1) or more than five (5) days, and the last day of the period shall not be less than fifteen (15) days prior to the meeting of the board. ~~The advertisement shall be paid for by the county as provided by W.S. 41-4-307.~~ Any party claiming an interest in any water right from the stream or streams to which the advertised proofs refer, shall have the right to contest the proposed adjudications according to the provisions of W.S. 41-4-312 through 41-4-315. Upon the completion of the taking of proofs of appropriation and the advertising, the superintendent of each water division shall transmit to the office of the state board of control in Cheyenne the several proofs taken, together with fees collected, and shall accompany the same with affidavits of publication as evidence of the required advertisement. At its next regular meeting the board shall consider all proofs of appropriation received from the division superintendents and if satisfied that there are no conflicts and that any appropriation involved has been perfected in accordance with the permit issued by the state engineer, the state board of control by the hand of its president, attested under seal, shall issue a certificate of appropriation of water as described in W.S. 41-4-325 and send the certificate to the county clerk of the county in which the use of water has been made to be recorded by the clerk as provided in W.S. 41-4-325.

**41-4-513. Adjudication of underground water rights.**

After issuance of a permit, or recording of a statement of claim, or registration of a well, under the procedures provided for by law, and completion of the work according to the terms of the permit, as certified to by the state engineer or his authorized representative following an inspection of the work, and the recording of such information as is deemed necessary concerning the works, and an inspection of the lands irrigated or of the other uses being made of the water, the board of control may adjudicate such underground water rights upon proof of beneficial use being submitted as provided for by W.S. 41-4-511. ~~The costs of advertising groundwater proofs shall be paid by the county as provided by W.S. 41-4-307.~~ The appropriator shall pay the necessary fees as provided by W.S. 41-4-511.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

**Chapter 100****WORKER'S COMPENSATION-DELINQUENT EMPLOYERS**

Original House Bill No. 84

AN ACT relating to labor and employment; providing for the discretionary recovery of delinquent worker's compensation payments by civil action; providing for the recovery of delinquent payments through installment agreements as specified; modifying the interest rate for delinquent premiums; and providing for an effective date.

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

**Section 1.** W.S. 27-14-203(a), (c), (d), (f) and by creating new subsections (j) and (k) is amended to read:

**27-14-203. Failure of employer to make payments; interest; lien; injunction; nonexclusive remedies.**

(a) Any employer not applying for coverage of eligible employees or, after obtaining coverage under this act, any employer failing, neglecting or refusing to make payments required by this act within thirty (30) days of the date due and against whom any injured employee is held entitled to worker's compensation benefits is liable to the state for an amount equal to all awards, both paid and reserved entered for payment to or for the employee under this act. If the employer fails, neglects or refuses to satisfy his liability within the thirty (30) day period, the amount ~~shall~~may be recovered by civil action in the name of the director. The entry of final order by the division or hearing examiner approving and allowing an award of compensation is prima facie proof of the liability of an employer failing to comply with this act.

(c) Premiums not paid on or before the date due shall bear interest of ~~two percent (2%)~~one percent (1%) per month or any fractional portion thereof from the due date until payment plus accrued interest is received by the division. The interest is part of the payment due for all purposes if suit is instituted as provided in this act.

(d) If premiums, liabilities pursuant to subsection (a) of this section, interest and penalties provided by this section are not paid within thirty (30) days of the date due and following notice by the division to the employer of the remedies authorized under this section, and the consequences of these remedies the attorney general ~~shall immediately~~may bring suit in the name of the state for the collection of all delinquent payments, liabilities pursuant to subsection (a) of this section, interest and penalties. If a judgment is rendered in favor of the state, the judgment shall be for ~~double~~ the amount of the ~~payroll payment provided by this act~~premiums, liabilities pursuant to subsection (a) of this section, interest and penalties together with costs.

(f) Any employer employing any person in any covered employment who, following notice by the division of the remedies authorized under this section,

fails to apply for coverage under this act or, after obtaining coverage under this act, fails to make payments within thirty (30) days of the date due, ~~shall~~may be enjoined in an action instituted by the director from engaging or continuing in a business covered by this act. Operations ~~shall~~may, in whole or in part, be enjoined until required payments are made and the employer complies with this act. The director is not required to give bond in the action.

(j) The division may enter into an installment payment agreement with a delinquent employer where payment in a lump sum would cause severe inconvenience to the employer, provided that:

(i) The agreement shall be agreed upon within thirty (30) days of the notice provided pursuant to subsection (d) of this section;

(ii) The term of the installment payment agreement shall not exceed twelve (12) months; and

(iii) Prospective liabilities which are reasonably expected to accrue during the term of the installment payment agreement may be included in the installment payment agreement.

(k) No additional interest, penalties or other liabilities authorized under this section shall accrue to the employer for the employer's delinquencies if the employer has entered into an installment payment agreement pursuant to subsection (j) of this section and is in compliance with the terms of the agreement. The employer's relief from liability provided pursuant to W.S. 27-14-104(a) shall remain in effect while the employer is in compliance with the agreement, provided that the employer has no further delinquencies under this section. If an employer fails to comply with the terms of its installment payment agreement, all premiums, liabilities pursuant to subsection (a) of this section, interest and penalties provided by this section shall be applied as of the original delinquency date minus any payments made and the division may exercise any remaining remedies authorized under this act.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 101

### RETURN OF VICTIM'S PROPERTY HELD AS EVIDENCE

Original House Bill No. 87

AN ACT relating to the victim and witness bill of rights; providing for the return of property where photographs may be submitted into evidence in place of the property as specified; and providing for an effective date.

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

**Section 1.** W.S. 1-40-208(b) and (c) is amended to read:

**1-40-208. Prompt return of property; photographs in lieu of property.**

(b) Criminal justice agencies shall work together to expedite the return of property, which is not contraband, when it is no longer needed. Prosecuting attorneys shall promptly notify law enforcement agencies when evidence is no longer needed. The prosecuting attorney shall notify the attorneys for the defendants of the intention to return the property twenty (20) days prior to its return to enable the defendants to seek relief from the court. No notice is required in the absence of a known suspect or defendant unless otherwise ordered by the court. No later than sixty (60) days after the property is taken as evidence, the prosecuting attorney shall make an initial determination whether to expedite the return of property to the victim or witness. The prosecuting attorney in exercising discretion to expedite the return of property shall consider whether:

(i) Photographs of the property would be admissible as evidence in lieu of the property;

(ii) Submitting the photographs into evidence in lieu of the property will substantially prejudice any criminal proceeding;

(iii) The property is required for evidentiary analysis; and

(iv) Ownership of the property is disputed.

(c) The trial court exercising jurisdiction over a criminal proceeding shall, if requested, enter appropriate orders to implement the provisions of this section preserve the property for evidentiary analysis or use, or return the property to the victim or witness as appropriate.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 102

### UNEMPLOYMENT INSURANCE-DELINQUENCY CONTRIBUTIONS

Original House Bill No. 171

AN ACT relating to unemployment compensation; providing for the department of workforce services to reduce contributions for delinquent employers as specified; providing requirements; and providing for an effective date.

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

**Section 1.** W.S. 27-3-503(c) is amended to read:

**27-3-503. Payment; base rate; failure to pay; rate variations; benefit ratio; new employer rate; special reserve rate.**

(c) Upon reviewing the account of a delinquent employer, the department

may collect up to double the tax due plus interest in lieu of the delinquency rate if it finds ~~eliminate or reduce contributions payable due to the two percent (2%) delinquency tax rate increase imposed under subsection (b) of this section either upon a showing of good cause, or a finding that:~~

(i) ~~The delinquency and interest is less than two hundred dollars (\$200.00) one thousand dollars (\$1,000.00);~~

(ii) After notice of the changed rate, the employer protested his delinquency tax rate in writing to the department pursuant to W.S. 27-3-506(b); ~~and~~

(iii) ~~The All delinquent contributions and interest amounts are paid by December 31 preceding the calendar year for which the delinquent rate has been assigned; and~~

(iv) All delinquent wage records are submitted.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

### Chapter 103

## DEVELOPMENTAL PRESCHOOL PAYMENT CALCULATIONS- AMENDMENTS

Original House Bill No. 211

AN ACT relating to developmental preschool funding; amending provisions related to developmental preschool payment calculations; and providing for an effective date.

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

**Section 1.** W.S. 21-2-706(b) is amended to read:

#### **21-2-706. Developmental preschool funding.**

(b) For purposes of calculating payments to service providers for the subsequent fiscal year and preparing the division's budget request to the legislature, the division shall multiply the number of children age birth through five (5) years of age with developmental disabilities who are eligible for and placed on an individualized education program or individualized family service plan through developmental preschool services on ~~November or before December~~ 1 of the year in which the budget request is being prepared by eight thousand five hundred three dollars (\$8,503.00) per child per year. Eligibility for developmental preschool services shall be determined by the state rules and regulations governing an individualized education program or an individualized family service plan.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 104

### AD VALOREM TAXATION-LIENS ON MINERAL PRODUCTION

Original House Bill No. 220

AN ACT relating to ad valorem taxation; amending provisions related to liens on mineral production; and providing for an effective date.

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

**Section 1.** W.S. 39-13-108(d)(vi)(B) and (O) is amended to read:

**39-13-108. Enforcement.**

(d) Liens. The following shall apply:

(vi) Liens on mineral production. The following shall apply:

(B) A lien under this paragraph is also a lien on all interests of the delinquent taxpayer in the mineral estate from which the production was severed, and on all future production of the same mineral from the same leasehold, regardless of any change of ownership or change in the person extracting the mineral. A lien under this paragraph shall not apply to a royalty interest, overriding royalty or other interest carved out of the mineral estate of an owner who is not a delinquent taxpayer;

(O) As used in this paragraph, “delinquent taxpayer” means any person who has the legal responsibility to pay ad valorem taxes, fees, penalties or interest on mineral production and who has not made payment as of the date due of such taxes, fees, penalties or interest. A delinquent taxpayer may include a mineral lessee who is receiving production from the mineral interest; the mineral lessor to the extent of the lessor’s retained interest; an owner of a royalty, overriding royalty or other interest carved out of the mineral estate; a person severing the mineral if the person has the legal responsibility for remittance of ad valorem tax, fees, penalties or interest on the mineral production. “Delinquent taxpayer” does not include an owner of a royalty interest, overriding royalty or other interest carved out of the mineral estate if the person who is producing the mineral and legally responsible for remitting ad valorem taxes, fees, penalties or interest on production withholds a portion of the royalty, overriding royalty or other interest carved out of the mineral estate for the purpose of remitting taxes, fees, penalties or interest on behalf of the owner.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.



## Chapter 105

### COURT AUTOMATION FEE-2

Original House Bill No. 192

AN ACT relating to court fees; increasing the court automation fee; conforming provisions; providing an exception for state agencies; and providing for an effective date.

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

**Section 1.** W.S. 2-2-401(a)(iii), 5-2-202, 5-3-206(a)(i), (vii) and (x), 5-6-108(a)(i), 5-6-204, 5-6-303, 5-9-135, 6-10-102 and 6-10-103 are amended to read:

**2-2-401. Schedule; additional charges.**

(a) For probate matters filed or commenced, the clerk of the district court shall collect fees as follows:

(iii) In addition to the original filing fee under paragraph (a)(i) of this subsection, a court automation fee in the amount of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120;

**5-2-202. Collection of fees.**

The clerk of the supreme court shall collect the following fees from the plaintiff in error or appellant, or in case of an original proceeding the plaintiff or relator shall, at the time of filing the petition in error or record on appeal or when commencing the cause in this court, the sum of twenty-five dollars (\$25.00). At the time of filing, the clerk also shall collect a court automation fee in the amount of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120, and an indigent civil legal services fee in the amount of ten dollars (\$10.00) which shall be deposited into the indigent civil legal services account established by W.S. 5-2-121. Other fees or charges to be assessed within the clerk's office are to be determined under rules of the supreme court.

**5-3-206. Fees.**

(a) For all civil matters filed or commenced, the clerk of each district court shall charge the following fees:

(i) For filing instruments or documents in each civil action and certifying one (1) copy of any order, decree or judgment at the time of its filing for each party, an original filing fee of ~~seventy dollars (\$70.00)~~ eighty-five dollars (\$85.00) which shall be paid by the plaintiff. This fee shall apply to original actions commenced and to actions that are reopened after a final decree previously has been entered. ~~Ten dollars (\$10.00)~~ Twenty-five dollars (\$25.00) of the filing fee shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(vii) For all transcripts in cases appealed to the supreme court, ~~seventy dollars (\$70.00)~~ eighty-five dollars (\$85.00), including certificates, seals and transmission. ~~Ten dollars (\$10.00)~~ Twenty-five dollars (\$25.00) of the fee under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205;

(x) For docketing and in payment of clerk's fee after docketing incident to any appeal or bill of exception from a ~~justice's circuit~~ court, ~~forty dollars (\$40.00)~~ eighty-five dollars (\$85.00), and for docketing any transcript of judgment from ~~justice's a circuit~~ court upon the judgment and execution dockets, ~~thirty dollars (\$30.00)~~ eighty-five dollars (\$85.00), which amount shall be paid by appellant, or by judgment holder to the clerk at time of docketing. ~~Ten dollars (\$10.00)~~ Twenty-five dollars (\$25.00) of any fee imposed under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205.

#### **5-6-108. Costs.**

(a) Each city or town in the state of Wyoming may prescribe by ordinance such costs in all trials before municipal courts as may be necessary or deemed expedient. However, the costs shall not exceed ten dollars (\$10.00). All costs collected shall be turned into the treasury of the city or town. By ordinance a city or town may prescribe:

(i) A court automation fee of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) as a cost to be paid by every person guilty of a violation of a city or town ordinance;

#### **5-6-204. Fines and penalties to be paid to city treasurer; report of cases; failure to comply with section.**

All fines and penalties collected and arising from a breach of a city ordinance shall be deposited with the city treasurer, and the municipal judge shall report at the end of each calendar month a list of all cases for violations of city ordinances instituted in his court, and the disposition thereof, with a statement of the fines, penalties and costs received. At the end of each month the judge shall deposit with the city treasurer all fines, penalties and costs received. If the municipal judge fails to report and deposit all fines, penalties and costs for a period of twenty-five (25) days, his office shall be declared vacant. If a city enacts an ordinance prescribing a court automation fee as provided in W.S. 5-6-108(a)(i), up to ~~one-half (1/2)~~ ten dollars (\$10.00) 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) ten dollars (\$10.00)~~ 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.

**5-9-135. Filing fee.**

For all civil matters the circuit court shall collect from the plaintiff an original filing fee of twenty dollars (\$20.00), a court automation fee of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00), and an indigent civil legal services fee of ten dollars (\$10.00) excluding small claims civil actions as provided in W.S. 1-21-201 through 1-21-205 which shall have a filing fee of ten dollars (\$10.00). The court automation fee shall be deposited into the judicial systems automation account and the indigent civil legal services fee shall be deposited into the indigent civil legal services account as provided by W.S. 5-9-144.

**6-10-102. Imposition of fine for any felony; maximum fine where not established by statute; court automation fee; indigent civil legal services fee.**

The court may impose a fine as part of the punishment for any felony. If the statute does not establish a maximum fine, the fine shall be not more than ten thousand dollars (\$10,000.00). The court shall impose a court automation fee of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205. In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301 or 35-7-1037. The indigent civil legal services fee shall be remitted as provided in W.S. 5-3-205(a)(ii).

**6-10-103. Penalties for misdemeanors where not prescribed by statute;**

**court automation fee; indigent civil legal services fee.**

Unless a different penalty is prescribed by law, every crime declared to be a misdemeanor is punishable by imprisonment in the county jail for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. The court shall impose a court automation fee of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The fee shall be remitted as provided by W.S. 5-3-205. In addition to the court automation fee the court shall impose an indigent civil legal services fee of ten dollars (\$10.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or no contest or is placed on probation under W.S. 7-13-301. The indigent civil legal services fee shall be remitted as provided in W.S. 5-3-205(a)(ii).

**Section 2.** No state agency that is a party to legal proceedings shall be subject to any court automation fee increase pursuant to this act until July 1, 2018 and thereafter.

**Section 3.** This act is effective July 1, 2017.

Approved March 2, 2017

**Chapter 106****SPECIAL DISTRICTS ELECTIONS**

Original Senate File No. 16

AN ACT relating to special districts; amending special district elections as specified; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 22-29-103(a)(iii), 35-2-401(d)(intro), 35-9-202(a), (b)(ii), (iii) and by creating a new subsection (e), 35-9-210(a)(i) and (ii), 35-9-211(a)(i) and (ii)(A) and 41-18-112(a) are amended to read:

**22-29-103. Applicability to special districts; general provisions.**

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

(iii) Fire protection districts, including county commission fire protection districts;

**35-2-401. Establishment of hospital district.**

(d) A special hospital district may be ~~created and subsequent district elections held through the following procedure:~~ established and subsequent elections held under the procedures for petitioning, hearing and election of special districts as set forth in the Special District Elections Act of 1994.

**35-9-202. Election of board of directors.**

(a) The election of the initial board of directors shall be held by the board of county commissioners at the same time as the election for formation of the district, or at the next general election in the case of a district created pursuant to W.S. 35-9-213. There shall be elected a board of directors consisting of either three (3) or five (5) members, the number of which is to be designated by the county commissioners pursuant to subsection (e) of this section, who are residents living within the district who shall serve without compensation. Within ten (10) days after each election the board shall meet and select a president and a secretary-treasurer. The first elected board shall serve until the next director election as provided in W.S. 22-29-112. At the first director election of a three (3) member board, one (1) member of the board shall be elected for two (2) years, and two (2) members for four (4) years, for staggered terms. Thereafter, directors shall be elected for four (4) year terms. At the first director election of a five (5) member board, two (2) members of the board shall be elected for two (2) years and three (3) members for four (4) years. Biennial elections shall be held in accordance with the Special District Election Act of 1994.

(b) The board is authorized to:

(ii) ~~To~~ Divide the district into director districts and provide for the election of a director from each director district to be chosen by the all voters of the fire protection district. The board may provide for district directors to be apportioned in any combination of single member, multi-member or at-large representation; and

(iii) ~~To~~ Fix the initial term of the additional directors so that the term of not more than three (3) directors shall expire in any one (1) year.

(e) The board of county commissioners may provide for the election of an initial board of directors with five (5) members if the assessed valuation of property of the district exceeds three million dollars (\$3,000,000.00) at the time the district is formed.

**35-9-210. District formation initiated by resolution of county commissioners; procedures; conditions.**

(a) A fire protection district comprised of lands within unincorporated areas of the county which are not within existing fire protection districts may be created under the following procedure:

(i) The board of county commissioners may, by resolution, identify lands to be included within the proposed district and submit the question of establishing the district to the electors of the proposed district at the next general election. The board shall provide notice that it will consider a resolution under this paragraph at least thirty (30) days prior to the meeting at which the resolution will be considered. Notice of the election shall be given as required by W.S. 22-29-110;

(ii) If the establishment of the district is defeated at the election, the board may refuse to provide fire and public safety protection to the area within the proposed district commencing with the succeeding fiscal year. If a majority of the voters in the proposed district voting at the election vote for the establishment of the district, the board of county commissioners shall enter that fact upon its records and the district is established. ~~Following establishment of the district, The board shall hold an election for a district board of directors under W.S. 35-9-202. Districts formed under this subsection are otherwise subject to W.S. 35-9-201 through 35-9-208.~~

**35-9-211. Formation of county commission fire protection districts; procedures; conditions.**

(a) As an alternative to the procedures provided by W.S. 35-9-210, a county commission fire protection district comprised of lands within unincorporated areas of the county which are not within existing fire protection districts and which are currently receiving fire protection or public safety services from an existing fire department funded by the county may be created under the following procedure:

(i) The board of county commissioners may, by resolution, identify lands to be included within the proposed county commission fire protection district and submit the question of establishing the district to the electors of the proposed district at the next general election. The board shall provide notice that it will consider a resolution brought pursuant to this paragraph at least thirty (30) days prior to the meeting at which the resolution will be considered. Notice of the election to establish the district shall be given as required by W.S. 22-29-110;

(ii) If the establishment of the district is defeated at the election, the board may refuse to provide fire and public safety protection to the area within the proposed district commencing with the succeeding fiscal year. If a majority of the voters in the proposed district voting at the election vote for the establishment of the district, the board of county commissioners shall enter that fact upon its records and the district is established. Following establishment of the district:

(A) Pursuant to the assessed property valuation requirements of W.S. 35-9-202(e) the board of county commissions shall appoint either three (3) or five (5) members to the board who are residents and property owners within the district and who shall serve on the board until the next election of directors, at which time the members of the board shall be elected in accordance with W.S. 35-9-202(a) 35-9-202;

**41-8-112. Board of directors; eligibility; election; terms; officers.**

(a) Within thirty (30) days after a watershed improvement district is created, the board of supervisors shall conduct an election to be held for the election

of a board of directors of the watershed improvement district. Notice of the election shall be given by the board of supervisors as provided in the Special District Elections Act of 1994. The board of directors shall consist of five (5) members. The first board of directors shall determine by lot from among its membership, ~~two (2)~~ three (3) members to serve terms of ~~one (1) year, four (4) years and~~ two (2) members to serve terms of two (2) years, ~~and one (1) member to serve a term of three (3) years and~~ until their successors are elected at a regular subsequent director election. Thereafter, as these initial terms expire, the members of the board of directors shall be elected for terms of ~~three (3)~~ four (4) years. For a board of directors existing prior to July 1, 2017, beginning January 1, 2018, at the first regular subsequent director election, the board shall determine by lot from among its membership, three (3) members to serve terms of four (4) years and two (2) members to serve terms of two (2) years. Thereafter, as these initial terms expire, the members of the board of directors shall be elected for terms of four (4) years. No current term of any director shall be affected by any modification made under this subsection. The board of supervisors of the conservation district shall conduct these elections ~~annually every other year~~. These elections shall be in accordance with the Special District Elections Act of 1994. Vacancies occurring before the expiration of a term shall be filled for the unexpired term by appointment by the remaining members of the board of directors with the approval of the board of supervisors. The board of directors shall, under the supervision of the board of supervisors, be the governing body of the watershed improvement district.

**Section 2.** W.S. 35-2-401(d)(i) through (iii) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 107

### SALVAGE TITLE-UPDATES

Original House Bill No. 78

AN ACT relating to motor vehicle certificates of title and abandoned vehicles; revising procedures to acquire a salvage title; specifying applicability for requirements pertaining to abandoned vehicles; and providing for an effective date.

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

**Section 1.** W.S. 31-2-107(a), (d) and by creating new subsections (o) through (q) and 31-13-101(a)(ix)(B), (C) and by creating a new subparagraph (D) are amended to read:

**31-2-107. Titles for damaged vehicles; return of certificate of title and registration for damaged vehicle; replacement title and registration.**



(a) When a motor vehicle is declared a total loss by the insurance company or, in the event an insurance company is not involved in the settlement of the claim, sustains damage in an amount exceeding seventy-five percent (75%) of its actual retail cash value, as set forth in any current edition of a nationally recognized automotive appraisal guide or other source approved by the Wyoming insurance department, the owner or insurance company, if it obtains ownership of the vehicle through transfer of title as a result of a settlement of an insurance claim, shall forward the properly endorsed certificate of title to the office of the county clerk that issued the certificate of title together with an application for a certificate of title branded salvage and payment of the fee required under W.S. 31-3-102(a)(vii) to obtain a properly branded certificate of title. For purposes of this section, a certificate of title endorsed by an electronic signature shall constitute a properly endorsed certificate of title, which need not be notarized. When any vehicle accident report is required under chapter 5, article 11 of this title, the investigating officer shall provide written notice to the owner or operator of the vehicle of the requirements under this section.

(d) This section shall not apply to motor vehicles with more than eight (8) years of service except any vehicle that was previously issued a title from any state that bore any word or symbol signifying that the vehicle was “salvage”, “unrebuildable”, “parts only”, “scrap”, “junk”, “nonrepairable”, “reconstructed”, “rebuilt” or any other symbol or word of like kind, or that it has been damaged by flood, shall obtain a Wyoming title with the prior brand or any other information concerning the motor vehicle status, carried forward on any subsequent Wyoming title ~~irregardless~~ regardless of years of service.

(o) If an insurance company is unable to obtain a properly endorsed certificate of title within thirty (30) days of payment of damages in a claim settlement involving transfer of a salvage vehicle to the insurance company, the insurance company, an occupational licensee of the department authorized by the insurance company or a salvage pool authorized by the insurance company may request the county clerk issue a certificate of title branded salvage for the vehicle. The request shall be submitted on a form provided by the office of the county clerk and signed under penalty of perjury. The request shall include and document evidence that the insurance company has paid a claim on the vehicle and has made at least two (2) written attempts to obtain the properly endorsed certificate of title at the last known address of the owner of the vehicle. The request shall also include a disclosure of any and all security interests, liens or encumbrances that are known to the insurance company and that are outstanding against the vehicle.

(p) The county clerk, upon receipt of a request described in subsection (o) of this section and payment of the fee required under W.S. 31-3-102(a)(vii), shall issue a certificate of title branded salvage for the vehicle to the requesting insurance company, an occupational licensee of the department authorized by the insurance company or a salvage pool authorized by the insurance company.



Any such salvage title issued by the county clerk shall reflect all liens of record that have not been released.

(q) As used in this section, “electronic signature” means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

**31-13-101. Definitions.**

(a) As used in this act:

(ix) “Vehicle” means:

(B) A housetrailer as provided by W.S. 31-1-101(a)(xxiii)(A) which is not installed on a permanent foundation and which is not taxable as real property; ~~or~~

(C) A transportable home as provided by W.S. 31-1-101(a)(xxiv)(C) which is not installed on a permanent foundation and which is not taxable as real property; or

(D) Watercraft titled under W.S. 31-2-101(b).

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 108

### DEPARTMENT OF FAMILY SERVICES-STATUTORY AMENDMENTS

Original Senate File No. 63

AN ACT relating to the department of family services; amending statutes and programs related to the department of family services; amending registry requirements related to child and adult protection reports; abolishing the skills training center pilot program; making the operation of adult student financial aid programs contingent upon available funding; amending the low income home energy assistance program; amending eligibility verification processes related to public welfare benefits; updating obsolete references; repealing obsolete language; and providing for an effective date.

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

**Section 1.** W.S. 14-3-214(f) and by creating a new subsection (j), 35-20-115(a), (b)(intro), (ii), (iii), by creating a new paragraph (iv) and (c), 35-20-116(a) and by creating a new subsection (c), 42-2-102(a)(vii)(F) and by creating new subparagraphs (G) and (H), 42-2-103(b)(iv)(intro) and (x), 42-2-501(c)(intro) and (ii), 42-10-104(a)(iii) and 42-10-105 by creating a new subsection (b) are 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.**

(f) Upon appropriate application, the state agency shall provide to any ~~chapter of a nationally recognized youth organization, child caring facility certified under W.S. 14-4-101 et seq., public or private school or state institution em-~~ ployer or entity whose employees or volunteers may have unsupervised access to children in the course of their employment or volunteer service, for employee or volunteer screening purposes, a summary of central registry records maintained under state agency rules since December 31, 1986, for purposes of screening employees or volunteers. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report “under investigation” or a “substantiated” finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant in accordance with agency rules and by United States mail. The written results shall confirm that there is a report “under investigation”, a “substantiated” finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a “substantiated” perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator’s voluntary statement and whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a fee of ten dollars (\$10.00) and proof satisfactory to the state agency that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to minors. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. The state agency shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 14-3-213(e). The state agency shall screen all prospective agency employees in conformity with the procedure provided under this subsection.

(j) Any person may request a central registry screen and summary report on themselves as provided by subsection (f) of this section upon payment of the fee required by subsection (f) of this section.

**35-20-115. Central registry of adult protection cases; establishment; operation; amendment, expungement or removal of records; classification and expungement of reports; statement of person accused.**

(a) The department shall establish and maintain a record of all adult protection reports and a central registry of under investigation and substantiated adult protection cases under this act.

(b) Through the recording of ~~substantiate~~ reports, the ~~central registry de-~~ partment’s recordkeeping system shall be operated to assist the department to:

(ii) Continuously monitor the current status of all pending adult protection cases; and

(iii) Evaluate the effectiveness of existing laws and programs through the development and analysis of statistical and other information; and

(iv) Maintain a central registry of “under investigation” reports and “substantiated” reports of abuse or neglect of vulnerable adults for provision of information to qualifying applicants pursuant to W.S. 35-20-116. Within six (6) months of being placed in the central registry, all reports classified as “under investigation” shall be reclassified as “substantiated” or expunged from the central registry, unless the state agency is notified of an open criminal investigation or criminal prosecution. Unsubstantiated reports shall not be contained within the central registry.

(c) Upon written application of the department or any substantiated person and with the approval of the local law enforcement agency in adult protection cases, upon good cause shown and upon notice to the department, the subject of the report and all interested parties, the department may amend, expunge or remove any record from the central registry.

**35-20-116. Access to central registry records pertaining to adult protection cases; child and vulnerable adult abuse and registry account.**

(a) Upon appropriate application and for employee or volunteer screening purposes, the department shall provide to any individual, nursing home, adult care facility, educational facility, service provider of adult workshop programs or home health care provider, residential program or any service provider of programs in an institution or community-based program, or to any state institution, employer or entity whose employees or volunteers may have unsupervised access to vulnerable adults in the course of their employment or volunteer service a record summary concerning abuse, neglect, exploitation or abandonment of a vulnerable adult involving a named individual or shall confirm that no record exists. The state agency shall provide the results of the records check to the applicant by certified mail if the records check confirms the existence of a report “under investigation” or a “substantiated” finding of abuse or neglect. Otherwise, the state agency shall provide the results of the records check to the applicant in accordance with agency rules and by United States mail. The written results shall confirm that there is a report “under investigation”, a “substantiated” finding of abuse or neglect on the central registry naming the individual or confirm that no record exists. When the individual is identified on the registry as a “substantiated” perpetrator of abuse or neglect, the report to the applicant shall contain information with respect to the date of the finding, specific type of abuse or neglect, a copy of the perpetrator’s voluntary statement and whether an appeal is pending. Any applicant receiving a report under this section identifying an individual as “under investigation” shall be notified by the department as to the final disposition of that investigation and

~~whether an appeal is pending. The applicant, or an agent on behalf of the applicant, shall submit a fee of not to exceed ten dollars (\$10.00) as established by the department and proof satisfactory to the department that the prospective or current employee or volunteer whose records are being checked consents to the release of the information to the applicant. Central registry screening shall be limited to substantiated reports of abuse, neglect, exploitation or abandonment of a vulnerable adult in which opportunities for due process have been exhausted under the Wyoming Administrative Procedure Act, including an appeal through the district court level. The applicant shall use the information received only for purposes of screening prospective or current employees and volunteers who may, through their employment or volunteer services, have unsupervised access to vulnerable adults. Applicants, their employees or other agents shall not otherwise divulge or make public any information received under this section. The department shall notify any applicant receiving a report under this section that a prospective employee is under investigation; of the final disposition of that investigation or whether an appeal is pending. The department shall notify any applicant receiving information under this subsection of any subsequent reclassification of the information pursuant to W.S. 35-20-115(c). The department shall screen all prospective employees in conformity with the procedure provided under this subsection.~~

~~(c) Any person may request a central registry screen and summary report on themselves as provided by subsection (a) of this section upon payment of the fee required by subsection (a) of this section.~~

#### **42-2-102. Definitions.**

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

(vii) "Public welfare benefit" means financial assistance provided to eligible persons in the form of a performance payment, vendor payment, supplemental nutrition assistance program benefit, electronic benefit transfer or cash. These benefits may be received from several state or federal welfare programs including:

(F) ~~Day-Child care program;~~

(G) ~~Personal opportunities with employment responsibilities (POWER);~~

(H) ~~Supplemental nutrition assistance program.~~

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

(b) In carrying out subsection (a) of this section and except as provided under the Wyoming Medical Assistance and Services Act, the department shall:

(iv) Supervise the expenditure of state funds and federal funds allocated to the state for purposes of providing public assistance and social services in

such a manner as to ensure that, to the extent funds are available and authorized by the legislature, funds may be used in separate state-funded programs to:

(x) To the extent funds are available and authorized by the legislature and if full-time students as defined by W.S. 42-2-109 are required by federal law or regulation to work in addition to attending school full-time, create a state funds only program using funds required for maintenance of effort to provide assistance to such students. Such a program shall take priority over other uses of the maintenance of effort funds available; ~~other than the pilot program provided by W.S. 42-2-103(b)(iv)(B) which shall have first priority;~~

**42-2-501. Low income home energy assistance and weatherization program; funding.**

(c) In addition to categorically eligible individuals authorized under P.L. 97-35, as amended, the state plan shall provide eligibility for those households with incomes which do not exceed the greater-lesser of:

(ii) An amount equal to sixty percent (60%) of the state median household income.

**42-10-104. Case review process.**

(a) If the department finds a discrepancy or change in circumstances as a result of the activities required by W.S. 42-10-102 or 42-10-103, the department shall review the case using the following procedures:

(iii) The applicant or recipient shall respond within ~~thirty (30)~~ ten (10) business days from the date of the written notice of the discrepancy or change in circumstances;

**42-10-105. Referral of cases for investigation.**

(b) To the extent the department encounters an individual enrolled in Medicaid who the department has reason to believe is not eligible for Medicaid, the department shall inform the individual and the Wyoming Medicaid program of the reason the department does not believe the individual is eligible.

**Section 2.** W.S. 42-2-102(a)(vii)(B) and (C) and 42-2-103(b)(iv)(B) are repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 2, 2017.

**Chapter 109****TITLE 25 PAYMENT OBLIGATIONS-FEDERAL ENTITIES**

Original Senate File No. 66

AN ACT relating to the hospitalization of mentally ill persons; specifying the entities from whom payment for treatment shall be sought; and providing for an effective date.

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

**Section 1.** W.S. 25-10-112(d)(intro) and (ii) is amended to read:

**25-10-112. Liability for costs of detention, involuntary hospitalization and proceedings therefor.**

(d) The hospital or other treatment provider shall attempt to recover all costs of treatment from public and private health insurance and from government benefit programs, including the veterans' administration, the Indian health service of the United States department of health and human services and any other federal agency that may be responsible for the costs of treatment, prior to seeking payment from the county or the department. The hospital or other treatment provider shall have discharged its obligation to recover costs under this subsection if it:

(ii) Certifies to the county or the department that:

(A) The patient has no public or private health insurance;~~and that~~

(B) There are no other government benefit programs from which it can recover the costs of treatment; ~~and~~

(C) If the patient might qualify for benefits, payment has been denied after submitting a written demand for payment to all federal agencies that may be responsible for the costs of treatment, including the veterans' administration and the Indian health service of the United States department of health and human services. Payment shall be deemed denied if a written demand for payment is made and no response is received within three (3) months of being properly submitted. If a demand is paid after having been deemed denied under this subparagraph, and after the county or department has paid the hospital or other treatment provider, the amount of the demand payment shall be remitted to the county or department, whichever entity paid the hospital or other treatment provider. If a county or the department has paid a hospital or other treatment provider, the county or the department shall have a subrogation right against any entity to whom the hospital or provider sent a written demand.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

**Chapter 110****RADIOACTIVE WASTE STORAGE FACILITIES-AMENDMENTS**

Original Senate File No. 6

AN ACT relating to radioactive waste storage facilities; increasing the initial application deposit amount; authorizing the director to apply for other funds as specified; amending deadlines and public hearing requirements for reports for the siting of high-level radioactive waste storage facilities; removing obsolete language; increasing the fee related to feasibility agreements; increasing penalties; and providing for an effective date.

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

**Section 1.** W.S. 35-11-1502(c) and (e), 35-11-1503(a), 35-11-1504(a) and (b)(intro), 35-11-1506(c)(intro) and 35-11-1507(b) are amended to read:

**35-11-1502. Application to site a high-level radioactive waste storage facility; requirements; payment of costs.**

(c) The application shall be accompanied by an initial deposit of ~~five hundred thousand dollars (\$500,000.00)~~ eight hundred thousand dollars (\$800,000.00) plus any ~~additional excess amount reverted collected from the feasibility agreement~~ pursuant to W.S. 35-11-1506(c). Effective July 1, 2018, and annually thereafter, the amount of the initial deposit shall be adjusted for inflation by the department using the consumer price index or its successor index of the United States department of labor, bureau of labor statistics, for the calendar year immediately preceding the date of adjustment. The purpose of the initial deposit and additional monthly payments as billed to the applicant shall be to cover the costs to the state associated with the investigation, review and processing of the application and with the preparation and public review of the report required in W.S. 35-11-1503 and 35-11-1504. Unused fees under this subsection shall be refunded to the applicant. The initial deposit shall be held in an interest bearing account in reserve by the department to guarantee that sufficient funds are available to pay for any outstanding costs incurred by the state in the event that the applicant is unable to complete the application process for any reason. Any costs to the state for application processing, preparation of the report required in W.S. 35-11-1503 and 35-11-1504 and for any other costs incurred by the state to fulfill any requirement of article 15 of this act, shall be billed by certified mail and reimbursed to the state by the applicant on a monthly basis at a rate established by the state for comparable other similar permitting reviews. The applicant may appeal the assessment to the department within twenty (20) days after receipt of the written notice. The appeal shall be based only upon the allegation that the particular assessment is erroneous or excessive. Failure of the applicant to pay within thirty (30) days of the date of mailing shall be cause for suspension or termination of the application process. Upon termination of the process, any unused sum remaining in said reserve account shall be returned to the applicant.



(e) Upon receipt of an application under subsection (b) of this section, the director shall, at the earliest possible date, apply for any funds which may be available to the state from the Interim Storage Fund or the Nuclear Waste Fund under the provisions of 42 U.S.C. § 10156 and 42 U.S.C. § 10222. The director may apply for other funds which may become available to the state under any other federal or state program for high-level radioactive waste storage facilities. Nothing in this subsection shall be construed as authorizing the siting, construction or operation of any high-level radioactive waste storage facility not otherwise authorized under this article.

**35-11-1503. Preparation of the report by the department.**

(a) Except as otherwise provided in this subsection, the department shall within eighteen (18) twenty-one (21) months of receipt of an application and the application fee under W.S. 35-11-1502, prepare a report which examines the environmental, social and economic impacts of any proposal to site a high-level radioactive waste storage facility within the state. The director may determine that more than twenty-one (21) months is required to complete the report. If the director makes this determination, the director shall extend the deadline as appropriate and notify the applicant and the legislature of the additional time required. The director may employ experts, contract with state or federal agencies, or obtain any other services through contractual or other means to prepare the report.

**35-11-1504. Public review of any report for the siting of a high-level radioactive waste storage facility; submission to legislature.**

(a) The department shall submit any report prepared under W.S. 35-11-1503 for public review as required under this section. The public shall be afforded an opportunity to review the report and provide comments to the director. ~~To the extent practicable, The director shall hold public hearings in the county or counties where the proposed storage facility will be located and throughout the state, to the extent practicable, to receive comments on the report.~~

(b) Following any public review of the report as provided in this section, but in no event before the United States department of energy issues a final environmental impact statement ~~with the Yucca mountain site recommendation submitted to the president of the United States in accordance with the law~~ along with a license application for ~~Yucca mountain as the~~ a permanent repository for high-level radioactive waste, the director shall submit the report to the legislature. The submission by the director shall include:

**35-11-1506. Legislative approval of the siting of high-level radioactive waste storage facilities; conditions.**

(c) With permission of the governor and the management council, an applicant for either a monitored retrievable storage facility or an independent spent fuel storage installation may enter into a preliminary but nonbinding fea-



sibility agreement and study with the director which shall be submitted to and reviewed by the director, governor and the management council. The public shall be afforded a thirty (30) day public comment opportunity to review the feasibility agreement prior to its submission to the governor and the management council. The purposes of this feasibility agreement and study are to allow the state to make a preliminary determination, whether, on the basis of the feasibility agreement and study, the proposed benefits substantially outweigh any adverse effects and to allow an applicant based on the state's preliminary review of any proposed benefit to determine whether or not a prudent investor, planner, builder and operator would decide to proceed with an application. Upon entering into a feasibility agreement, the applicant shall pay to the state a fee of ~~fifty thousand dollars (\$50,000.00)~~ eighty thousand dollars (\$80,000.00). Effective July 1, 2018, and annually thereafter, the fee shall be adjusted for inflation by the department using the consumer price index or its successor index of the United States department of labor, bureau of labor statistics, for the calendar year immediately preceding the date of adjustment. The fee shall be used by the department for costs attendant to the preliminary agreement. Excess funds collected may be used by the department to review an application submitted under W.S. 35-11-1502. Appropriate time shall be afforded the director, the governor, the management council and the applicant to prepare and to evaluate the preliminary agreement and study, but neither the state nor the applicant shall unnecessarily delay the feasibility agreement and study. The preliminary feasibility agreement and study shall not supersede nor replace other requirements under this act. This agreement and study shall set forth the following:

**35-11-1507. Injunction proceedings; penalties.**

(b) In addition to being subject to injunctive relief any person convicted of violating any provision of this article may be imprisoned for up to one (1) year, fined up to ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00), or both.

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 111

### FOOD FREEDOM ACT-AMENDMENTS

Original House Bill No. 129

AN ACT relating to agriculture; extending the Wyoming Food Freedom Act to apply to home processed food; authorizing sales of certain meat products and animals under the act; allowing transactions at producers' homes; amending definitions; authorizing agencies to provide requested assistance to producers; and providing for an effective date.

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

**Section 1.** W.S. 11-49-101, 11-49-102(a)(intro), (iv), (vi) and by creating new paragraphs (viii) and (ix), 11-49-103(a)(intro), (b), (c)(intro), (v), by creating a new paragraph (vi), (d), (e), (g), (h) and by creating a new subsection (j) are amended to read:

**11-49-101. Short title.**

This ~~article~~act is known and may be cited as the “Wyoming Food Freedom Act.”

**11-49-102. Definitions.**

(a) As used in this ~~article~~act:

(iv) “Homemade” means food that is prepared or processed in a private home kitchen, that is not licensed, inspected or regulated;

(vi) “Producer” means any person who grows, harvests, or produces pre-pares or processes any product which may be consumed as food or drink food or drink products on the person’s owned or leased property;

(viii) “Process” means operations a producer performs in the making or treatment of the producer’s food or drink products;

(ix) “This act” means W.S. 11-49-101 through 11-49-103.

**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 a producer’s production and sale and consumption~~ of homemade foods food or drink products for an informed end consumer’s home consumption and to encourage the expansion of agricultural sales ~~by at farmers markets, ranches, farms and home based producers and accessibility of the same to informed end consumers~~ producers’ homes by:

(b) ~~Notwithstanding any other provisions of law, there shall be no Home-made food products produced, sold and consumed in compliance with the Wyoming Food Freedom Act shall be exempt from state licensure, permitting, certification, inspection, packaging or and 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 requirements.~~

(c) Transactions under this ~~section~~act shall:

(v) Not involve the sale of meat products, ~~except with the following ex-ceptions:~~

(A) The sale of poultry and poultry products ~~consistent with this article;~~ provided:

(I) The producer slaughters not more than one thousand (1,000) poultry of his own raising during any one (1) calendar year;

(II) The producer does not engage in buying or selling poultry products other than those produced from poultry of his own raising; and

(III) The poultry product is not adulterated or misbranded.

(B) ~~The sale of live animals; intended for slaughter;~~

(C) ~~The sale of portions of live animals before slaughter 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) The sale of domestic rabbit meat;

(E) The sale of farm raised fish provided:

(I) The fish is raised in accordance with title 23 of the Wyoming statutes; and

(II) The fish is not catfish.

(vi) Only occur at farmers markets, farms, ranches, producer's homes or offices or any location the producer and the informed end consumer agree to.

(d) Except for raw, unprocessed ~~fruit~~ fruits 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~~ act is not certified, labeled, licensed, packaged, regulated or inspected.

(g) Nothing in this ~~article~~ act shall be construed to impede the Wyoming department of health in any investigation of food borne illness.

(h) Nothing in this ~~article~~ act shall be construed to change the requirements for brand inspection or animal health inspections.

(j) Nothing in this act shall preclude an agency from providing assistance, consultation or inspection, at the request of the producer.

**Section 2.** W.S. 11-49-103(f) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 2, 2017

**Chapter 112****MOBILE HOMES-TITLE STATUS UPON PERMANENT FOUNDATION**

Original House Bill No. 56

AN ACT relating to mobile homes; specifying procedures to surrender and cancel the title of a mobile home that has been installed on a permanent foundation; and providing for effective dates.

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

**Section 1.** W.S. 31-2-502(b) and by creating a new subsection (c) is amended to read:

**31-2-502. Exclusions.**

(b) If a mobile home is installed on a permanent foundation and is taxable as real property;

(i) The certificate of title or manufacturer's certificate of origin, if any, shall be surrendered to and cancelled by the county clerk of the county in which the mobile home is located except that no title shall be cancelled under this subsection unless all liens on the home have been released. The county clerk may require the person surrendering the title for cancellation to disclose information necessary to determine whether cancellation is proper under law. The county clerk shall issue a document certifying the cancellation of the certificate of title for recording in the real estate records of the county clerk of the county in which the mobile home is located;

(ii) If the certificate of title or manufacturer's certificate of origin is unavailable then upon filing with the county clerk a sworn affidavit in accordance with this paragraph and an acknowledgment if required by subsection (c) of this section, the clerk shall issue a title for the purpose of immediate surrender to and cancellation by the county clerk. The affidavit required under this paragraph shall be on a form prescribed by the department. The affiant shall attest to the unavailability of the certificate of title, manufacturer's certificate of origin or other relevant documentation and to the mobile home's permanent affixation to the real property. The surrendered title and affidavit shall be recorded in the real estate records of the county clerk of the county in which the mobile home is located upon payment of the title fee under W.S. 31-3-102(a)(vii) and recording fees under W.S. 18-3-402(a)(xvi)(A). The affidavit form shall:

(A) Include a complete description of the mobile home including its physical address and any data plate, tags, labels or other relevant identifying documentation;

(B) Include a statement that the mobile home is installed on a permanent foundation and is intended by all parties to constitute, be and remain in perpetuity a fixture to the real property;

(C) Include a statement that the mobile home is taxable as real property

and not as personal property;

(D) Contain a recital of facts and circumstances by which the affiant acquired the ownership and possession of the mobile home including why the affiant is unable to provide the clerk with the certificate of title, manufacturer's certificate of origin or other relevant documentation;

(E) Contain a statement that there are no known security interests, liens or encumbrances outstanding against the mobile home separate from the land;

(F) Contain a statement that the affiant is the true and lawful owner of the mobile home.

(c) If an affiant under paragraph (b)(ii) of this section is not the owner of the real property on which the mobile home is permanently affixed, the affiant shall file with the affidavit required under paragraph (b)(ii) of this section an acknowledgment by the owner of the real property that the mobile home is installed on a permanent foundation on the real property and is intended by the owner to constitute, be and remain in perpetuity a fixture to the real property.

**Section 2.** The department shall develop forms necessary to implement this act by July 1, 2017.

**Section 3.**

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

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 113

### SEARCH AND RESCUE OPERATIONS

Original House Bill No. 152

AN ACT relating to search and rescue operations; providing immunity for volunteers; and providing for an effective date.

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

**Section 1.** W.S. 1-1-125(a)(iii), (b)(intro), (i) and (d) and 1-39-103(a)(iv)(D) are amended to read:

**1-1-125. Immunity for volunteers; volunteer firefighters; search and rescue.**

(a) As used in this section:

(iii) "Volunteer" means:

(A) An officer, director, trustee or other person who performs services for a nonprofit organization but does not receive compensation, either directly or indirectly, for those services; ~~or~~

(B) A volunteer firefighter who performs services for a volunteer fire department under W.S. 35-9-601(h) 35-9-616(a)(ix) whether or not he the firefighter receives compensation or a pension;

(C) An individual engaged in search and rescue operations under a county sheriff's coordination pursuant to W.S. 18-3-609(a)(iii) or supervision pursuant to W.S. 19-16-101 whether or not the individual receives compensation.

(b) Except as provided in subsection (c) of this section, a volunteer who provides services or performs duties on behalf of a nonprofit organization, ~~or a volunteer fire department~~ or a sheriff as part of a search and rescue operation is personally immune from civil liability for any act or omission resulting in damage or injury if at the time of the act or omission:

(i) The person was acting within the scope of his duties as a volunteer for the nonprofit organization, ~~or volunteer fire department~~ or a sheriff as part of a search and rescue operation; and

(d) In any suit against a nonprofit organization, ~~or a volunteer fire department~~ or a sheriff as part of a search and rescue operation for civil damages based upon the negligent act or omission of a volunteer, proof of the act or omission shall be sufficient to establish the responsibility of the organization, ~~or department~~ or sheriff under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (b) of this section.

### **1-39-103. Definitions.**

(a) As used in this act:

(iv) "Public employee":

(D) Includes individuals engaged in search and rescue operations under the coordination of a county sheriff pursuant to W.S. 18-3-609(a)(iii); ~~and the provisions of W.S. 1-39-112 shall apply for purposes of damages resulting from bodily injury, wrongful death or property damage caused by their negligence while acting within the scope of their duties;~~

**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, 2017.

### Chapter 114

#### CONCEALED WEAPONS-MILITARY FAMILY APPLICANTS

Original House Bill No. 90

AN ACT relating to concealed weapons; providing a procedure for military spouses of persons in active military service to apply for a concealed weapons permit as specified; requiring rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 6-8-104(cc)(intro), (iii) and (v) is amended to read:

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

(cc) The attorney general shall by rule and regulation provide a procedure under which an applicant a person who is in active military service outside the state of Wyoming, or who is a military spouse as defined by rule of the attorney general residing with a person in active military service outside the state, but otherwise meets the requirements specified in subsection (b) of this section may apply for a permit to carry a concealed firearm under this section without appearing in Wyoming. Applications under this subsection shall require:

(iii) Certification of the applicant's applicable person's active military service outside the state;

(v) Any other information required by rule and regulation of the attorney general, including proof of the marriage of the military spouse and the person in active military service outside the state, if applicable.

**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, 2017.

### Chapter 115

#### MEDICAID WAIVER PROGRAM-MILITARY PERSONNEL

Original House Bill No. 113

AN ACT relating to the Medical Assistance and Services Act; requiring the department of health to seek permission for dependent waiver services for the dependents of military service members 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. 42-4-120 by creating new subsections (n) and (o) is amended to read:

**42-4-120. Contracts for waiver services; authority of department; emergency case services; cost based payments; training and certification of specialists.**

(n) For purposes of this subsection, "military service member" means any person serving in the United States army, navy, air force, marine corps, coast guard, United States public health service commissioned corps, national oceanic and atmospheric administration commissioned corps, national guard or any reserve or auxiliary component of any of these services. Military service members shall have the following benefits if they meet the qualifications listed:

(i) Active duty military service members who have been assigned to serve in Wyoming may submit an application for waiver services under this paragraph upon receiving military orders to serve in Wyoming, provided that no qualifying dependent shall receive services until the dependent is residing in Wyoming;

(ii) Active duty military service members retiring or separating from active duty military service may submit an application for waiver services under this paragraph upon receiving retirement or separation orders, provided that:

(A) The military member certifies on a form provided by the department that he intends to reside in Wyoming within eighteen (18) months after retiring or separating from military service;

(B) The military service member claimed Wyoming as his primary state of residency for not less than two (2) years prior to his military service as proved by documentation required by the department;

(C) The military service member claimed Wyoming residency on his leave and earnings statements while serving in the military; and

(D) No covered services shall be received pursuant to this paragraph unless and until the qualifying dependent and the military service member are residing in Wyoming within eighteen (18) months after the military service member retires or separates from active military service.

(iii) Military service members who qualified for and received or were previously placed on the waiting list to receive dependent waiver services under the home and community based Medicaid waivers authorized by this section, and who left the state for military reasons, shall upon their return to the state for continued military service or upon military separation or retirement be placed in a status identical to where they would be if they had not left the state provided that:

(A) The military service member claimed Wyoming residency on his leave and earnings statements while serving in the military; and

(B) For retiring or separating military service members, in no case shall covered services be received pursuant to this paragraph unless and until the military service member and the qualifying dependent are residing in Wyo-



ming within eighteen (18) months after the military service member retires or separates from active military service.

(o) Applicants who are qualifying military service members under subsection (n) of this section may also be considered for funding made available to any other applicant under this section and shall receive services from whatever source of funding for which they first qualify. In consultation with the Wyoming military department, the department of health shall promulgate rules and regulations regarding applications and qualifications for waiver services authorized by subsection (n) of this section.

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

Approved March 2, 2017.

## Chapter 116

### COLLECTION OF ANTLERS AND HORNS

Original House Bill No. 61

AN ACT relating to game and fish; prohibiting collection of antlers and horns on private property as specified; providing a penalty; and providing for an effective date.

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

**Section 1.** W.S. 23-3-305(b) is amended to read:

**23-3-305. Hunting from highway; entering enclosed property without permission; penalty; hunting at night without permission prohibited.**

(b) No person shall enter upon the private property of any person to hunt, fish, collect antlers or horns, or trap without the permission of the owner or person in charge of the property. Violation of this subsection constitutes a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

**Section 2.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 117

### UNIFORM POWER OF ATTORNEY ACT

Original Senate File No. 105

AN ACT relating to powers of attorney; creating the Uniform Power of Attorney Act; providing definitions; providing for applicability; requiring notice to agents or fiduciaries under powers of attorney as specified; repealing provisions related to durable powers of attorney; and providing for an effective date.

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

**Section 1.** W.S. 3-9-101 through 3-9-123, 3-9-201 through 3-9-217, 3-9-301 and 3-9-302 and 3-9-401 through 3-9-403 are created to read:

CHAPTER 9  
UNIFORM POWER OF ATTORNEY ACT  
ARTICLE 1  
GENERAL PROVISIONS

**3-9-101. Short title.**

This act may be cited as the “Uniform Power of Attorney Act.”

**3-9-102. Definitions.**

(a) As used in this act:

(i) “Agent” means a person granted authority to act for a principal under a power of attorney whether denominated an agent, attorney-in-fact or otherwise. “Agent” includes an original agent, coagent, successor agent and a person to which an agent’s authority is delegated;

(ii) “Durable,” with respect to a power of attorney, means not terminated by the principal’s incapacity;

(iii) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities;

(iv) “Good faith” means honesty in fact;

(v) “Incapacity” means inability of a person to manage property or business affairs because the person:

(A) Has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or

(B) Is:

(I) Missing;

(II) Detained, including incarcerated in a penal system; or

(III) Outside the United States and unable to return.

(vi) “Power of attorney” means a writing or other record that grants authority to an agent to act in the place of the principal whether or not the term power of attorney is used;

(vii) “Presently exercisable general power of appointment,” with respect to property or a property interest subject to a power of appointment, means power exercisable at the time in question to vest absolute ownership in the principal individually, the principal’s estate, the principal’s creditors or the creditors of the principal’s estate. “Presently exercisable general power of

appointment” includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard or the passage of a specified period but only after the occurrence of the specified event, the satisfaction of the ascertainable standard or the passage of the specified period. “Presently exercisable general power of appointment” does not include a power exercisable in a fiduciary capacity or a power exercisable only by will;

(viii) “Principal” means a person who grants authority to an agent in a power of attorney;

(ix) “Property” means anything that may be the subject of ownership whether real or personal, or legal or equitable, or any interest or right therein;

(x) “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;

(xi) “Sign” means, with present intent to authenticate or adopt a record, to:

(A) Execute or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic sound, symbol or process.

(xii) “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;

(xiii) “Stocks and bonds” means stocks, bonds, mutual funds and all other types of securities and financial instruments whether held directly, indirectly or in any other manner. “Stocks and bonds” does not include commodity futures contracts and call or put options on stocks or stock indexes;

(xiv) “This act” means W.S. 3-9-101 through 3-9-403.

### **3-9-103. Applicability.**

(a) This act applies to all powers of attorney except:

(i) A power to the extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;

(ii) A power to make health care decisions;

(iii) A proxy or other delegation to exercise voting rights or management rights with respect to an entity;

(iv) A power created on a form prescribed by a government or governmental subdivision, agency or instrumentality for a governmental purpose.

### **3-9-104. Power of attorney is durable.**

(a) A power of attorney created on or after the effective date of this act is durable unless it expressly provides that it is terminated by the incapacity of the principal.

(b) A power of attorney existing on the effective date of this act is durable only if on that day the power of attorney is durable in accordance with the law existing on the day of execution of the power of attorney.

**3-9-105. Execution of power of attorney.**

A power of attorney shall be signed by the principal or in the principal's conscious presence by another person who is directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other person authorized by law to take acknowledgments.

**3-9-106. Validity of power of attorney.**

(a) A power of attorney executed in this state on or after the effective date of this act is valid if its execution complies with W.S. 3-9-105.

(b) A power of attorney executed in this state before the effective date of this act is valid if its execution complied with the law of this state as it existed at the time of execution.

(c) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with the:

(i) Law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to W.S. 3-9-107; or

(ii) Requirements of W.S. 19-11-202 or any requirements for a military power of attorney pursuant to 10 U.S.C. section 1044b.

(d) Except as otherwise provided by law other than this act, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.

**3-9-107. Meaning and effect of power of attorney.**

The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.

**3-9-108. Nomination of conservator or guardian; relation of agent to court appointed fiduciary.**

(a) In a power of attorney, a principal may nominate a conservator of the principal's estate or guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with

the principal's most recent nomination.

(b) If, after a principal executes a power of attorney, a court appoints a conservator of the principal's estate or other fiduciary charged with the management of some or all of the principal's property, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's authority continues unless limited, suspended or terminated by the court.

**3-9-109. When power of attorney effective.**

(a) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

(b) If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one (1) or more persons to determine in a writing or other record that the event or contingency has occurred.

(c) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by:

(i) A physician or licensed psychologist that the principal is incapacitated within the meaning of W.S. 3-9-102(a)(v)(A); or

(ii) An attorney at law, a judge or an appropriate governmental official that the principal is incapacitated within the meaning of W.S. 3-9-102(a)(v)(B).

(d) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, sections 1171 through 1179 of the Social Security Act, and applicable regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider.

**3-9-110. Termination of power of attorney or agent's authority.**

(a) A power of attorney terminates when the:

(i) Principal dies;

(ii) Principal becomes incapacitated, if the power of attorney is not durable;

(iii) Principal revokes the power of attorney;

(iv) Power of attorney provides that it terminates;

(v) Purpose of the power of attorney is accomplished; or

(vi) Principal revokes the agent's authority or the agent dies, becomes incapacitated or resigns and the power of attorney does not provide for another agent to act under the power of attorney.

(b) An agent's authority terminates when:

(i) The principal revokes the authority;

(ii) The agent dies, becomes incapacitated or resigns;

(iii) An action is filed for the dissolution or annulment of the agent's marriage to the principal or an action is filed for legal separation, unless the power of attorney otherwise provides; or

(iv) The power of attorney terminates.

(c) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (b) of this section, notwithstanding a lapse of time since the execution of the power of attorney.

(d) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(e) Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(f) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

### **3-9-111. Coagents and successor agents.**

(a) A principal may designate two (2) or more persons to act as coagents. Unless the power of attorney otherwise provides, each coagent may exercise its authority independently.

(b) A principal may designate one (1) or more successor agents to act if an agent resigns, dies, becomes incapacitated, is not qualified to serve or declines to serve. A principal may grant authority to designate one (1) or more successor agents to an agent or other person designated by name, office or function. Unless the power of attorney otherwise provides, a successor agent:

(i) Has the same authority as that granted to the original agent;

(ii) May not act until all predecessor agents have resigned, died, become incapacitated, are no longer qualified to serve or have declined to serve.

(c) Except as otherwise provided in the power of attorney and subsection (d) of this section, an agent that does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

(d) An agent that has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any action reasonably appropriate in the circumstances to safeguard the principal's best interest. An agent that fails to notify the principal or take action as required by this subsection is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action.

### **3-9-112. Reimbursement and compensation of agent.**

Unless the power of attorney otherwise provides, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to compensation that is reasonable under the circumstances.

### **3-9-113. Agent's acceptance.**

Except as otherwise provided in the power of attorney, a person accepts appointment as an agent under a power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance.

### **3-9-114. Agent's duties.**

(a) Notwithstanding any provisions in the power of attorney, an agent that has accepted appointment shall act:

(i) In accordance with the principal's reasonable expectations to the extent actually known by the agent and, otherwise, in the principal's best interest;

(ii) In good faith;

(iii) Only within the scope of authority granted in the power of attorney.

(b) Except as otherwise provided in the power of attorney, an agent that has accepted appointment shall:

(i) Act loyally for the principal's benefit;

(ii) Act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interest;

(iii) Act with the care, competence and diligence ordinarily exercised by agents in similar circumstances;

(iv) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;

(v) Cooperate with any person that has authority to make health care decisions for the principal to carry out the principal's reasonable expectations

to the extent actually known by the agent and, otherwise, act in the principal's best interest;

(vi) Attempt to preserve the principal's estate plan, to the extent actually known by the agent, if preserving the plan is consistent with the principal's best interest based on all relevant factors, including:

(A) The value and nature of the principal's property;

(B) The principal's foreseeable obligations and need for maintenance of the property;

(C) Minimization of taxes, including income, estate, inheritance, generation skipping transfer and gift taxes;

(D) Eligibility for a benefit, program or assistance under a statute or regulation.

(c) An agent that acts in good faith is not liable to any beneficiary of the principal's estate plan for failure to preserve the plan.

(d) An agent that acts with care, competence and diligence for the best interest of the principal is not liable solely because the agent also benefits from the act or has an individual or conflicting interest in relation to the property or affairs of the principal.

(e) If an agent is selected by the principal because of special skills or expertise possessed by the agent or in reliance on the agent's representation that the agent has special skills or expertise, the special skills or expertise shall be considered in determining whether the agent has acted with care, competence and diligence under the circumstances.

(f) Absent a breach of duty to the principal, an agent is not liable if the value of the principal's property declines.

(g) An agent that exercises authority to delegate to another person the authority granted by the principal or that engages another person on behalf of the principal is not liable for an act, error of judgment or default of that person if the agent exercises care, competence and diligence in selecting and monitoring the person.

(h) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements or transactions conducted on behalf of the principal unless ordered by a court or requested by the principal, a guardian, a conservator, another fiduciary acting for the principal, a governmental agency having authority to protect the welfare of the principal or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate. If so requested, within thirty (30) days the agent shall comply with the request or provide a writing or other record substantiating why additional time is needed and shall comply with the request within an additional thirty (30) days.



**3-9-115. Exoneration of agent.**

(a) A provision in a power of attorney relieving an agent of liability for breach of duty is binding on the principal and the principal's successors in interest except to the extent the provision:

(i) Relieves the agent of liability for breach of duty committed dishonestly, with an improper motive or with reckless indifference to the purposes of the power of attorney or the best interest of the principal; or

(ii) Was inserted as a result of an abuse of a confidential or fiduciary relationship with the principal.

**3-9-116. Judicial relief.**

(a) The following persons may petition a court to construe a power of attorney or review the agent's conduct and grant appropriate relief:

(i) The principal or the agent;

(ii) A guardian, conservator or other fiduciary acting for the principal;

(iii) A person authorized to make health care decisions for the principal;

(iv) The principal's spouse, parent or descendant;

(v) A person who would qualify as a presumptive heir of the principal;

(vi) A person named as a beneficiary to receive any property, benefit or contractual right on the principal's death or as a beneficiary of a trust created by or for the principal that has a financial interest in the principal's estate;

(vii) The principal's caregiver or another person that demonstrates sufficient interest in the principal's welfare;

(viii) A person asked to accept the power of attorney.

(b) Upon motion by the principal, the court shall dismiss a petition filed under this section unless the court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney.

**3-9-117. Agent's liability.**

(a) An agent that violates this act is liable to the principal or the principal's successors in interest for the amount required to:

(i) Restore the value of the principal's property to what it would have been had the violation not occurred; and

(ii) Reimburse the principal or the principal's successors in interest for the attorney's fees and costs paid on the agent's behalf.

**3-9-118. Agent's resignation; notice.**

(a) Unless the power of attorney otherwise provides, an agent may resign by giving notice to the principal and, if the principal is incapacitated:

(i) To the conservator or guardian of the principal if one (1) has been appointed and a coagent or successor agent; or

(ii) To any one (1) of the following if there is no person described in paragraph (i) of this subsection:

(A) The principal's caregiver;

(B) Another person reasonably believed by the agent to have sufficient interest in the principal's welfare;

(C) A governmental agency having authority to protect the welfare of the principal.

**3-9-119. Acceptance of and reliance upon acknowledged power of attorney.**

(a) A person that in good faith accepts a purportedly acknowledged power of attorney without actual knowledge that the signature is not genuine may rely upon the presumption under W.S. 3-9-105 that the signature is genuine.

(b) A person that in good faith accepts a purportedly acknowledged power of attorney without actual knowledge that the power of attorney is void, invalid or terminated, that the purported agent's authority is void, invalid or terminated or that the agent is exceeding or improperly exercising the agent's authority may rely upon the power of attorney as if the power of attorney were genuine, valid and still in effect, the agent's authority were genuine, valid and still in effect and the agent had not exceeded and improperly exercised the authority.

(c) A person that is asked to accept an acknowledged power of attorney may request and rely upon without further investigation an:

(i) Agent's certification under penalty of perjury of any factual matter concerning the principal, agent or power of attorney;

(ii) English translation of the power of attorney if the power of attorney contains, in whole or in part, language other than English.

(d) A certification or translation requested under this section shall be provided at the principal's expense.

(e) For purposes of this section and W.S. 3-9-120:

(i) "Acknowledged" means purportedly verified before a notary public or other person authorized to take acknowledgements;

(ii) A person that conducts activities through employees is without actual knowledge of a fact relating to a power of attorney, principal or agent if the employee conducting the transaction involving the power of attorney is without actual knowledge of the fact.

**3-9-120. Liability for refusal to accept acknowledged power of attorney.**

(a) Except as otherwise provided in subsection (b) of this section, a person

that is asked to accept an acknowledged power of attorney shall:

(i) Accept the acknowledged power of attorney or request a certification or translation under W.S. 3-9-119(c) not later than seven (7) business days after presentation of the power of attorney for acceptance;

(ii) If the person requests a certification or translation under W.S. 3-9-119(c), accept the power of attorney not later than five (5) business days after receipt of the certification or translation; and

(iii) Not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

(b) A person may refuse an acknowledged power of attorney if:

(i) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(ii) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(iii) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(iv) A request for a certification or translation under W.S. 3-9-119(c) is refused;

(v) The person in good faith believes the power is not valid or the agent does not have the authority to perform the act requested whether or not a certification or translation under W.S. 3-9-119(c) has been requested or provided; or

(vi) The person makes, or has actual knowledge that another person has made, a report to a governmental agency having authority to protect the welfare of the principal stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation or abandonment by the agent or a person acting for or with the agent.

(c) A person who refuses to accept an acknowledged power of attorney in violation of this section is subject to the following:

(i) A court order mandating acceptance of the power of attorney;

(ii) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

### **3-9-121. Principles of law and equity.**

Unless displaced by a provision of this act, the principles of law and equity supplement this act.

### **3-9-122. Laws applicable to financial institutions and entities.**

This act does not supersede any other law applicable to financial institutions or

other entities. The other law controls if inconsistent with this act.

**3-9-123. Remedies under other law.**

The remedies under this act are not exclusive and do not abrogate any right or remedy under the law of this state other than this act.

ARTICLE 2  
AUTHORITY

**3-9-201. Authority that requires specific grant; grant of general authority.**

(a) An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

- (i) Create, amend, revoke or terminate an inter vivos trust;
- (ii) Make a gift;
- (iii) Create or change rights of survivorship;
- (iv) Create or change a beneficiary designation;
- (v) Delegate authority granted under the power of attorney;
- (vi) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
- (vii) Exercise fiduciary powers the principal has authority to delegate;
- (viii) Disclaim property, including a power of appointment.

(b) Notwithstanding a grant of authority to do an act described in subsection (a) of this section and unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse or descendant of the principal shall not exercise authority under a power of attorney to create in the agent, or in a person to whom the agent owes a legal obligation of support, an interest in the principal's property whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

(c) Subject to subsections (a), (b), (d) and (e) of this section, if a power of attorney grants to an agent authority to do all the acts a principal may do, the agent has the general authority described in W.S. 3-9-204 through 3-9-216.

(d) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to W.S. 3-9-217.

(e) Subject to subsections (a), (b) and (d) of this section, if the subjects described in W.S. 3-9-204 through 3-9-217 over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.

(f) Authority granted in a power of attorney is exercisable with respect to

property the principal has when the power of attorney is executed or later acquires whether or not the property is located in this state and whether or not the authority is exercised or the power of attorney is executed in this state.

(g) An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

**3-9-202. Incorporation of authority.**

(a) An agent has authority described in this act if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in W.S. 3-9-204 through 3-9-217 or cites the section in which the authority is described.

(b) A reference in a power of attorney to general authority with respect to the descriptive term for a subject stated in W.S. 3-9-204 through 3-9-217 or a citation to a section of W.S. 3-9-204 through 3-9-217 incorporates the entire section as if it were set out in full in the power of attorney.

(c) A principal may modify authority incorporated by reference.

**3-9-203. Construction of authority generally.**

(a) Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in W.S. 3-9-204 through 3-9-217 or that grants to an agent authority to do all the acts a principal may do pursuant to W.S. 3-9-201(c), a principal authorizes the agent, with respect to the subject, to:

(i) Demand, receive and obtain by litigation or otherwise any money or other thing of value to which the principal is, may become or claims to be entitled to and conserve, invest, disburse or use anything so received or obtained for the purposes intended;

(ii) Contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release or modify the contract or any other contract made by or on behalf of the principal;

(iii) Execute, acknowledge, seal, deliver, file or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of the principal's property and attaching the schedule to the power of attorney;

(iv) Initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(v) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in the power of attorney;

- (vi) Engage, compensate and discharge an attorney, accountant, discretionary investment manager, expert witness or other advisor;
- (vii) Prepare, execute and file a record, report or other document to safeguard or promote the principal's interest under a statute or regulation;
- (viii) Communicate with any representative or employee of a government or governmental subdivision, agency or instrumentality on behalf of the principal;
- (ix) Access communications intended for and communicate on behalf of the principal whether by mail, electronic transmission, telephone or other means;
- (x) Do any lawful act with respect to the subject and all property related to the subject.

#### **3-9-204. Real property.**

- (a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:
  - (i) Demand, buy, lease, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject an interest in real property or a right incident to real property;
  - (ii) Sell, exchange, quitclaim, release, surrender, retain title for security, encumber, partition, consent to partitioning, subject to an easement or covenant, subdivide, apply for zoning or other governmental permits, plat or consent to platting, develop, grant an option concerning, lease, sublease, contribute to an entity in exchange for an interest in that entity, convey with or without covenants, representations or warranties, or otherwise grant or dispose of an interest in real property or a right incident to real property;
  - (iii) Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;
  - (iv) Release, assign, satisfy or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien or other claim to real property which exists or is asserted;
  - (v) Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:
    - (A) Insuring against liability, casualty or other loss;
    - (B) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;
    - (C) Paying, assessing, compromising or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(D) Purchasing supplies, hiring assistance or labor and making repairs or alterations to the real property.

(vi) Use, develop, alter, replace, remove, erect or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

(vii) Participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, hold and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(A) Selling or otherwise disposing of the stocks and bonds or other property;

(B) Exercising or selling an option, right of conversion or similar right with respect to the stocks and bonds or other property;

(C) Exercising any voting rights in person or by proxy.

(viii) Change the form of title of an interest in or right incident to real property;

(ix) Dedicate to public use, with or without consideration, easements or other real property in which the principal has or claims to have an interest.

**3-9-205. Tangible personal property.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:

(i) Demand, buy, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property;

(ii) Sell, exchange, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, convey with or without covenants, representations or warranties, or otherwise dispose of tangible personal property or an interest in tangible personal property;

(iii) Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(iv) Release, assign, satisfy or enforce by litigation or otherwise a security interest, lien or other claim on behalf of the principal with respect to tangible personal property or an interest in tangible personal property;

(v) Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

- (A) Insuring against liability, casualty or other loss;
  - (B) Obtaining or regaining possession of or protecting the property or interest by litigation or otherwise;
  - (C) Paying, assessing, compromising or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;
  - (D) Moving the property from place to place;
  - (E) Storing the property for hire or on a gratuitous bailment;
  - (F) Using and making repairs, alterations or improvements to the property.
- (vi) Change the form of title of an interest in tangible personal property.

**3-9-206. Stocks and bonds.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks and bonds authorizes the agent to:

- (i) Buy, sell and exchange stocks and bonds;
- (ii) Establish, continue, modify or terminate an account with respect to stocks and bonds;
- (iii) Pledge stocks and bonds as security to borrow, pay, renew or extend the time of payment of a debt of the principal;
- (iv) Receive certificates and other evidences of ownership with respect to stocks and bonds;
- (v) Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts and consent to limitations on the right to vote.

**3-9-207. Commodities and options.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to commodities and options authorizes the agent to:

- (i) Buy, sell, exchange, assign, settle and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange;
- (ii) Establish, continue, modify and terminate option accounts.

**3-9-208. Banks and other financial institutions.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

- (i) Continue, modify and terminate an account or other banking arrangement made by or on behalf of the principal;



(ii) Establish, modify and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm or other financial institution selected by the agent;

(iii) Contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(iv) Withdraw by check, order, electronic funds transfer or otherwise any money or property of the principal deposited with or left in the custody of a financial institution;

(v) Receive statements of account, vouchers, notices and similar documents from a financial institution and act with respect to the statements, vouchers, notices and similar documents;

(vi) Enter a safe deposit box or vault and withdraw or add to the contents;

(vii) Borrow money and pledge as security personal property of the principal necessary to borrow the money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(viii) Make, assign, draw, endorse, discount, guarantee and negotiate promissory notes, checks, drafts and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions and accept a draft drawn by a person upon the principal and pay the draft when due;

(ix) Receive for the principal and act upon a sight draft, warehouse receipt or other document of title whether tangible or electronic or other negotiable or nonnegotiable instrument;

(x) Apply for, receive and use letters of credit, credit and debit cards, electronic transaction authorizations and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit;

(xi) Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

**3-9-209. Operation of entity or business.**

(a) Subject to the terms of a document or an agreement governing an entity or an entity ownership interest and unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:

(i) Operate, buy, sell, enlarge, reduce or terminate an ownership interest;

(ii) Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege or option the principal has, may have or claims to have;

- (iii) Enforce the terms of an ownership agreement;
- (iv) Initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest;
- (v) Exercise in person or by proxy or enforce by litigation or otherwise a right, power, privilege or option the principal has or claims to have as the holder of stocks and bonds;
- (vi) Initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds;
- (vii) With respect to an entity or business owned solely by the principal:
  - (A) Continue, modify, renegotiate, extend and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of the power of attorney;
  - (B) Determine the:
    - (I) Location of the entity's or business's operation;
    - (II) Nature and extent of the entity's or business's operation;
    - (III) Methods of manufacturing, selling, merchandising, financing, accounting and advertising employed in the entity's or business's operation;
    - (IV) Amount and types of insurance carried by the entity or business;
    - (V) Mode of engaging, compensating and dealing with the entity's or business's employees and accountants, attorneys or other advisors.
  - (C) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business;
  - (D) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business.
- (viii) Put additional capital into an entity or business in which the principal has an interest;
- (ix) Join in a plan of reorganization, consolidation, conversion, domestication or merger of the entity or business;
- (x) Sell or liquidate all or part of an entity or business;
- (xi) Establish the value of an entity or business under a buyout agreement to which the principal is a party;
- (xii) Prepare, sign, file and deliver reports, compilations of information, returns or other papers with respect to an entity or business and make related payments;

(xiii) Pay, compromise or contest taxes, assessments, fines or penalties and perform any other act to protect the principal from illegal or unnecessary taxation, assessments, fines or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.

**3-9-210. Insurance and annuities.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

(i) Continue, pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person whether or not the principal is a beneficiary under the contract;

(ii) Procure new, different and additional contracts of insurance and annuities for the principal and the principal's spouse, children and other dependents and select the amount, type of insurance or annuity and mode of payment;

(iii) Pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract of insurance or annuity procured by the agent;

(iv) Apply for and receive a loan secured by a contract of insurance or annuity;

(v) Surrender and receive the cash surrender value on a contract of insurance or annuity;

(vi) Exercise an election;

(vii) Exercise investment powers available under a contract of insurance or annuity;

(viii) Change the manner of paying premiums on a contract of insurance or annuity;

(ix) Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this subsection;

(x) Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;

(xi) Collect, sell, assign, hypothecate, borrow against or pledge the interest of the principal in a contract of insurance or annuity;

(xii) Select the form and timing of the payment of proceeds from a contract of insurance or annuity;

(xiii) Pay, from proceeds or otherwise, compromise or contest and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.

**3-9-211. Estates, trusts and other beneficial interests.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts and other beneficial interests authorizes the agent to:

(i) Accept, receive, receipt for, sell, assign, pledge or exchange a share in or payment from an estate, trust or other beneficial interest;

(ii) Demand or obtain any money or other thing of value to which the principal is, may become or claims to be entitled to by reason of an estate, trust or other beneficial interest, by litigation or otherwise;

(iii) Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal;

(iv) Initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to ascertain the meaning, validity or effect of a deed, will, declaration of trust or other instrument or transaction affecting the interest of the principal;

(v) Initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to remove, substitute or surcharge a fiduciary;

(vi) Conserve, invest, disburse or use anything received for an authorized purpose;

(vii) Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities and other property to the trustee of a revocable trust created by the principal as settlor.

(b) As used in this section, "estate, trust or other beneficial interest" means a trust, probate estate, guardianship, conservatorship, escrow or custodianship or a fund from which the principal is, may become or claims to be entitled to a share or payment.

**3-9-212. Claims and litigation.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent to:

(i) Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment or defense, including an action to recover property or other thing of value, recover dam-

ages sustained by the principal, eliminate or modify tax liability or seek an injunction, specific performance or other relief;

(ii) Bring an action to determine adverse claims or intervene or otherwise participate in litigation;

(iii) Seek an attachment, garnishment, order of arrest or other preliminary, provisional or intermediate relief and use an available procedure to effect or satisfy a judgment, order or decree;

(iv) Make or accept a tender, offer of judgment or admission of facts, submit a controversy on an agreed statement of facts, consent to examination and bind the principal in litigation;

(v) Submit to alternative dispute resolution, settle and propose or accept a compromise;

(vi) Waive the issuance and service of process upon the principal, accept service of process, appear for the principal, designate persons upon which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement or other instrument in connection with the prosecution, settlement or defense of a claim or litigation;

(vii) Act for the principal with respect to bankruptcy or insolvency whether voluntary or involuntary concerning the principal or some other person or with respect to a reorganization, receivership or application for the appointment of a receiver or trustee which affects an interest of the principal in property or other thing of value;

(viii) Pay a judgment, award or order against the principal or a settlement made in connection with a claim or litigation;

(ix) Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

### **3-9-213. Personal and family maintenance.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(i) Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse and the following persons whether living when the power of attorney is executed or later born:

(A) The principal's children;

(B) Other persons legally entitled to be supported by the principal;

(C) The persons whom the principal has customarily supported or indicated the intent to support.

(ii) Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;

(iii) Provide living quarters for the persons described in paragraph (i) of this subsection by:

(A) Purchase, lease or other contract; or

(B) Paying the operating costs, including interest, amortization payments, repairs, improvements and taxes for premises owned by the principal or occupied by those persons.

(iv) Provide normal domestic help, usual vacations and travel expenses and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the persons described in paragraph (i) of this subsection;

(v) Pay expenses for necessary health care and custodial care on behalf of the persons described in paragraph (i) of this subsection;

(vi) Act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, sections 1171 through 1179 of the Social Security Act, and applicable regulations, in making decisions related to the past, present or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this state to consent to health care on behalf of the principal;

(vii) Continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring and replacing the automobiles or other means of transportation for the persons described in paragraph (i) of this subsection;

(viii) Maintain credit and debit accounts for the convenience of the persons described in paragraph (i) of this subsection and open new accounts;

(ix) Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order or other organization or continue contributions to those organizations.

(b) Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under this act.

**3-9-214. Benefits from governmental programs or civil or military service.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to benefits from governmental

programs or civil or military service authorizes the agent to:

(i) Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the persons described in W.S. 3-9-213(a)(i) and for shipment of those persons' household effects;

(ii) Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate or other instrument for that purpose;

(iii) Enroll in, apply for, select, reject, change, amend or discontinue, on the principal's behalf, a benefit or program;

(iv) Prepare, file and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled to receive under a statute or regulation;

(v) Initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation concerning any benefit or assistance the principal may be entitled to receive under a statute or regulation;

(vi) Receive the financial proceeds of a claim described in paragraph (iv) of this subsection and conserve, invest, disburse or use for a lawful purpose anything so received.

(b) As used in this section, "benefits from governmental programs or civil or military service" means any benefit, program or assistance provided under a statute or regulation including social security, medicare and medicaid.

### **3-9-215. Retirement plans.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to retirement plans authorizes the agent to:

(i) Select the form and timing of payments under a retirement plan and withdraw benefits from a plan;

(ii) Make a rollover including a direct trustee-to-trustee rollover of benefits from one (1) retirement plan to another;

(iii) Establish a retirement plan in the principal's name;

(iv) Make contributions to a retirement plan;

(v) Exercise investment powers available under a retirement plan;

(vi) Borrow from, sell assets to or purchase assets from a retirement plan.

(b) As used in this section, “retirement plan” means a plan or account created by an employer, the principal or another person to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary or owner, including a plan or account under the following sections of the Internal Revenue Code:

- (i) An individual retirement account under 26 U.S.C. section 408;
- (ii) A Roth individual retirement account under 26 U.S.C. section 408A;
- (iii) A deemed individual retirement account under 26 U.S.C. section 408(q);
- (iv) An annuity or mutual fund custodial account under 26 U.S.C. section 403(b);
- (v) A pension, profit sharing, stock bonus or other retirement plan qualified under 26 U.S.C. section 401(a);
- (vi) A deferred compensation plan under 26 U.S.C. section 457(b);
- (vii) A nonqualified deferred compensation plan under 26 U.S.C. section 409A.

**3-9-216. Taxes.**

(a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:

- (i) Prepare, sign and file federal, state, local and foreign income, gift, payroll, property, Federal Insurance Contributions Act and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters and any other tax related documents, including receipts, offers, waivers, consents, including consents and agreements under section 2032A of the Internal Revenue Code, closing agreements and any power of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following twenty-five (25) tax years;
- (ii) Pay taxes due, collect refunds, post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service or other taxing authority;
- (iii) Exercise any election available to the principal under federal, state, local or foreign tax law;
- (iv) Act for the principal in all tax matters for all periods before the Internal Revenue Service or other taxing authority.

**3-9-217. Gifts.**

(a) Unless the power of attorney otherwise provides, language in a power of



attorney granting general authority with respect to gifts authorizes the agent to:

(i) Make outright to, or for the benefit of, a person a gift of any of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under section 2503(b) of the Internal Revenue Code without regard to whether the federal gift tax exclusion applies to the gift or if the principal's spouse agrees to consent to a split gift pursuant to section 2513 of the Internal Revenue Code in an amount per donee not to exceed twice the annual federal gift tax exclusion limit;

(ii) Consent, pursuant to section 2513 of the Internal Revenue Code, to the splitting of a gift made by the principal's spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.

(b) An agent may make a gift of the principal's property only as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:

(i) The value and nature of the principal's property;

(ii) The principal's foreseeable obligations and need for maintenance of the property;

(iii) Minimization of taxes, including income, estate, inheritance, generation skipping transfer and gift taxes;

(iv) Eligibility for a benefit, program or assistance under a statute or regulation;

(v) The principal's personal history of making or joining in making gifts.

(c) As used in this section, a gift "for the benefit of" a person includes a gift to a trust, an account under the federal Uniform Transfers to Minors Act and a tuition savings account or prepaid tuition plan as defined under section 529 of the Internal Revenue Code.

### ARTICLE 3 STATUTORY FORMS

#### **3-9-301. Statutory form power of attorney.**

(a) A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this act:

#### STATE OF WYOMING STATUTORY FORM POWER OF ATTORNEY IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make deci-

sions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of one (1) agent. If you wish to name more than one (1) agent you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

#### DESIGNATION OF AGENT

I (name of principal) name the following person as my agent:

Name of Agent:

Agent's address:

Agent's Telephone Number:

#### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent:

Successor Agent's Address:

Successor Agent's Telephone Number:

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent:

Second Successor Agent's Address:

Second Successor Agent's Telephone Number:

#### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- (...) Real Property
- (...) Tangible Personal Property
- (...) Stocks and Bonds
- (...) Commodities and Options
- (...) Banks and Other Financial Institutions
- (...) Operation of Entity or Business
- (...) Insurance and Annuities
- (...) Estates, Trusts and Other Beneficial Interests
- (...) Claims and Litigation
- (...) Personal and Family Maintenance
- (...) Benefits from Governmental Programs or Civil or Military Service
- (...) Retirement Plans
- (...) Taxes
- (...) All Preceding Subjects

#### GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- (...) Create, amend, revoke or terminate an inter vivos trust
- (...) Make a gift, subject to the limitations of the Uniform Power of Attorney Act, W.S. 3-9-217, and any special instructions in this power of attorney
- (...) Create or change rights of survivorship
- (...) Create or change a beneficiary designation
- (...) Authorize another person to exercise the authority granted under this

power of attorney

(...) Waive the principal’s right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

(...) Exercise fiduciary powers that the principal has authority to delegate

(...) Disclaim or refuse an interest in property, including a power of appointment

LIMITATION ON AGENT’S AUTHORITY

An agent that is not my ancestor, spouse or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

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EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for conservator of my estate:

Nominee’s Address:

Nominee’s Telephone Number:

Name of Nominee for guardian of my person:

Nominee’s Address:

Nominee’s Telephone Number:

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Your Signature and Date:

Your Name Printed:

Your Address:

Your Telephone Number:

State of:

County of:

This document was acknowledged before me on (Date), by (Name of Principal).

(Seal, if any)

Signature of Notary:

My commission expires:

#### IMPORTANT INFORMATION FOR AGENT

##### Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You shall:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you shall also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Act with care, competence and diligence;
- (4) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;
- (5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You shall stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage or for your legal separation unless the Special Instructions in this power of attorney state that such action will not terminate your authority.

#### Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403. If you violate the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

#### **3-9-302. Agent's certification.**

(a) The following optional form may be used by an agent to certify facts concerning a power of attorney:

#### AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY

State of:

County of:

I, (Name of Agent), certify under penalty of perjury that (Name of Principal) granted me authority as an agent or successor agent in a power of attorney dated (Date).

I further certify that to my knowledge:

- (1) The Principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;
- (2) If the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;
- (3) If I was named as a successor agent, the prior agent is no longer able or willing to serve; and
- (4) (Insert other relevant statements)

## SIGNATURE AND ACKNOWLEDGMENT

Agent's Signature:

Date:

Agent's Name Printed:

Agent's Address:

Agent's Telephone Number:

This document was acknowledged before me on (Date), by (Name of Agent).

(Seal, if any)

Signature of Notary:

My commission expires:

## ARTICLE 4

## MISCELLANEOUS PROVISIONS

**3-9-401. 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 the states that enact it.

**3-9-402. Relation to electronic signatures in global and national commerce act.**

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).

**3-9-403. Effect on existing powers of attorney.**

- (a) Except as otherwise provided in this act, this act applies to a:
- (i) Power of attorney created before, on or after the effective date of this act;
  - (ii) Judicial proceeding concerning a power of attorney commenced on or after the effective date of this act;
  - (iii) Judicial proceeding concerning a power of attorney commenced before the effective date of this act unless the court finds that application of a provision of this act would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies.
- (b) Except as otherwise provided by this act, an act done before the effective date of this act is not affected by this act.
- (c) A power of attorney properly executed and valid on the effective date of

this act shall remain valid and enforceable and shall be construed according to the terms contained therein and accepted and relied upon in accordance with the provisions of W.S. 3-9-119.

(d) A power of attorney created prior to the effective date of this act or existing on the effective date of this act is durable as determined pursuant to W.S. 3-9-104 and is otherwise construed and applied in accordance with this act.

**Section 2.** W.S. 3-2-102(b)(intro), 3-3-102(a)(intro) and 3-5-103 are amended to read:

**3-2-102. Notice; when required; governed by rules of civil procedure.**

(b) Notice of filing of a petition for appointment of an involuntary guardianship shall be served on the proposed ward's parents, agent or fiduciary under a known power of attorney, spouse and adult children who are known or who can be discovered with due diligence, except:

**3-3-102. Notice; when required; governed by rules of civil procedure.**

(a) Notice of filing of a petition for appointment of an involuntary conservator shall be served on the proposed ward, his custodian, the proposed conservator and upon the proposed ward's parents, agent or fiduciary under a known power of attorney, adult children and spouse who are known or who can be discovered with due diligence, except:

**3-5-103. Revocation of power of attorney by recordation.**

Unless the power of attorney otherwise specifically provides, any power of attorney executed ~~after the effective date of this act, including but not limited to powers of attorney described in W.S. 3-5-101 or 3-5-102, prior to January 1, 2018~~ may be revoked either in the same manner as a power of attorney executed on or after January 1, 2018 or by recording an instrument of revocation with a true copy of the power of attorney attached, in the office of the county clerk of the county in which the principal resides. Constructive notice of the revocation is given from and after the date of recording the instrument of revocation.

**Section 3.** W.S. 3-5-101 and 3-5-102 are repealed.

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

Approved March 2, 2017.

## Chapter 118

### SPEECH PATHOLOGY AND AUDIOLOGY

Original Senate File No. 44

AN ACT relating to speech pathology and audiology; modifying requirements for licensure; modifying provisions for suspension, revocation and renewal of licenses; expanding list of persons eligible to serve on the board of speech pathology and audiology; providing for a vice chairman of the board; specifying



functions of the board; modifying fees; modifying applicability of licensing provisions; providing for and revising definitions; making conforming amendments; removing obsolete language; and providing for an effective date.

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

**Section 1.** W.S. 33-33-101, 33-33-102(a)(i), (iii) through (viii) and by creating new paragraphs (ix) and (x), 33-33-103(a) and (b), 33-33-104(a)(i) through (v) and by creating a new paragraph (viii), 33-33-105, 33-33-201(a) through (d), 33-33-202, 33-33-203(b), 33-33-303(c) and (d)(iii), 33-33-304, 33-33-305(a)(intro), (iii), (iv), by creating a new paragraph (v), (b) and by creating a new subsection (e), 33-33-306(b) and by creating a new subsection (d) and 33-33-307(a)(intro) are amended to read:

**33-33-101. Short title.**

This act is cited as the “~~License Practice~~ Act for ~~Speech~~ Speech-Language Pathologists and Audiologists”.

**33-33-102. Definitions.**

(a) As used in this act:

(i) “Board” means the state board of examiners of ~~speech~~ speech-language pathology and audiology;

(iii) “~~Speech~~ Speech-language pathologist” means an individual who ~~practices speech~~ engages in the practice of speech-language pathology;

(iv) “~~Speech~~ Speech-language pathology” means the application of principles, methods and procedures for the measurement, ~~testing~~ test administration, evaluation, prediction, counseling, instruction, training, habilitation or rehabilitation related to ~~the delayed~~ development of and disorders of ~~speech, voice or language communication, literacy and swallowing including speech production and fluency, language, cognition, voice, resonance and all aspects of swallowing including related feeding behaviors~~ for the purpose of evaluating, preventing, ameliorating or modifying ~~such~~ these disorders and conditions in individuals or groups of individuals;

(v) “Audiologist” means an individual who ~~practices~~ engages in the practice of audiology;

(vi) “Audiology” means the application of principles, methods and procedures of measurement, ~~testing~~ test administration, evaluation, prediction, consultation, counseling, instruction, habilitation or rehabilitation related to ~~hearing and disorders of hearing the auditory and vestibular system~~ for the purpose of evaluating, identifying, preventing, ameliorating or modifying such disorders and conditions in individuals or groups of individuals; ~~For the purposes of this subsection the words “habilitation” and “rehabilitation” include, but are not limited to hearing aid evaluation and recommendation;~~

(vii) “~~Speech~~ Speech-language pathology aide” means an individual

who meets minimum qualifications established by ~~the board rule~~ rule for ~~speech~~ speech-language pathology aides, ~~which qualifications shall be less than those established for license as a speech pathologist,~~ and who works under the direct supervision of a licensed ~~speech~~ speech-language pathologist.; A speech-language pathology aide may:

(A) Assist with clerical work, client escort, preparation of therapeutic materials and equipment maintenance;

(B) Provide bilingual interpretation and translation for screening and assessment activities exclusive of clinical interpretation; and

(C) Assist with other duties under the direct supervision of a licensed speech-language pathologist.

(viii) ~~“Audiology aide~~ Audiometric technician” means an individual who meets minimum qualifications established by ~~the board rule~~ rule for ~~audiology aides, which qualifications shall be less than those established for license as an audiologist,~~ audiometric technicians and who works under the direct supervision of a licensed audiologist.;

(ix) “Speech-language pathology assistant” means an individual who meets minimum qualifications established by board rule for speech-language pathology assistants and who works under the supervision of a licensed speech-language pathologist. A speech-language pathology assistant may:

(A) Assist with speech, language and hearing screenings without clinical interpretation;

(B) Provide bilingual interpretation and translation for screening and assessment activities exclusive of clinical interpretation;

(C) Follow documented treatment plans or protocols developed by the speech-language pathologist;

(D) Document client performance; and

(E) Report information to the supervising speech-language pathologist.

(x) “Telepractice” means the practice of speech-language pathology or audiology by electronic or other means by a speech-language pathologist or audiologist in one (1) location to a patient in another location, with or without an intervening health care provider.

### **33-33-103. Persons and practices affected.**

(a) License shall be granted either in ~~speech~~ speech-language pathology or audiology independently, or both.

(b) No person shall practice or represent himself as a ~~speech~~ speech-language pathologist or audiologist unless licensed pursuant to this act.

### **33-33-104. Persons and practices not affected.**

(a) Nothing in this chapter prevents or restricts:

(i) A physician or surgeon from engaging in the practice of medicine in this state, or a person under the supervision and control of a physician or ~~surgeon~~ from conducting hearing testing, provided the person is not called an audiologist;

(ii) A hearing aid dealer or ~~certified hearing aid audiologist~~ hearing aid specialist from engaging in the practice of fitting, ~~and selling~~ dealing or dispensing of hearing aids including testing of hearing for the purpose of such fitting;

(iii) A person who holds a valid and current certificate as a speech or hearing specialist, issued by the ~~department of education~~ professional teaching standards board from performing ~~speech~~ speech-language pathology or audiology services solely in the public schools or in programs for the developmentally disabled funded by the department of health. However, the person may, without obtaining a license under this act, consult with or disseminate his research findings and other scientific information to ~~speech~~ speech-language pathologists and audiologists outside the jurisdiction of the organization by which he is employed;

(iv) The activities and services of a person pursuing a course of study leading to a degree in ~~speech~~ speech-language pathology at a college or university, if ~~such~~ these activities and services constitute a part of a supervised course of study and the person is designated ~~speech~~ speech-language pathology intern, ~~speech~~ speech-language pathology trainee student or other title appropriate to his level of training;

(v) The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university, if such activities and services constitute a part of a supervised course of study and the person is a designated audiology intern, audiology trainee student or other title appropriate to his level of training; ~~or~~

(viii) The activities of any other person licensed or certified permitted within the scope of their profession.

### **33-33-105. Eligibility for licensing.**

(a) To be eligible for licensing by the board as a ~~speech~~ speech-language pathologist or audiologist, a person shall:

(i) Possess at least a:

(A) Master's degree or its equivalent in the area of ~~speech~~ speech-language pathology ~~or audiology~~ from an educational institution recognized by the board; ~~Effective July 1, 2012, all new applicants for audiology licensing shall possess at least a~~ or

(B) Doctor of audiology degree or master's degree in audiology or

equivalent granted before July 1, 2012 from an educational institution recognized by the board.;

(ii) Submit to the board evidence of the completion of educational, clinical experience, examination and employment requirements prescribed by the rules and regulations adopted by the board; and

(iii) Pass an examination approved by the board. The board ~~shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the board shall determine~~ may waive the examination requirement under this paragraph as provided in W.S. 33-33-303 or rules of the board.

## ARTICLE 2

### BOARD OF EXAMINERS OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

#### **33-33-201. Establishment.**

(a) There is established the board of examiners of ~~speech~~ speech-language pathology and audiology.

(b) The board shall be comprised of five (5) members appointed by the governor. Board members shall have been residents of this state for at least one (1) year immediately preceding their appointment, and shall have been engaged in rendering services to the public, teaching or research in ~~speech~~ speech-language pathology or audiology for at least five (5) years immediately preceding their appointment. At least one (1) board member shall be an audiologist, one (1) shall be a consumer, at least two (2) shall be ~~speech~~ speech-language pathologists, and the fifth member shall be a ~~licensed physician, surgeon or dentist~~ health care professional licensed pursuant to title 33 of the Wyoming statutes. All board members except the consumer and ~~physician, surgeon or dentist~~ licensed health care professional shall at all times be holders of active and valid licenses ~~for the practice of speech pathology or audiology and be in good standing as a speech-language pathologist or audiologist~~ in this state. The governor may remove any board member as provided in W.S. 9-1-202.

(c) ~~The governor shall, within ninety (90) days following enactment of this act, appoint two (2) board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, with no person being eligible to serve more than two (2) full consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year, except for the first appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this subsection.~~

(d) The board shall meet during each calendar year to select a chairman and vice chairman and for other business. At least one (1) additional meeting shall

be held before the end of each calendar year. Further meetings may be convened at the call of the chairman or the written request of any three (3) board members.

**33-33-202. Functions of the board.**

(a) ~~The board shall administer, coordinate and enforce the provisions of this act, evaluate the qualifications and supervise the examinations of applicants for license under this act. It may issue subpoenas, examine witnesses, administer oaths, and shall investigate allegations of practices violating the provisions of this act~~ may administer oaths, take affidavits, summon witnesses and take testimony as to matters coming within the scope of its duties.

(b) ~~The board shall adopt rules and regulations relating to professional conduct, which establish ethical and professional standards of practice, and for other purposes. The board may amend or repeal the same in accordance with the Wyoming Administrative Procedure Act to implement and enforce the provisions of this act.~~

(c) The board shall utilize an adopted seal to affix to all licenses issued in accordance with this act and to authenticate its proceedings.

**33-33-203. Administrative provisions.**

(b) ~~The board may adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records and acts of the board, and certificates purporting to relate the facts concerning such proceedings, records and acts, signed by the chairman or the executive secretary and authenticated by the board's seal, shall be prima facie evidence in all courts of this state.~~

ARTICLE 3

LICENSE OF SPEECH-LANGUAGE PATHOLOGISTS AND  
AUDIOLOGISTS

**33-33-303. Waiver of examination or parts thereof.**

(c) ~~The board may waive the examination and grant a license to any person certified as clinically competent by a nationally recognized association for speech~~ speech-language and hearing in the area for which such person is applying for license.

(d) The board may issue a provisional license to practice for twelve (12) months and renewal for one (1) additional period of twelve (12) months, to an applicant who has obtained clinical fellowship year status, subject to the following:

(iii) The applicant is seeking or has accepted employment in Wyoming as a speech-speech-language pathologist or audiologist; and

**33-33-304. Issuance of license.**

The board shall issue a license to any person who meets the requirements of

this act and who pays to the board the initial application and licensing fee prescribed in authorized by W.S. 33-33-307.

### **33-33-305. Suspension and revocation of license.**

(a) The board may after an opportunity for hearing, deny, refuse to issue or renew, a license, or may suspend or revoke a license where the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct may result from or impose probationary conditions upon a licensee for any one (1) of the following:

(iii) Being convicted of a felony in any court of the United States. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, made to a criminal charge, if the acts for which he is convicted committed are found by the board to have a direct bearing on whether he should be entrusted to serve the public in that particular capacity; or

(iv) Violating any provisions of this act; or

(v) Knowingly submitting false or misleading information to the board.

(b) The board may, after hearing, deny an application, or suspend, or revoke a license, or impose probationary conditions upon a licensee. One (1) year from the date of revocation of a license, an application may be made to the board for reinstatement. The board may accept or reject an application for reinstatement and may require an examination for such reinstatement.

(e) In addition to any other remedies, the board may assess part or all of the costs of the proceeding against a disciplined licensee.

### **33-33-306. Renewal of license.**

(b) Every person licensed under this act shall annually, on or before December 31, pay a license renewal fee to the board. The board may, in the event payment of the renewal fee is rendered after December 31 of any given year, renew a license upon payment of the renewal of license fee plus a late renewal fee prescribed by the board. No person who requests renewal of an expired license shall be required to submit to examination as a condition to renewal if renewal application is made within two (2) years from the date of such expiration. Renewal applications shall include proof that the applicant has complied with any continuing education requirements, as prescribed by rule and regulation of the board, accruing during the time the license was expired.

(d) Licensees who have allowed their licenses to lapse by failing to renew in accordance with this section may apply for relicensure pursuant to board rules and regulations. Upon satisfying the requirements for relicensure, the board shall issue a renewal of license to practice speech language pathology or audiology

### **33-33-307. Fees.**

(a) The board ~~shall may~~ prescribe, and publish in a manner it deems appropriate, application fees and fees for examination, licensing, certification, specialty examination designation, renewal and other services in amounts determined by the board, ~~for the following purposes:~~

**Section 2.** W.S. 33-33-103(c), 33-33-104(a)(vi), 33-33-203(c), 33-33-301, 33-33-302, 33-33-305(c) and 33-33-307(a)(i) through (v) and (b) are repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 2, 2017.

## Chapter 119

### FISHING LICENSES

Original House Bill No. 121

AN ACT relating to game and fish; providing for nonresident five (5) day fishing licenses; exempting holders of such licenses from conservation stamp purchase requirement; providing for fees; and providing for an effective date.

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

**Section 1.** W.S. 23-2-201(d) by creating a new paragraph (ix) and 23-2-306(a)(intro) are amended to read:

**23-2-201. Fees; restrictions; verification of residency required.**

(d) The following fishing licenses may be purchased for the fee indicated in addition to the applicable fee under W.S. 23-1-701 and subject to the limitations provided:

(ix) Nonresident five (5) consecutive day fishing license .....54.00

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

(a) Subject to subsections (b) and (c) of this section and the applicable fee under W.S. 23-1-701, each sportsman licensed under W.S. 23-2-101, 23-2-107 or 23-2-201 shall purchase a single conservation stamp for twelve dollars (\$12.00) which shall be valid for one (1) calendar year and the stamp or an authorization signifying purchase of the stamp shall be in the possession of any person exercising rights under any fishing or hunting license issued pursuant to W.S. 23-2-101, 23-2-107 or 23-2-201. Holders of special limited fishing permits issued under W.S. 23-2-207 and holders of licenses only under W.S. 23-2-101(j)(v) and (vi), 23-2-201(d)(vi), ~~and (vii) and (ix)~~, 23-2-201(f) and 23-2-201(g) are exempt from the provisions of this section when exercising hunting or fishing privileges provided under those specific licenses. Revenues collected from the sale of each stamp under this subsection shall be deposited as follows:



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

Approved March 2, 2017.

## Chapter 120

### GENERAL GOVERNMENT APPROPRIATIONS

Original House Bill No. 1

AN ACT relating to supplemental appropriations for the operation of state government; increasing or decreasing certain amounts; adjusting the number of positions; modifying prior appropriations; making additional appropriations; making certain appropriations subject to the terms and conditions specified; providing transfers of certain funds as specified; creating a select committee on education recalibration; and providing for effective dates.

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

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

- (a) "Agency" means any governmental unit or branch of government receiving an appropriation under this act;
- (b) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;
- (c) "Approved budget" means 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) “T1” means the omnibus permanent land fund;

(aa) “T2” means the miners’ hospital permanent land income fund;

(bb) “T3” means the state hospital permanent land fund;

(cc) “T4” means the account within the permanent land fund as established by W.S. 9-4-310(a)(v);

(dd) “T6” means the university permanent land income fund;

(ee) “T7” means the state employee group insurance flexible benefits account;

(ff) “T0” means other expendable trust funds administered by individual agencies for specific functions within the agencies’ authority;

(gg) “TT” means the tobacco settlement trust income account.

**Section 2.** Sections 001, 002, 003, 004, 006, 007, 008, [~~009~~], 010, 011, 015, 020, 021, 024, [~~029~~], 032, 037, 039, 040, 041, 042, 044, 045, 048, 049, 051, 053, 057, 060, 063, 066, 067, 069, 070, 077, [~~080~~], 081, [~~085~~], 101, 103, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 151, 157, 167, 205, 206, 211, 220 and 038 of 2016 Wyoming Session Laws, Chapter 31, Section 2 are amended to read:

**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR March 2, 2017. BRACKETED LANGUAGE SHOWN IN BOLD VETOED BY GOVERNOR MARCH 2, 2017 – HOUSE AND SENATE VETO OVERRIDE MARCH 3, 2017.]**

### **Section 001. OFFICE OF THE GOVERNOR**

#### **PROGRAM**

Administration	7,495,822	7,495,822
	<u>6,737,317</u>	<u>6,737,317</u>
Tribal Liaison <sup>1,2,3</sup>	190,000	190,000
	<u>270,000</u>	<u>270,000</u>
Commission on Uniform Laws	66,277	66,277
	<u>67,286</u>	<u>67,286</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Special Contingency	310,275			310,275
Clean Coal Technology	23,375			23,375
	<u>21,375</u>			<u>21,375</u>
Homeland Security	3,034,469	21,541,366	864,925 SR	25,440,760
	<u>2,588,773</u>	<u>21,469,526</u>		<u>24,923,224</u>
Natural Resource Policy <sup>2</sup>	1,000,000			1,000,000
Endangered Species Admin	1,335,485			1,335,485
	<u>1,226,780</u>			<u>1,226,780</u>
Baseline Scientific Assess	467,500			467,500
	<u>367,500</u>			<u>367,500</u>
TOTALS	<u>13,923,203</u>	<u>21,541,366</u>	864,925	<u>36,329,494</u>
	<u>12,589,306</u>	<u>21,469,526</u>		<u>34,923,757</u>

#### AUTHORIZED EMPLOYEES

Full Time	46	<u>42</u>
Part Time	<u>1</u>	
TOTAL	47	<u>43</u>

1. Of this general fund appropriation, one hundred ninety thousand dollars (\$190,000.00) shall only be effective for the period beginning July 1, 2016 and ending June 30, 2017. The tribal liaisons and governor's office shall report to the joint appropriations committee not later than November 1, 2016 outlining how the deliverables established in 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 001, footnote 3 have been and will be achieved, as well as any recommendation for revisions, including the level of future appropriations. The appropriation associated with this footnote shall not be included in the agency's 2019-2020 standard budget request.

2. This general fund appropriation shall be deposited into the federal natural resource policy account created by W.S. 9-4-218(a).

3. Of this general fund appropriation, eighty thousand dollars (\$80,000.00) shall be effective for the period beginning July 1, 2017 and ending June 30, 2018. The tribal liaisons and governor's office shall report to the joint appropriations committee and the select committee on tribal relations not later than November 1, 2017 outlining how the funds subject to this footnote are being and will be expended to achieve the deliverables established in 2014 Wyoming Session Laws, Chapter 26, Section 2, Section 001, footnote 3.

#### Section 002. SECRETARY OF STATE

##### PROGRAM

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Administration <sup>1</sup>	8,417,127	189,503		8,606,630
	<u>7,774,777</u>			<u>7,964,280</u>
Securities Enforcement			616,763	SR 616,763
			<u>467,690</u>	<u>SR 467,690</u>
Bucking Horse & Rider			20,000	SR 20,000
 TOTALS	 <u>8,417,127</u>	 <u>189,503</u>	 <u>636,763</u>	 <u>9,243,393</u>
	<u>7,774,777</u>		<u>487,690</u>	<u>8,451,970</u>

**AUTHORIZED EMPLOYEES**

Full Time	31	<u>30</u>
Part Time	<u>0</u>	
TOTAL	31	<u>30</u>

1. Of this general fund appropriation, seventy-two thousand dollars (\$72,000.00) shall only be expended for the purpose of paying costs of publication required by W.S. 22-20-104 and 22-24-318 if the secretary of state validates a sufficient number of qualified petitions are filed for placement of an initiative or for paying costs of publication required by W.S. 22-20-104 for any joint resolution adopted by the legislature that would propose amendment to the constitution on the 2016 statewide election ballot. Any unexpended, unobligated funds remaining from the appropriation associated with this footnote shall revert as provided by law on June 30, 2017.

**Section 003. STATE AUDITOR**

**PROGRAM**

Administration	16,899,328			16,899,328
	<u>16,763,193</u>			<u>16,763,193</u>
GF License Revenue Recoup	1,797,625			1,797,625
	<u>1,651,625</u>			<u>1,651,625</u>
 TOTALS	 <u>18,696,953</u>	 <u>0</u>	 <u>0</u>	 <u>18,696,953</u>
	<u>18,414,818</u>			<u>18,414,818</u>

**AUTHORIZED EMPLOYEES**

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

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 004. STATE TREASURER</b>				
<b>PROGRAM</b>				
Treasurer's Operations	4,564,127			4,564,127
	<u>4,193,198</u>			<u>4,193,198</u>
Veterans Tax Exemption <sup>1</sup>	10,700,437			10,700,437
Manager Payments <sup>3</sup>			64,950,566 SR	64,950,566
Unclaimed Property			1,720,075 SR	1,720,075
Indian Motor Veh. Exemp <sup>2</sup>	698,529			698,529
 TOTALS	 <u>15,963,093</u>	 <u>0</u>	 <u>66,670,641</u>	 <u>82,633,734</u>
	<u>15,592,164</u>			<u>82,262,805</u>

**AUTHORIZED EMPLOYEES**

Full Time	26	<u>35</u>
Part Time	<u>0</u>	
TOTAL	26	<u>35</u>

1. Of this general fund appropriation, one hundred twenty-three thousand four hundred sixty-two dollars (\$123,462.00) is effective immediately.

2. Of this general fund appropriation, forty-two thousand sixty-five dollars (\$42,065.00) is effective immediately.

3. (a) Of this other funds appropriation, the state treasurer may expend one-half (1/2) of any documented savings up to three million dollars (\$3,000,000.00)SR for purposes of compensation and benefits for up to nine (9) full-time employees, rent, one-time and on-going information technology costs, equipment and all other support costs and professional contracts for internal investment management. Savings shall be reported by the state treasurer to the joint appropriations committee and the select committee on capital financing and investments not later than December 1, 2017 and June 30, 2018, respectively. Reported savings shall be limited to foregone expenditures from terminated or renegotiated contracts with external investment managers and funds for which the appropriation in this section have not and shall not be expended for external investment manager contracts. The state treasurer shall also include an explanation and accounting of all expenditures relating to actions taken pursuant to this footnote and a description of the work performed by the new internal investment staff. The report shall outline what the standards, objectives and investment policies are for any and all funds redirected for internal management, and a performance report for all such funds, including benchmark comparisons, overall return on the funds, as well as comparative performance from the externally managed funds for an identical timeframe.

(b) The state treasurer's office shall include a new division in its 2019-2020 bien-

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<u>nial budget request to account for the new internal investment management team. To the extent expenditures are recurring, authorizations for positions and required appropriations shall be included in the state treasurer's 2019-2020 biennial budget request pursuant to W.S. 9-2-1002(a)(ix).</u>				
<b>Section 006. ADMINISTRATION AND INFORMATION PROGRAM</b>				
Director's Office <sup>1</sup>	4,735,927		296,981	IS
	<u>4,718,196</u>		175,290	SR
				<u>5,190,467</u>
Professional Licensing Bds			1,630,697	SR
Budget Division	2,322,060			2,322,060
	<u>2,292,560</u>			<u>2,292,560</u>
General Services <sup>2</sup>	30,008,765		21,515,683	IS
	<u>29,511,978</u>		4,229,920	SR
				<u>55,257,581</u>
Construction Management <sup>3</sup>	25,972,466		461,182	SO
	<u>25,681,391</u>			<u>26,142,573</u>
Human Resources Division	3,387,756			3,387,756
	<u>3,261,089</u>			<u>3,261,089</u>
Employees Group Insurance			667,206,348	IS
			8,000,000	SR
				675,206,348
Economic Analysis	1,287,680			1,287,680
	<u>1,257,457</u>			<u>1,257,457</u>
State Library	4,583,758	1,171,034	4,067,901	SR
	<u>4,115,628</u>			<u>9,822,693</u>
				<u>9,354,563</u>
TOTALS	<u>72,298,412</u>	1,171,034	707,584,002	781,053,448
	<u>70,838,299</u>			<u>779,593,335</u>

**AUTHORIZED EMPLOYEES**

Full Time	231	<u>227</u>
Part Time	<u>2</u>	<u>1</u>
TOTAL	233	<u>228</u>

1. Of this general fund appropriation, eight thousand dollars (\$8,000.00) for the department to maintain compliance with occupational safety and health administration requirements shall not be included in the agency's 2019-2020 standard budget request.

2. This internal service appropriation shall only be expended for vehicle replacements as a result of vehicle condition needs as determined by the director

of the department of administration and information or after a vehicle has attained mileage of at least ~~one hundred twenty thousand (120,000)~~ one hundred fifty thousand (150,000) miles.

3. Of this other funds appropriation, four hundred sixty-one thousand one hundred eighty-two dollars (\$461,182.00)S0 are appropriated from the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j) for purposes of funding two (2) full-time positions and related costs. The appropriation and positions associated with this footnote shall not be included in the agency’s 2019-2020 standard budget request.

**Section 007. WYOMING MILITARY DEPARTMENT**

**PROGRAM**

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Military Dept. Operation	12,048,865			12,048,865
	<u>10,422,859</u>			<u>10,422,859</u>
Air National Guard	852,429	12,531,793		13,384,222
	<u>838,494</u>			<u>13,370,287</u>
Camp Guernsey			919,429 SR	919,429
Army National Guard <sup>1,2</sup>	49,100	36,935,486	2,463,017 S5	39,447,603
	<u>47,653</u>		<u>2,363,017 S5</u>	<u>39,346,156</u>
Veterans’ Services <sup>3,4</sup>	2,829,814	212,471	7,500 SR	3,049,785
	<u>2,864,509</u>			<u>3,084,480</u>
Oregon Trail Cemetery	617,757		20,000 SR	637,757
	<u>416,106</u>			<u>436,106</u>
Military Support	118,490			118,490
	<u>68,490</u>			<u>68,490</u>
Civil Air Patrol	245,717			245,717
	<u>235,717</u>			<u>235,717</u>
 TOTALS	 <u>16,762,172</u>	 <u>49,679,750</u>	 <u>3,409,946</u>	 <u>69,851,868</u>
	<u>14,893,828</u>		<u>3,309,946</u>	<u>67,883,524</u>

**AUTHORIZED EMPLOYEES**

Full Time	<del>244</del>	<u>242</u>
Part Time	<del>31</del>	<u>29</u>
TOTAL	<del>275</del>	<u>271</u>

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.

- | APPROPRIATION<br>FOR | GENERAL<br>FUND | FEDERAL<br>FUNDS | OTHER<br>FUNDS | TOTAL<br>APPROPRIATION |
|----------------------|-----------------|------------------|----------------|------------------------|
|                      | \$              | \$               | \$             | \$                     |
2. To the extent not prohibited by federal law, five (5) federally funded fire-fighting positions authorized in this section shall be available for firefighting outside of the boundaries of Camp Guernsey.
  3. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) for veterans’ commission service organization contracts shall not be included in the agency’s 2019-2020 standard budget request.
  4. Of this general fund appropriation, twenty thousand dollars (\$20,000.00) shall only be expended to match funds from other private sources for purposes of moving costs and acquiring storage space for veterans’ museum artifacts and related items. 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 the appropriation associated with this footnote shall revert as provided by law on June 30, 2018.

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

Administration	18,435,697		3,328,187	SR	21,763,884
	<u>18,560,267</u>		<u>3,275,417</u>	SR	<u>21,835,684</u>
Guardian Ad Litem	4,170,193		1,074,882	SR	5,245,075
	<u>4,131,940</u>		<u>1,065,319</u>	SR	<u>5,197,259</u>
Court Ordered Cap. Case <sup>1</sup>	1,062,500		187,500	SR	1,250,000
 TOTALS	 <u>23,668,390</u>	 <u>0</u>	 <u>4,590,569</u>		 <u>28,258,959</u>
	<u>23,754,707</u>		<u>4,528,236</u>		<u>28,282,943</u>

**AUTHORIZED EMPLOYEES**

Full Time	76
Part Time	<u>16</u>
TOTAL	92

1. Of this general fund appropriation, one million sixty-two thousand five hundred dollars (\$1,062,500.00) and of this other funds appropriation, one hundred eighty-seven thousand five hundred dollars (\$187,500.00)SR are effective immediately.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>[Section 009. WYOMING PIPELINE AUTHORITY- PROGRAM</b>				
<del>Administration</del>	<del>1,088,315</del>			<del>1,088,315</del>
-	<u>795,623</u>			<u>795,623</u>
<b>TOTALS</b>	<u>1,088,315</u>	<u>0</u>	<u>0</u>	<u>1,088,315</u>
	<u>795,623</u>			<u>795,623</u>

**AUTHORIZED EMPLOYEES-**

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

**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR March 2, 2017.]**

**Section 010. DEPARTMENT OF AGRICULTURE****PROGRAM**

Administration Division <sup>3</sup>	2,855,857		5,000	SR	2,860,857
	<u>2,548,425</u>				<u>2,553,425</u>
Ag Education and Info	28,051		20,000	SR	48,051
	<u>20,000</u>				<u>40,000</u>
Consumer Protection Div.	12,381,805	1,414,333	1,196,045	SR	14,992,183
	<u>11,778,045</u>				<u>14,388,423</u>
Natural Resources Div. <sup>4</sup>	5,083,772	7,914	656,008	S1	5,747,694
	<u>4,306,412</u>				<u>4,970,334</u>
Pesticide Registration	823,671				823,671
	<u>773,671</u>				<u>773,671</u>
State Fair <sup>1, 2</sup>	3,172,434		969,004	SR	4,141,438
	<u>2,694,852</u>		<u>1,369,004</u>	<u>SR</u>	<u>4,063,856</u>
Weed & Pest Control			857,300	SR	857,300
Predator Management	5,479,906				5,479,906
	<u>4,555,119</u>				<u>4,555,119</u>
Wyoming Beef Council			2,251,524	SR	2,251,524
Wyo Wheat Mktg Comm			178,700	SR	178,700
Dry Bean Commission			300,000	SR	300,000
Leaf Cutter Bee			13,062	SR	13,062
<b>TOTALS</b>	<u>29,825,496</u>	<u>1,422,247</u>	<u>6,446,643</u>		<u>37,694,386</u>
	<u>26,676,524</u>		<u>6,846,643</u>		<u>34,945,414</u>



APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	81			79
Part Time	—			8
TOTAL	89			87

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) and of this other funds appropriation, one hundred thousand dollars (\$100,000.00)SR shall be expended for equipment from both appropriations in equal amounts.

2. Of this general fund appropriation, one hundred eighty-seven thousand five hundred dollars (\$187,500.00) and of this other funds appropriation, one hundred eighty-seven thousand five hundred dollars (\$187,500.00)SR shall not be included in the agency's 2019-2020 standard budget request.

3. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be expended for agricultural education offered to adults.

4. Of this general fund appropriation, up to two hundred thousand dollars (\$200,000.00) within the rangeland health assessment grant program may be expended to manage grasshopper outbreaks.

#### **Section 011. DEPARTMENT OF REVENUE**

##### **PROGRAM**

Administration <sup>1</sup>	4,293,551			4,293,551
	<u>3,812,005</u>			<u>3,812,005</u>
Revenue Division	8,735,838		796,803 SR	9,532,641
	<u>8,038,040</u>			<u>8,834,843</u>
Valuation Division <sup>2</sup>	5,376,466			5,376,466
	<u>4,533,080</u>			<u>4,533,080</u>
Liquor Division			8,146,241 EF	8,146,241
Liquor Sales & Purchases			175,000,000 EF	175,000,000
General Fund Transfers			27,000,000 EF	27,000,000
TOTALS	<u>18,405,855</u>	<u>0</u>	<u>210,943,044</u>	<u>229,348,899</u>
	<u>16,383,125</u>			<u>227,326,169</u>

##### **AUTHORIZED EMPLOYEES**

Full Time	119	113
Part Time	—	0
TOTAL	119	113

1. Of this general fund appropriation, one hundred ten thousand ninety-six

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

dollars (\$110,096.00) shall not be included in the agency's 2019-2020 standard budget request.

~~2. Of this general fund appropriation, one million dollars (\$1,000,000.00) is appropriated for the property tax relief program.~~

**Section 015. ATTORNEY GENERAL**

**PROGRAM**

Law Office <sup>1</sup>	21,466,687	875,670	1,704,538	S5	
	<u>19,943,598</u>	<u>801,224</u>			
			1,276,711	SR	
			<u>2,605,061</u>	SR	
			795,473	TT	26,119,079
					<u>25,849,894</u>
Criminal Investigations <sup>2,3</sup>	29,866,857	4,190,489	760,313	SR	34,817,659
	<u>26,946,168</u>	<u>4,404,939</u>			<u>32,111,420</u>
Law Enforcement Academy	6,002,939		923,005	EF	6,925,944
	<u>5,479,544</u>		<u>1,043,495</u>	EF	<u>6,523,039</u>
Peace Off Stds & Trng	550,057	115,500	38,400	SR	703,957
	<u>423,220</u>				<u>577,120</u>
Medical Review Panel	627,013				627,013
	<u>434,219</u>				<u>434,219</u>
Victim Services Division	8,680,333	12,893,367	4,381,820	SR	25,955,520
	<u>7,582,354</u>		<u>4,412,553</u>	SR	<u>24,888,274</u>
Governor's Council on DD	702,613	1,171,634			1,874,247
	<u>447,163</u>	<u>968,772</u>			<u>1,415,935</u>
<b>TOTALS</b>	<u>67,896,499</u>	<u>19,246,660</u>	<u>9,880,260</u>		<u>97,023,419</u>
	<u>61,256,266</u>	<u>19,183,802</u>	<u>11,359,833</u>		<u>91,799,901</u>

**AUTHORIZED EMPLOYEES**

Full Time	247	<u>234</u>
Part Time	<u>2</u>	
<b>TOTAL</b>	<u>249</u>	<u>236</u>

1. In the event the federal nuclear regulatory commission enters into a final agreement with the state of Wyoming for the regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such source materials in the state, any unexpended, unobligated general funds appropriated for two (2) full-time permanent positions and associated support costs to implement the final agreement shall revert to the budget reserve account. An equal amount of special revenue generated from

fees on regulated entities under the agreement is hereby appropriated for two (2) full-time permanent positions and associated support costs to implement the final agreement. The agency's 2019-2020 standard budget request shall reflect the anticipated on-going fiscal needs, supported by special revenue, for these positions and associated support costs.

2. General fund appropriations for vehicle replacements for this division shall only be expended as a result of vehicle condition needs as determined by the attorney general or after a vehicle has attained mileage of at least ~~one hundred twenty thousand (120,000)~~ one hundred fifty thousand (150,000) miles.

3. Of this general fund appropriation, three hundred twenty-five thousand dollars (\$325,000.00) shall only be expended for replacement of message switch hardware and associated software for the criminal justice information system and only in the event of switch failure.

#### **Section 020. DEPT OF ENVIRONMENTAL QUALITY <sup>3</sup>.**

##### **PROGRAM**

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Administration	8,148,594			8,148,594
	<u>7,620,991</u>			<u>7,620,991</u>
Air Quality	6,301,619	1,608,916	<del>12,957,801</del> SR	20,868,336
	<u>5,717,691</u>		<u>13,005,561</u> SR	<u>20,332,168</u>
Water Quality <sup>1</sup>	13,636,449	9,272,448	1,346,856 SR	24,255,753
	<u>12,413,344</u>			<u>23,032,648</u>
Land Quality	5,771,996	4,755,284		10,527,280
	<u>4,972,615</u>	<u>4,635,005</u>		<u>9,607,620</u>
Industrial Siting	669,727			669,727
	<u>608,636</u>			<u>608,636</u>
Solid Waste Management	5,673,235	3,065,865	3,571,092 SR	12,310,192
	<u>5,103,443</u>	<u>3,405,865</u>		<u>12,080,400</u>
Uranium NRC Agreement <sup>2</sup>	1,907,785			1,907,785
	<u>1,771,734</u>			<u>1,771,734</u>
Abandoned Mine Reclam.		74,657,656		74,657,656
		<u>102,913,417</u>		<u>102,913,417</u>
TOTALS	42,109,405	93,360,169	17,875,749	153,345,323
	<u>38,208,454</u>	<u>121,835,651</u>	<u>17,923,509</u>	<u>177,967,614</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	270			<u>262</u>
Part Time	<u>0</u>			
TOTAL	270			<u>262</u>

1. Of this general fund appropriation, three hundred thousand dollars (\$300,000.00) for investigation of groundwater concerns in the Pavillion area shall not be included in the agency's 2019-2020 standard budget request.

2. In the event the federal nuclear regulatory commission enters into a final agreement with the state of Wyoming for the regulation of source materials from uranium mining and milling and the wastes associated with the recovery, mining and milling of such source materials in the state, any unexpended, unobligated general funds appropriated for six (6) full-time permanent positions and associated support costs to implement the final agreement shall revert to the budget reserve account. An equal amount of special revenue generated from fees on regulated entities under the agreement is hereby appropriated for six (6) full-time permanent positions and associated support costs to implement the final agreement. The agency's 2019-2020 standard budget request shall reflect the anticipated on-going fiscal needs, supported by special revenue, for these positions and associated support costs.

3. No funds appropriated in this section shall be expended to produce a state plan to implement provisions of the Environmental Protection Agency's Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 80 Fed. Reg. 64,662 (October 23, 2015) while the stay issued by the United States Supreme Court in the case of West Virginia, et al. v. EPA, et al., Docket No. 15A773, remains in force and effect. Nothing in this footnote shall prohibit the expenditure of funds by the department to attend meetings and otherwise be informed as to any potential need to develop and submit a state plan.

**Section 021. DEPARTMENT OF AUDIT**

**PROGRAM**

Administration	870,789	281,107		1,151,896
	<u>850,686</u>			<u>1,131,793</u>
Banking			5,249,690 SR	5,249,690
Public Fund	5,786,721			5,786,721
	<u>5,404,189</u>			<u>5,404,189</u>
Mineral	3,357,806	4,881,449	220,000 SR	8,459,255
	<u>2,976,010</u>	<u>4,818,244</u>		<u>8,014,254</u>
Excise	4,099,783		91,000 SR	4,190,783

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
	<u>3,524,446</u>		<u>91,000</u>	<u>S7 3,615,446</u>
TOTALS	<u>14,115,099</u>	<u>5,162,556</u>	<u>5,560,690</u>	<u>24,838,345</u>
	<u>12,755,331</u>	<u>5,099,351</u>		<u>23,415,372</u>

## AUTHORIZED EMPLOYEES

Full Time	<del>110</del>	<u>103</u>
Part Time	<u>0</u>	
TOTAL	<del>110</del>	<u>103</u>

**Section 024. STATE PARKS & CULTURAL RESOURCES  
PROGRAM**

Administration & Support	<del>3,400,816</del>				<u>3,400,816</u>
	<u>3,183,201</u>				<u>3,183,201</u>
Cultural Resources <sup>1,2,3,4,5</sup>	<del>10,554,122</del>	2,890,131	200,000	EF	
	<u>9,607,669</u>				
			100,000	S5	
			3,028,960	SR	<u>16,773,213</u>
					<u>15,826,760</u>
St Parks & Hist. Sites	<del>19,336,017</del>	4,262,085	40,000	EF	
	<u>17,542,029</u>				
			8,394,468	SR	
			<u>9,624,468</u>	SR	<u>32,032,570</u>
					<u>31,468,582</u>
TOTALS	<u>33,290,955</u>	<u>7,152,216</u>	<u>11,763,428</u>		<u>52,206,599</u>
	<u>30,332,899</u>		<u>12,993,428</u>		<u>50,478,543</u>

## AUTHORIZED EMPLOYEES

Full Time	<del>165</del>	<u>164</u>
Part Time	<u>89</u>	
TOTAL	<del>254</del>	<u>253</u>

1. Of this general fund appropriation, two hundred forty thousand dollars (\$240,000.00) for grant funding for humanities programs in Wyoming communities shall not be included in the agency's 2019-2020 standard budget request.

2. Of this general fund appropriation, forty thousand dollars (\$40,000.00) for artifact and artwork conservation through the Wyoming state museum shall not be included in the agency's 2019-2020 standard budget request.

- | APPROPRIATION<br>FOR | GENERAL<br>FUND | FEDERAL<br>FUNDS | OTHER<br>FUNDS | TOTAL<br>APPROPRIATION |
|----------------------|-----------------|------------------|----------------|------------------------|
| \$                   | \$              | \$               | \$             | \$                     |
3. Of this general fund appropriation, fifteen thousand dollars (\$15,000.00) for statewide arts conferences shall not be included in the agency’s 2019-2020 standard budget request.
  4. Of this other funds appropriation, one hundred thousand dollars (\$100,000.00)S5 shall only be expended for the purposes of the “We the People” educational program. The appropriation associated with this footnote shall not be included in the agency’s 2019-2020 standard budget request.
  5. Of this general fund appropriation, thirty thousand dollars (\$30,000.00) shall be granted by the arts council to a county museum as matching funds for acquisition of historic paintings related to the life of at least one (1) of Wyoming’s native American leaders.

~~[Section 029. WYO WATER DEVELOPMENT OFFICE  
PROGRAM~~

Administration <sup>±</sup>		8,481,505	S1	8,481,505
-		<del>8,078,634</del>	<del>S1</del>	<del>8,078,634</del>
<hr/>				
TOTALS	0	0		8,481,505
		<del>8,078,634</del>		<del>8,078,634</del>

~~AUTHORIZED EMPLOYEES~~

Full Time	25
Part Time	<del>0</del>
TOTAL	25

~~**1. Of this other funds appropriation, not more than six million nine hundred eighty-three thousand two hundred seventy-six dollars (\$6,983,276.00) S1 shall be expended for personal services (100 series), support services (200 series) and contractual services (900 series) combined.**~~

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR March 2, 2017.]

**Section 032. WYOMING INFRASTRUCTURE AUTHORITY  
PROGRAM**

Administration		1,516,475		1,516,475
		<u>1,387,245</u>		<u>1,387,245</u>
<hr/>				
TOTALS	1,516,475	0	0	1,516,475
		<u>1,387,245</u>		<u>1,387,245</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			

**Section 037. STATE ENGINEER****PROGRAM**

Administration	2,285,672			2,285,672
	<u>1,864,466</u>			<u>1,864,466</u>
Ground Water Division	3,583,710			3,583,710
	<u>3,276,288</u>			<u>3,276,288</u>
Surface Water Division	3,105,587			3,105,587
	<u>2,509,621</u>			<u>2,509,621</u>
Board of Control Div.	13,123,960			13,123,960
	<u>6,073,579</u>		<u>6,214,393</u> S1	<u>12,287,972</u>
Support Services Div.	2,567,036			2,567,036
	<u>2,324,176</u>			<u>2,324,176</u>
Board of Registration PE			946,458 SR	946,458
Interstate Streams Div.	1,741,792		102,953 S1	1,844,745
	<u>1,219,051</u>			<u>1,322,004</u>
Special Projects			17,820 SR	17,820
North Platte Settlement	1,460,715			1,460,715
	<u>1,371,640</u>			<u>1,371,640</u>
Well Drillers' Licensing			271,219 SR	271,219
TOTALS	<u>27,868,472</u>	<u>0</u>	<u>1,338,450</u>	<u>29,206,922</u>
	<u>18,638,821</u>		<u>7,552,843</u>	<u>26,191,664</u>

**AUTHORIZED EMPLOYEES**

Full Time	<del>125</del>	<u>115</u>
Part Time	<del>11</del>	<u>8</u>
TOTAL	<del>136</del>	<u>123</u>

**Section 039. WILDLIFE/NATURAL RESOURCE TRUST****PROGRAM**

Wildlife Trust Admin.	657,947	657,947
	<u>0</u>	<u>0</u>
Wildlife Trust Projects		

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<u>Administration &amp; Projects</u>			8,000,000	SR 8,000,000
TOTALS	657,947	0	8,000,000	8,657,947
	0			<u>8,000,000</u>

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	<u>0</u>
TOTAL	2

**Section 040. GAME AND FISH COMMISSION <sup>1</sup>**  
PROGRAM

Aquatic Invasive Species	1,565,959		1,075,943	SR 2,641,902
	<u>773,199</u>			<u>1,849,142</u>
Veterinary Svcs Program	3,699,844			3,699,844
	<u>1,829,718</u>			<u>1,829,718</u>
Sage Grouse Protection	1,845,011			1,845,011
	<u>918,493</u>			<u>918,493</u>
Wolf Management	1,414,325			1,414,325
	<u>252,722</u>			<u>252,722</u>
CWCS	2,223,747			2,223,747
	<u>1,054,468</u>			<u>1,054,468</u>
TOTALS	10,748,886	0	1,075,943	11,824,829
	<u>4,828,600</u>			<u>5,904,543</u>

AUTHORIZED EMPLOYEES

Full Time <sup>2</sup>	22	0
Part Time	<u>0</u>	
TOTAL	22	0

1. (a) If 2017 House Bill 0288 is not enacted into law, there are authorized twenty-two (22) full-time employee positions, and there is appropriated the following additional amounts for the biennium commencing July 1, 2016 and ending June 30, 2018:

(i) Three hundred eighty-six thousand five hundred ninety-nine dollars (\$386,599.00) from the general fund to the game and fish commission for the aquatic invasive species program;

(ii) One million eight hundred twenty-nine thousand seven hundred eighteen dollars (\$1,829,718.00) from the general fund to the game and fish commission for the veterinary services program;



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

(iii) Nine hundred eighteen thousand four hundred ninety-three dollars (\$918,493.00) from the general fund to the game and fish commission for the sage grouse planning and protection program;

(iv) Two hundred fifty-two thousand seven hundred twenty-two dollars (\$252,722.00) from the general fund to the game and fish commission for the wolf management program; and

(v) One million fifty-four thousand four hundred sixty-nine dollars (\$1,054,469.00) from the general fund to the game and fish commission for the comprehensive wildlife management strategy program.

2. There are authorized twenty-two (22) additional full-time employees from the effective date of this act through June 30, 2017.

**Section 041. FIRE PREVENTION & ELEC SAFETY PROGRAM**

Administration <sup>1</sup>	1,105,341		363,707	SR	1,469,048
	<u>1,093,855</u>				<u>1,457,562</u>
Fire Prevention Admin.	1,941,483				1,941,483
	<u>1,891,242</u>				<u>1,891,242</u>
Electrical Safety Admin.	1,991,920		653,141	SR	2,645,061
	<u>1,636,158</u>		<u>856,137</u>	SR	<u>2,492,295</u>
Training	1,540,006				1,540,006
	<u>1,507,624</u>				<u>1,507,624</u>
Fire Academy	476,761				476,761
	<u>468,736</u>				<u>468,736</u>
 TOTALS	 <u>7,055,511</u>	 <u>0</u>	 <u>1,016,848</u>		 <u>8,072,359</u>
	<u>6,597,615</u>		<u>1,219,844</u>		<u>7,817,459</u>

**AUTHORIZED EMPLOYEES**

Full Time	34	<u>33</u>
Part Time	<u>0</u>	
TOTAL	34	<u>33</u>

1. Of this general fund appropriation, one hundred forty-seven thousand twenty-nine dollars (\$147,029.00) and of this other funds appropriation, three hundred sixty-three thousand seven hundred seven dollars (\$363,707.00)SR shall not be included in the agency's 2019-2020 standard budget request.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>Section 042. GEOLOGICAL SURVEY</b>				
<b>PROGRAM</b>				
Geologic Program <sup>1</sup>	5,067,927			5,067,927
	<u>4,576,848</u>			<u>4,576,848</u>
TOTALS	<u>5,067,927</u>	<u>0</u>	<u>0</u>	<u>5,067,927</u>
	<u>4,576,848</u>			<u>4,576,848</u>

**AUTHORIZED EMPLOYEES**

Full Time	23	21
Part Time	<u>0</u>	
TOTAL	23	21

1. Funds from this general fund appropriation may be expended for one (1) representative from the geologic program to attend, once during the 2017-2018 biennium, a relevant international convention in North America that has a focus on new mineral discoveries, exploration, development and recovery.

**Section 044. INSURANCE DEPARTMENT**

**PROGRAM**

Administration			6,005,349	SR	6,005,349
Agent Licensing Board			11,962	SR	11,962
Health Insurance Pool	4,909,503		5,291,414	EF	10,200,917
	<u>4,448,703</u>				<u>9,740,117</u>
WY Small Empl. Reinsurance			26,801,280	EF	26,801,280
TOTALS	<u>4,909,503</u>	<u>0</u>	<u>38,110,005</u>		<u>43,019,508</u>
	<u>4,448,703</u>				<u>42,558,708</u>

**AUTHORIZED EMPLOYEES**

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

**Section 045. DEPARTMENT OF TRANSPORTATION**

**PROGRAM**

Administration			3,675,196	S7	3,675,196
Administrative Services		1,407,450	44,058,560	S7	
			2,136,000	SR	47,602,010
Law Enforcement		7,849,200	83,508,439	S7	

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
			625,615	SR 91,983,254
Wyolink <sup>1,2</sup>	2,112,036		1,368,974	IS
	<u>971,537</u>			
			2,746,091	S4
			686,523	S7 6,913,624
				<u>5,773,125</u>
Aeronautics Admin.		310,300	4,057,978	S7 4,368,278
Operational Services			2,405,010	IS 2,405,010
Aeronautics <sup>3,4</sup>	13,025,256	45,225,000	160,394	IS
	<u>5,988,550</u>			
			8,720,860	S7
			<u>9,953,114</u>	<u>S7 67,131,510</u>
				<u>61,327,058</u>
GF Appropriation to Comm.	5,678,151			5,678,151
	<u>2,611,949</u>			<u>2,611,949</u>
TOTALS	<u>20,815,443</u>	<u>54,791,950</u>	<u>154,149,640</u>	<u>229,757,033</u>
	<u>9,572,036</u>		<u>155,381,894</u>	<u>219,745,880</u>

#### AUTHORIZED EMPLOYEES

Full Time	560	<u>559</u>
Part Time	<u>0</u>	
TOTAL	560	<u>559</u>

1. Of this general fund appropriation, six hundred seventy-nine thousand eight hundred thirty-seven dollars (\$679,837.00) shall only be expended for purposes of acquiring dispatch center consoles and only when an equal amount of cash match has been provided by the city, town, county, or joint powers board for which the console is purchased.

2. Of these other funds appropriations, two million seven hundred forty-six thousand ninety-one dollars (\$2,746,091.00)S4 and three hundred eighty thousand five hundred twenty-three dollars (\$380,523.00)S7 shall only be used to fund the on-going costs of hardware and software maintenance for the WyoLink system. As a condition of these appropriations, the department shall develop and administer a billing system for use of the WyoLink system. Any charges to local governments shall be deducted from the appropriation from the local government capital construction account until the two million seven hundred forty-six thousand ninety-one dollar (\$2,746,091.00)S4 appropriation is exhausted.

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

3. The aeronautics commission shall transfer necessary funds from the airport improvements unit and the air service enhancements-administration unit to the air services enhancement-assistance unit to ensure that the needs of the air services enhancement-assistance unit are funded as prioritized by the aeronautics commission. Limitations in Section 308 of this act shall not apply to these general fund, federal funds or other funds appropriations.

4. Of this other funds appropriation, not less than one million two hundred thirty-two thousand two hundred fifty-four dollars (\$1,232,254.00) shall be expended for air services enhancements.

**Section 048. DEPARTMENT OF HEALTH** <sup>1.,2.,3.,4.,8.,11.</sup>

**PROGRAM**

Director's Office	10,981,518	1,802,901	209,617	SR	12,994,036
	<u>10,658,395</u>				<u>12,670,913</u>
Health Care Financing <sup>9.,12.,15.</sup>	608,024,955	787,310,152	33,742,991	SR	
	<u>554,665,133</u>	<u>759,883,445</u>	<u>1,000,000</u>	TT	
			<u>500,000</u>	S0	1,429,078,098
					<u>1,349,791,569</u>
Public Health <sup>5.,13.,14.,16.</sup>	50,836,899	61,494,620	80,063	A4	
	<u>41,301,678</u>	<u>60,501,304</u>			
			18,701,236	SR	
			<u>17,953,150</u>	SR	
			11,009,551	TT	142,122,369
					<u>130,845,746</u>
Behavioral Health <sup>6.,10.</sup>	263,486,050	18,081,489	52,226,390	SR	
	<u>241,412,349</u>	<u>7,691,184</u>	<u>49,452,219</u>	SR	
			1,023,701	T4	
			14,511,175	TT	349,328,805
					<u>314,090,628</u>
Aging <sup>7.</sup>	39,595,130	17,507,003	9,205,799	SR	66,307,932
	<u>32,153,788</u>		<u>13,162,514</u>	SR	<u>62,823,305</u>
<b>TOTALS</b>	<u>972,924,552</u>	<u>886,196,165</u>	<u>140,710,523</u>		<u>1,999,831,240</u>
	<u>880,191,343</u>	<u>847,385,837</u>	<u>142,644,981</u>		<u>1,870,222,161</u>

**AUTHORIZED EMPLOYEES**

Full Time	1,358	<u>1,325</u>
Part Time	<u>71</u>	<u>69</u>
<b>TOTAL</b>	<u>1,429</u>	<u>1,394</u>

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

1. From these general fund appropriations and any reversions in Section 303(j) of this act, the director of the department of health may expend up to five million six hundred twenty-seven thousand four hundred fifteen dollars (\$5,627,415.00) from any general fund savings identified by the department and certified by the governor for purposes of the state match for development or enhancement of a certified automated Medicaid claims processing technology system and related systems.

2. From these general fund appropriations and any reversions in Section 303(k) of this act, the director of the department of health may expend up to one million dollars (\$1,000,000.00) from any general fund savings identified by the department and certified by the governor for purposes of the state match for build-out of a multi-payer, statewide health information exchange.

3. In consultation with the department of insurance and the administrator of the employees' and officials' group insurance plan within the department of administration and information, the department of health shall study state-administered health insurance options for individuals and businesses within Wyoming and any potential cost savings to the state of Wyoming from implementation of various options. The department of health shall summarize the current health insurance market in Wyoming, including provider and plan types. The department shall submit a preliminary report summarizing the findings of the study not later than July 15, 2016 to the joint appropriations committee and a final report to the joint appropriations committee and the legislature not later than November 15, 2016 for consideration as potential legislative action during the 2017 legislative session. This footnote is effective immediately.

4. (a) From these general fund appropriations and any reversions in Section 303(n) of this act, the director of the department of health may expend up to four hundred forty thousand dollars (\$440,000.00) from any general fund savings identified by the department and certified by the governor for purposes of establishing or joining a multi-payer claims database pursuant to subsection (b) of this footnote. Funds shall only be expended if the department makes the information in the claims database established or joined pursuant to this footnote available to the public. The information made publicly available shall not disclose personally identifiable information but shall include statistical information related to health care costs in the state. The department may provide in-kind services for data collection and analysis in lieu of monetary contributions to a multi-payer claims database provider.

(b) In consultation with the department of insurance and the administrator of the employees' and officials' group insurance plan within the department of administration and information, the department of health shall study and, if determined appropriate, join or develop a volunteer multi-payer claims da-

tabase. The study shall consider only the inclusion of information from the employees' and officials' group insurance plan, Medicaid, and any other health insurance program that receives contributions from state funding sources. The department of health shall report its findings to the joint appropriations committee not later than October 1, 2016.

5. 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. If 2016 Senate File 0101 is enacted into law, this footnote is repealed.

6. As allowed by 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, 2016 through June 30, 2018. 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 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 committee not later than November 1 of each year detailing expenditures under this footnote.

7. As allowed by W.S. 9-4-303(a), for the period beginning July 1, 2016 and ending June 30, 2018, 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 are appropriated to the department and shall only be expended to fund the operation of the retirement center and shall be disbursed pursuant to W.S. 9-4-304.

8. The department shall provide all assistance requested to the joint subcommittee to review title 25 issues to facilitate the joint subcommittee's review of issues concerning title 25, payment options and billings in addition to those payment options provided by W.S. 25-10-112 for persons involuntarily committed in the state. The joint subcommittee shall submit a report containing recommendations for payment options and billings under title 25 to the joint labor, health and social services interim committee for consideration as potential legislative action during the 2017 legislative session.

9. Of this general fund appropriation, nine hundred thousand dollars (\$900,000.00), and of the federal funds appropriation, nine hundred thousand dollars (\$900,000.00), shall only be expended to fund Medicaid waiver rate re-basing. These funds shall be allocated and expended consistent with community integration transition plans approved by the department.

10. Of this general fund appropriation, six hundred seventy-five thousand dollars (\$675,000.00) shall be expended to fund an external cost adjustment within the preschool services unit.

11. The department of health is authorized to exchange any appropriation from the tobacco settlement trust income account with any appropriation from the general fund in this section in order to secure the highest amount of federal matching funds possible so long as the total appropriation from the tobacco settlement trust income account in this section is not exceeded or the total appropriation from the general fund in this section is not exceeded.

12. Of this general fund appropriation not less than ninety-five million nine hundred seventy-nine thousand eleven dollars (\$95,979,011.00) and of this federal funds appropriation not less than ninety-nine million seven hundred seventy-one thousand ninety-four dollars (\$99,771,094.00) is appropriated for purposes of the state's comprehensive waiver for children and adults with developmental disabilities.

13. Of this total appropriation, not more than eight million thirty-three thousand seventy-eight dollars (\$8,033,078.00) shall be expended on grant payments (600 series) within the substance abuse and suicide prevention unit provided that not less than ninety percent (90%) of this total appropriation shall be directed to the provision of community level prevention services related to alcohol, tobacco, other drugs and suicide.

14. No funds appropriated for purposes of the infectious disease epidemiology unit shall be expended on outdoor advertising.

15. Of this other funds appropriation one million dollars (\$1,000,000.00)TT and five hundred thousand dollars (\$500,000.00)S0 and of this federal funds appropriation one million five hundred thousand dollars (\$1,500,000.00) is appropriated for purposes of the state's comprehensive and supports waivers for children and adults with developmental disabilities. Of this other funds appropriation, five hundred thousand dollars (\$500,000.00)S0 is appropriated from vacancy savings pursuant to Section 320(f)(i) of this act. The department of health is authorized to use any general funds appropriated in Section 2, Section 048 of this act for purposes of cash flow until the full five hundred thousand dollars (\$500,000.00)S0 in vacancy savings is transferred by the state auditor to the department.

16. The department shall not expend funds from this appropriation for purposes of the adolescent health program.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 049. DEPARTMENT OF FAMILY SERVICES</b>				
<b>PROGRAM</b>				
Energy Assistance & WX		14,493,073		14,493,073
Institutions	30,085,256	320,486	240,000	SR 30,645,742
	<u>28,986,341</u>			<u>29,546,827</u>
Assistance & Services <sup>1,2,3,4,5.</sup>	118,546,543	100,269,549	1,838,583	SR
	<u>102,040,047</u>	<u>102,928,419</u>	<u>4,108,604</u>	SR
			4,988,417	TT 225,643,092
				<u>214,065,487</u>
 TOTALS	 <u>148,631,799</u>	 <u>115,083,108</u>	 <u>7,067,000</u>	 <u>270,781,907</u>
	<u>131,026,388</u>	<u>117,741,978</u>	<u>9,337,021</u>	<u>258,105,387</u>

**AUTHORIZED EMPLOYEES**

Full Time	693	<u>690</u>
Part Time	<u>19</u>	
TOTAL	712	<u>709</u>

1. For the period beginning July 1, 2016 and ending June 30, 2018, the department shall not expend funds from this appropriation to support the overall capacity of residential treatment and group home beds in excess of the combined number of certified beds on January 1, 2012.

2. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment amount for the period beginning July 1, 2016 and ending June 30, 2018 shall be as follows:

(i) Twenty-five dollars (\$25.00) for an individual living in his own household;

(ii) Twenty-seven dollars and eighty cents (\$27.80) for each member of a couple living in their own household;

(iii) Twenty-eight dollars and seventy-two cents (\$28.72) for an individual living in the household of another;

(iv) Thirty dollars and fifty-seven cents (\$30.57) for each member of a couple living in the household of another.

3. Of this general fund appropriation, eight million three hundred twenty-seven thousand five hundred six dollars (\$8,327,506.00) and of this federal funds appropriation, three hundred twenty-seven thousand four hundred twenty-six dollars (\$327,426.00) for contracts with the eastern Shoshone business council and the northern Arapaho business council shall not be included in the agency's 2019-2020 standard budget request.



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

4. From the effective date of this act through June 30, 2018, of this federal funds appropriation, six hundred fifty thousand dollars (\$650,000.00) of federal temporary assistance for needy families funds shall only be expended for the purpose of continuing the grant program for high quality early childhood education created in 2014 Wyoming Session Laws, Chapter 26, Section 335, as modified to conform to any expenditure restrictions for the use of these funds pursuant to federal law.

5. Funds appropriated to the department to be expended on per diem payments to residential treatment facilities shall not require a contract but shall be expended in accordance with the department's rules and regulations.

### Section 051. LIVESTOCK BOARD <sup>2</sup>

#### PROGRAM

Administration	1,658,307	42,659	311,903	SR	2,012,869
	<u>1,625,752</u>				<u>1,980,314</u>
Animal Health	1,783,316				1,783,316
	<u>1,517,162</u>				<u>1,517,162</u>
Brucellosis	981,228	382,000			1,363,228
	<u>910,732</u>				<u>1,292,732</u>
Estrays	48,050				48,050
	<u>43,050</u>				<u>43,050</u>
Brand Inspection	3,279,663		8,011,243	SR	11,290,906
	<u>2,135,348</u>		<u>9,070,179</u>	SR	<u>11,205,527</u>
Predator Control Fees			2,105,212	SR	2,105,212
TOTALS	<u>7,750,564</u>	<u>424,659</u>	<u>10,428,358</u>		<u>18,603,581</u>
	<u>6,232,044</u>		<u>11,487,294</u>		<u>18,143,997</u>

#### AUTHORIZED EMPLOYEES

Full Time <sup>1</sup>	19	<u>16</u>
Part Time	<u>0</u>	
TOTAL	19	<u>16</u>

1. For the period commencing upon the effective date of this act and ending December 31, 2017, in addition to the authorized employees in this section, there are authorized three (3) additional full-time employees.

2. Beginning January 1, 2018 no funds from appropriations in this section shall be expended on salary and benefits for more than one (1) senior livestock investigator by the livestock board. The board shall report to the joint agriculture, state and public lands and water resources interim committee and

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<u>the joint appropriations committee not later than November 15, 2017 on the monthly number of incidents, closed and open investigations and successful prosecutions resulting from investigations by livestock board law enforcement investigators during the period commencing January 1, 2017 and ending October 31, 2017.</u>				
<b>Section 053. DEPARTMENT OF WORKFORCE SERVICES <sup>2</sup></b>				
PROGRAM				
Admin. & Support	15,228,969	23,899,998	2,391,138	EF
	<u>13,075,914</u>		4,984,704	SR
				<u>46,504,809</u>
				<u>44,351,754</u>
Vocational Rehab.	5,495,856	28,538,579	2,222,034	SR
	<u>5,420,967</u>			<u>36,256,469</u>
				<u>36,181,580</u>
Unemployment Insurance <sup>1</sup>		17,565,760	1,131,237	EF
			9,091,013	SR
				27,788,010
Labor Standards	2,514,084			2,514,084
	<u>2,472,085</u>			<u>2,472,085</u>
Workers' Safety and Comp		4,034,160	44,897,766	EF
				48,931,926
TOTALS	<u>23,238,909</u>	<u>74,038,497</u>	<u>64,717,892</u>	<u>161,995,298</u>
	<u>20,968,966</u>			<u>159,725,355</u>

**AUTHORIZED EMPLOYEES**

Full Time	551
Part Time	<u>0</u>
TOTAL	551

1. The department of workforce services shall review and provide a comprehensive report to the joint appropriations committee not later than November 1, 2016, on the utilization, geographic trends, claims, benefits, and status of the consolidated workers' compensation account as defined in W.S. 27-14-102(a)(xxii).

2. The department of workforce services shall report to the governor and the joint appropriations committee not later than November 1, 2017 on budget reductions implemented, recommendations for further reductions, as well as the anticipated impacts of reducing the appropriation of other funds in this section by eight percent (8%) for the 2019-2020 biennial budget.

**Section 057. COMMUNITY COLLEGE COMMISSION**

PROGRAM

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Administration	5,034,766		211,958	S5 5,246,724
	<u>4,872,260</u>			<u>5,084,218</u>
State Aid <sup>1</sup>	244,824,285			244,824,285
	<u>225,261,596</u>			<u>225,261,596</u>
Contingency Reserve			3,200,000	SR 3,200,000
Adult Education	2,288,389	1,837,868		4,126,257
	<u>2,241,451</u>			<u>4,079,319</u>
WYIN Loan & Grant Prog. <sup>2</sup>	4,854,419			4,854,419
	<u>4,392,647</u>			<u>4,392,647</u>
Veterans Tuition Waiver	1,231,250			1,231,250
WY Teach Short. Loan Prog.			95,000	S5 95,000
Public Television	4,140,645		110,000	SR 4,250,645
	<u>3,454,338</u>			<u>3,564,338</u>
TOTALS	<u>262,373,754</u>	1,837,868	3,616,958	<u>267,828,580</u>
	<u>241,453,542</u>			<u>246,908,368</u>

#### AUTHORIZED EMPLOYEES

Full Time	14
Part Time	<u>0</u>
TOTAL	14

1. In preparing the estimates under W.S. 9-3-210(c), the community college commission shall submit an exception budget request for health insurance funding needs related to the addition of any benefitted positions created during the 2017-2018 fiscal biennium at the colleges in the commission's 2019-2020 budget request.

2. The Wyoming community college commission shall reduce the funds available for the Wyoming investment in nursing loan and grant program under W.S. 9-2-123 and the payments made for community college nursing programs under W.S. 21-18-202(c)(vii) from this appropriation in proportion to the 2017-2018 standard budget amounts.

#### Section 060. STATE LANDS AND INVESTMENTS

##### PROGRAM

Operations <sup>1</sup>	12,885,525	31,178,558	392,800	S5	
	<u>11,643,081</u>	<u>22,612,118</u>			
			5,891,883	SR	
			<u>4,821,078</u>	SR	50,348,766
					<u>39,469,077</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Forestry <sup>2</sup>	7,886,603	666,030	1,000,000	S0
	<u>7,590,028</u>	<u>720,030</u>		
			2,226,000	SR 11,778,633
				<u>11,536,058</u>
County Emerg. Fire Suppr.			2,580,000	SR 2,580,000
Fire	4,830,113	4,056,391		8,886,504
	<u>3,922,926</u>			<u>7,979,317</u>
Mineral Royalty Grants			33,400,000	S4 33,400,000
Federal Forestry Grants		6,150,000		6,150,000
Transp. Enterprise Fund			2,000,000	SR 2,000,000
 TOTALS	 <u>25,602,241</u>	 <u>42,050,979</u>	 <u>47,490,683</u>	 <u>115,143,903</u>
	<u>23,156,035</u>	<u>33,538,539</u>	<u>46,419,878</u>	<u>103,114,452</u>

**AUTHORIZED EMPLOYEES**

Full Time	94
Part Time	<u>4</u>
TOTAL	98

1. Of this general fund appropriation, three hundred fifty thousand dollars (\$350,000.00) shall only be expended for the control and eradication of noxious weeds and designated pests on state trust land.

2. Of this other funds appropriation, one million dollars (\$1,000,000.00)S0 is appropriated from the emergency fire suppression account created by W.S. 36-1-402(a). Of this appropriation, five hundred thousand dollars (\$500,000.00) shall be available for expenditure for pine bark beetle mitigation for each year of the 2017-2018 biennium. In each year, funds shall be expended only on or after September 1 and upon approval of the governor. These funds may be expended for pine bark beetle mitigation on private, state or federal lands pursuant to memoranda of agreement entered into by the division and any local, state or federal agency.

**Section 063. GOVERNOR’S RESIDENCE**

**PROGRAM**

Residence Operation	636,759	636,759
	<u>573,918</u>	<u>573,918</u>
Governor’s Residence	4,925	4,925
 TOTALS	 <u>641,684</u>	 <u>641,684</u>
	<u>578,843</u>	<u>578,843</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	3	2		
Part Time	<u>0</u>			
TOTAL	3	2		

**Section 066. WYOMING TOURISM BOARD****PROGRAM**

Wyoming Tourism Board <sup>1</sup>	29,667,005		282,677	S0	
	<u>27,331,950</u>			3,600	SR 29,953,282
					<u>27,618,227</u>
TOTALS	<u>29,667,005</u>	<u>0</u>	<u>286,277</u>		<u>29,953,282</u>
	<u>27,331,950</u>				<u>27,618,227</u>

**AUTHORIZED EMPLOYEES**

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

1. Of this other funds appropriation, two hundred eighty-two thousand six hundred seventy-seven dollars (\$282,677.00)S0 or as much thereof as is available of unobligated, unexpended funds in the film industry financial incentive program account created in W.S. 9-12-402(b) is appropriated for purposes of film incentives and branded entertainment promoting Wyoming or promoting Wyoming as a tourism destination as determined by the board of tourism. The appropriation associated with this footnote is effective immediately.

**Section 067. UNIVERSITY OF WYOMING****PROGRAM**

State Aid <sup>1, 2, 3, 4, 5, 9, 10, 11, 12</sup>	397,997,584			397,997,584
	<u>357,508,058</u>			<u>357,508,058</u>
School of Energy Res. <sup>6</sup>	21,874,188			21,874,188
	<u>20,071,165</u>			<u>20,071,165</u>
Tier 1 Engineering	8,301,927			8,301,927
	<u>7,565,460</u>			<u>7,565,460</u>
NCAR MOU	1,970,000			1,970,000
	<u>1,802,339</u>			<u>1,802,339</u>
Endowments <sup>7, 8</sup>	11,500,000			11,500,000
TOTALS	<u>441,643,699</u>	<u>0</u>	<u>0</u>	<u>441,643,699</u>
	<u>398,447,022</u>			<u>398,447,022</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			

1. Of this general fund appropriation, five million dollars (\$5,000,000.00) shall not be included in the agency's 2019-2020 standard budget request.
2. Of this general fund appropriation, ten million dollars (\$10,000,000.00) shall only be expended for a comprehensive management reporting and fiscal control computer information system.
3. Upon application of the university board of trustees, the state loan and investment board may loan funds to the University of Wyoming for the purpose of acquiring a replacement research aircraft for the department of atmospheric science within the college of engineering and applied science. The loan interest rate shall not exceed three percent (3%) and the loan shall otherwise be in accordance with the provisions of W.S. 16-1-109. The aircraft shall be treated as a "facility" for purposes of the loan. The university shall develop a financial plan for repayment of the loan to cover the cost of servicing the loan over the expected life of the aircraft and to cover the cost of distributions to the reserve fund as specified in footnote 4 of this section. The university shall provide a report on this plan to the joint appropriations committee within thirty (30) days after the loan is executed.
4. For the use of the university aircraft, the university shall identify and distribute amounts to a reserve fund to cover the cost for routine and planned maintenance, engine replacement and propeller replacement. To the extent funds are available after servicing the loan provided for in footnote 3 of this section, additional amounts to support funding of replacement of the research aircraft shall be included in any contract for use of the aircraft to the extent practicable. Amounts received to support replacement of the aircraft shall be held in the reserve fund. Proceeds from the sale of the research aircraft, engine or any related research instrumentation shall be credited to the reserve fund.
5. (a) Of this general fund appropriation, eight million dollars (\$8,000,000.00) shall only be expended for the purpose of providing a state match for funds received by the university from athletic booster organizations or individuals donating funds to be used solely for athletic programs. This appropriation shall be retained by the state treasurer for distribution in accordance with the provisions of this footnote and only be expended for the purposes of:
  - (i) Authorized recruitment of prospective student athletes to the university and expenses associated with participation in intercollegiate athletics in-

cluding summer school attendance, nutrition, tutoring, team travel and costs directly related to participation in competition;

(ii) Athletic training equipment.

(b) None of these funds shall be used for salaries or capital construction projects.

(c) To the extent funds are available from this appropriation, on a quarterly basis the state treasurer shall match each cash or cash equivalent contribution actually received by the University of Wyoming for the purposes specified in this footnote for the period July 1, 2016 through June 30, 2018 by distributing to the university an amount equal to the amount of qualifying contributions for the quarter.

(d) Notwithstanding any other provision of law, this appropriation shall not 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, 2018.

6. Not later than November 1, 2016, the University of Wyoming school of energy resources shall report to the joint appropriations committee and the joint minerals, business and economic development interim committee on the research efforts and funding expended to advance powder river basin coal viability in consideration of federal regulations aimed at reducing carbon emissions. The report shall identify research and potential technologies which may maintain or increase revenues to the state from the production of coal.

7. (a) Of this general fund appropriation, ~~ten million three hundred fifty thousand dollars (\$10,350,000.00)~~ five million three hundred fifty thousand dollars (\$5,350,000.00) 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 matching funds for entrepreneurship, water management for the future, and school of energy resources or college of engineering and applied science initiatives. This appropriation shall not be included in the university's 2019-2020 standard budget request.

(b) Of this general fund appropriation, five million dollars (\$5,000,000.00) 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 subject to 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 state treasurer to implement this footnote. On a quarterly basis the state treasurer

shall match reported cash or cash equivalents received by the university by distributing to the university an amount equal to those funds received. This appropriation shall not be included in the university's 2019-2020 standard budget request.

8. Of this general fund appropriation, one million one hundred fifty thousand dollars (\$1,150,000.00) shall be deposited to an account which shall be held by the state treasurer for distribution to the University of Wyoming for any university initiative with a total cost of less than two hundred thousand dollars (\$200,000.00). All funds restricted by this footnote shall only be available for expenditure to the extent cash or cash equivalent contributions are actually received by the University of Wyoming for qualifying purposes under this footnote. The treasurer on a quarterly basis shall match reported donations by distributing to the university an amount equal to the amount of contributions for the quarter. Any funds not expended pursuant to this footnote may be added to the funds restricted by footnote 7 of this section. This appropriation shall not be included in the university's 2019-2020 standard budget request.

9. Of this general fund appropriation, three hundred eighty-seven thousand three hundred twelve dollars (\$387,312.00) shall only be expended to reestablish the University of Wyoming at Casper counseling master's program.

10. The University of Wyoming is authorized to implement the strategic enrollment management and recruiting program as presented in the university's 2017-2018 supplemental budget request from any available funds within the university's budget.

11. The University of Wyoming, the community college commission and each community college shall collaborate and develop a unified plan to provide a coordinated approach to the recruitment and retention of and incentives for students graduating from Wyoming secondary schools and from schools in states contiguous to Wyoming. The university, on behalf of the university, community colleges and commission, shall report their progress on the plan to the joint education interim committee and the joint appropriations committee not later than September 30, 2017 and incorporate a final plan for the legislature not later than December 1, 2017 within their respective 2019-2020 biennial budget requests.

12. The University of Wyoming shall request a meeting with the city of Laramie to address the need for vacating Fifteenth Street between East Willett Drive and East Ivinson Street to unify the campus and protect pedestrian traffic. The university shall report to the joint appropriations committee not later than November 1, 2017 regarding the findings, costs and impacts, including possible mitigation actions, of the plan.



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 069. WICHE</b>				
<b>PROGRAM</b>				
Administration & Grants <sup>1</sup>	5,554,799			5,554,799
	<u>5,139,125</u>			<u>5,139,125</u>
TOTALS	<u>5,554,799</u>	<u>0</u>	<u>0</u>	<u>5,554,799</u>
	<u>5,139,125</u>			<u>5,139,125</u>

**AUTHORIZED EMPLOYEES**

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

1. Of this general fund appropriation, sixty-two thousand seven hundred seventy-two dollars (\$62,772.00) shall not be included in the agency's 2019-2020 standard budget request.

**Section 070. ENHANCED OIL RECOVERY COMM****PROGRAM**

Commission & Support	597,102			597,102
	<u>547,739</u>			<u>547,739</u>
Technical Outreach & Res	5,516,821			5,516,821
	<u>4,767,854</u>			<u>4,767,854</u>
TOTALS	<u>6,113,923</u>	<u>0</u>	<u>0</u>	<u>6,113,923</u>
	<u>5,315,593</u>			<u>5,315,593</u>

**AUTHORIZED EMPLOYEES**

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

**Section 077. ENTERPRISE TECHNOLOGY SERVICES****PROGRAM**

Enterprise Operations	20,805,856			20,805,856
	<u>18,964,130</u>			<u>18,964,130</u>
Enterprise Core Services	26,522,991		521,365	\$5 27,044,356
	<u>26,070,011</u>			<u>26,070,011</u>
IT Enhanced Services			49,786,741	IS 49,786,741
			<u>46,894,905</u>	<u>IS 46,894,905</u>
Depreciation Reserve			434,959	IS 434,959

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
WUN Infrastructure			14,918,390	S5 14,918,390
TOTALS	<u>47,328,847</u>	<u>0</u>	<u>65,661,455</u>	<u>112,990,302</u>
	<u>45,034,141</u>		<u>62,248,254</u>	<u>107,282,395</u>

**AUTHORIZED EMPLOYEES**

Full Time	273	<u>241</u>
Part Time	<u>1</u>	
TOTAL	274	<u>242</u>

**[Section 080. DEPARTMENT OF CORRECTIONS <sup>2</sup>**

**PROGRAM**

WDOC Commissaries			4,552,512	EF	4,552,512
WDOC Assistance Fund			1,085,003	SR	1,085,003
WDOC Inmate Medical	38,276,502				38,276,502
WDOC Substance Abuse Trt.		100,000	4,050,078	TT	4,150,078
Corrections Operations	22,579,807	226,750	1,530,156	SR	
	<u>20,240,959</u>				
			16,147	TT	24,352,860
					<u>22,014,012</u>
Field Services	39,381,726		3,406,012	TF	42,787,738
	<u>37,548,856</u>		<u>3,606,012</u>	TT	<u>41,154,868</u>
Honor Conservation Camp	16,862,033				16,862,033
	<u>15,739,388</u>				<u>15,739,388</u>
Women's Center	18,297,168		45,000	SR	18,342,168
	<u>15,568,025</u>				<u>15,613,025</u>
Honor Farm	14,935,087		1,077,372	IS	16,012,459
	<u>14,075,305</u>				<u>15,152,677</u>
State Penitentiary <sup>1</sup>	66,206,874				66,206,874
	<u>58,395,897</u>				<u>58,395,897</u>
WY Medium Corr. Inst.	59,017,059				59,017,059
	<u>52,652,656</u>				<u>52,652,656</u>
TOTALS	<u>275,556,256</u>	<u>326,750</u>	<u>15,762,280</u>		<u>291,645,286</u>
	<u>252,497,588</u>		<u>15,962,280</u>		<u>268,786,618</u>

**AUTHORIZED EMPLOYEES**

Full Time	1,231	<u>1,227</u>
Part Time	<u>3</u>	
TOTAL	1,234	<u>1,230</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>1. The department is authorized to transfer funds within the state penitentiary facility management unit to insure adequate levels of mechanical, electrical and safety system operations. The department shall report any transfers and expenditures pursuant to this footnote on a quarterly basis to the joint appropriations committee.</b>				
<b><u>2. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), of unobligated monies appropriated from the general fund in this section, two million dollars (\$2,000,000.00) or as much thereof as is available, shall not revert on June 30, 2018 and are hereby reappropriated to the Wyoming department of corrections for purposes of major maintenance and repairs within the state penitentiary caused by subsurface movement. Funds remaining from this reappropriation shall revert as provided by law on June 30, 2020.]</u></b>				
[BRACKETED LANGUAGE SHOWN IN BOLD VETOED BY GOVERNOR MARCH 2, 2017 – HOUSE AND SENATE VETO OVERRIDE MARCH 3, 2017.]				
<b>Section 081. BOARD OF PAROLE</b>				
<b>PROGRAM</b>				
Administration	1,835,448			1,835,448
	<u>1,689,299</u>			<u>1,689,299</u>
TOTALS	<u>1,835,448</u>	<u>0</u>	<u>0</u>	<u>1,835,448</u>
	<u>1,689,299</u>			<u>1,689,299</u>

**AUTHORIZED EMPLOYEES**

Full Time	7	6
Part Time	—	1
TOTAL	7	

**~~[Section 085. WYOMING BUSINESS COUNCIL~~****~~PROGRAM~~**

<del>Wyoming Business Council<sup>+</sup></del>	<del>18,690,459</del>	<del>6,236,031</del>	<del>1,741,200</del>	<del>SR</del>	<del>26,667,690</del>
<del>-</del>	<del>15,986,980</del>				<del>23,964,211</del>
<del>Investment Ready Comm.</del>	<del>41,588,050</del>				<del>41,588,050</del>
<del>-</del>	<del>37,088,050</del>				<del>37,088,050</del>
<del>TOTALS</del>	<del>60,278,509</del>	<del>6,236,031</del>	<del>1,741,200</del>		<del>68,255,740</del>
	<del>53,075,030</del>				<del>61,052,261</del>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES-</b>				
Full Time	0			
Part Time	<u>0</u>			
TOTAL	0			

**~~1. One (1) representative from the Wyoming business council shall attend a relevant international convention in North America that has a focus on new mineral discoveries, exploration, development and recovery once during the 2017-2018 biennium.]~~**

**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR March 2, 2017.]**

**Section 101. SUPREME COURT**

**PROGRAM**

Administration	9,244,120	601,066	4,168,124	SR	14,013,310
	<u>9,128,396</u>				<u>13,897,586</u>
Judicial Nominating Comm.	17,942				17,942
Law Library	1,477,674				1,477,674
	<u>1,414,475</u>				<u>1,414,475</u>
Circuit Courts	30,556,763				30,556,763
	<u>29,582,491</u>				<u>29,582,491</u>
Court Automation	5,038,721		4,725,175	SR	9,763,896
Judicial Retirement	2,163,196				2,163,196
Board of Judicial Policy	680,424				680,424
	<u>655,424</u>				<u>655,424</u>
TOTALS	<u>49,178,840</u>	601,066	<u>8,893,299</u>		<u>58,673,205</u>
	<u>48,000,645</u>				<u>57,495,010</u>

**AUTHORIZED EMPLOYEES**

Full Time	205	<u>204</u>
Part Time	<u>27</u>	
TOTAL	232	<u>231</u>

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

**PROGRAM**

Administration	367,340				367,340
	<u>357,318</u>				<u>357,318</u>
TOTALS	<u>367,340</u>	0	0		367,340

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
	<u>357,318</u>			<u>357,318</u>

#### AUTHORIZED EMPLOYEES

Full Time	1
Part Time	<u>0</u>
TOTAL	1

#### Section 120. JUDICIAL DISTRICT 1A

##### PROGRAM

Administration	1,141,949			1,141,949
	<u>1,103,224</u>			<u>1,103,224</u>
TOTALS	<u>1,141,949</u>	<u>0</u>	<u>0</u>	<u>1,141,949</u>
	<u>1,103,224</u>			<u>1,103,224</u>

#### AUTHORIZED EMPLOYEES

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

#### Section 121. JUDICIAL DISTRICT 1B

##### PROGRAM

Administration	1,140,931			1,140,931
	<u>1,059,867</u>			<u>1,059,867</u>
TOTALS	<u>1,140,931</u>	<u>0</u>	<u>0</u>	<u>1,140,931</u>
	<u>1,059,867</u>			<u>1,059,867</u>

#### AUTHORIZED EMPLOYEES

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

#### Section 122. JUDICIAL DISTRICT 2A

##### PROGRAM

Administration	1,181,568			1,181,568
	<u>1,165,322</u>			<u>1,165,322</u>
TOTALS	<u>1,181,568</u>	<u>0</u>	<u>0</u>	<u>1,181,568</u>
	<u>1,165,322</u>			<u>1,165,322</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

**Section 123. JUDICIAL DISTRICT 2B**

**PROGRAM**

Administration	1,086,479			1,086,479
	<u>1,047,643</u>			<u>1,047,643</u>
<b>TOTALS</b>	<u>1,086,479</u>	<u>0</u>	<u>0</u>	<u>1,086,479</u>
	<u>1,047,643</u>			<u>1,047,643</u>

**AUTHORIZED EMPLOYEES**

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

**Section 124. JUDICIAL DISTRICT 3B**

**PROGRAM**

Administration	1,129,861			1,129,861
	<u>1,090,487</u>			<u>1,090,487</u>
<b>TOTALS</b>	<u>1,129,861</u>	<u>0</u>	<u>0</u>	<u>1,129,861</u>
	<u>1,090,487</u>			<u>1,090,487</u>

**AUTHORIZED EMPLOYEES**

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

**Section 125. JUDICIAL DISTRICT 3A**

**PROGRAM**

Administration	1,094,113			1,094,113
	<u>1,056,375</u>			<u>1,056,375</u>
<b>TOTALS</b>	<u>1,094,113</u>	<u>0</u>	<u>0</u>	<u>1,094,113</u>
	<u>1,056,375</u>			<u>1,056,375</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

**Section 126. JUDICIAL DISTRICT 4****PROGRAM**

Administration	1,104,595			1,104,595
	<u>1,083,595</u>			<u>1,083,595</u>
TOTALS	<u>1,104,595</u>	<u>0</u>	<u>0</u>	<u>1,104,595</u>
	<u>1,083,595</u>			<u>1,083,595</u>

**AUTHORIZED EMPLOYEES**

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

**Section 127. JUDICIAL DISTRICT 5A****PROGRAM**

Administration	1,176,332			1,176,332
	<u>1,151,789</u>			<u>1,151,789</u>
Water Litigation				
TOTALS	<u>1,176,332</u>	<u>0</u>	<u>0</u>	<u>1,176,332</u>
	<u>1,151,789</u>			<u>1,151,789</u>

**AUTHORIZED EMPLOYEES**

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

**Section 128. JUDICIAL DISTRICT 5B****PROGRAM**

Administration	1,069,812			1,069,812
	<u>1,057,812</u>			<u>1,057,812</u>
TOTALS	<u>1,069,812</u>	<u>0</u>	<u>0</u>	<u>1,069,812</u>
	<u>1,057,812</u>			<u>1,057,812</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

**Section 129. JUDICIAL DISTRICT 6A**

**PROGRAM**

Administration	1,053,774			1,053,774
	<u>1,047,774</u>			<u>1,047,774</u>
TOTALS	<u>1,053,774</u>	<u>0</u>	<u>0</u>	<u>1,053,774</u>
	<u>1,047,774</u>			<u>1,047,774</u>

**AUTHORIZED EMPLOYEES**

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

**Section 130. JUDICIAL DISTRICT 7A**

**PROGRAM**

Administration	1,174,777			1,174,777
	<u>1,122,484</u>			<u>1,122,484</u>
TOTALS	<u>1,174,777</u>	<u>0</u>	<u>0</u>	<u>1,174,777</u>
	<u>1,122,484</u>			<u>1,122,484</u>

**AUTHORIZED EMPLOYEES**

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

**Section 131. JUDICIAL DISTRICT 7B**

**PROGRAM**

Administration	1,152,201			1,152,201
	<u>1,098,375</u>			<u>1,098,375</u>
TOTALS	<u>1,152,201</u>	<u>0</u>	<u>0</u>	<u>1,152,201</u>
	<u>1,098,375</u>			<u>1,098,375</u>



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

**Section 132. JUDICIAL DISTRICT 9A**

**PROGRAM**

Administration <sup>1</sup>	1,307,272			1,307,272
	<u>1,256,165</u>			<u>1,256,165</u>
<b>TOTALS</b>	<u>1,307,272</u>	<u>0</u>	<u>0</u>	<u>1,307,272</u>
	<u>1,256,165</u>			<u>1,256,165</u>

**AUTHORIZED EMPLOYEES**

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

1. The ninth judicial district court shall request that Fremont county pay for one-half (1/2) of the salary and benefits for the authorized permanent, part-time administrative assistant position.

**Section 133. JUDICIAL DISTRICT 8A**

**PROGRAM**

Administration	1,110,754			1,110,754
	1,059,405			1,059,405
<b>TOTALS</b>	<u>1,110,754</u>	<u>0</u>	<u>0</u>	<u>1,110,754</u>
	<u>1,059,405</u>			<u>1,059,405</u>

**AUTHORIZED EMPLOYEES**

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

**Section 134. JUDICIAL DISTRICT 9B**

**PROGRAM**

Administration	1,227,160			1,227,160
	<u>1,192,187</u>			<u>1,192,187</u>
	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
TOTALS	1,227,160	0	0	1,227,160
	<u>1,192,187</u>			<u>1,192,187</u>

**AUTHORIZED EMPLOYEES**

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

**Section 135. JUDICIAL DISTRICT 6B**

**PROGRAM**

Administration	1,170,743			1,170,743
	<u>1,131,138</u>			<u>1,131,138</u>
TOTALS	<u>1,170,743</u>	<u>0</u>	<u>0</u>	<u>1,170,743</u>
	<u>1,131,138</u>			<u>1,131,138</u>

**AUTHORIZED EMPLOYEES**

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

**Section 136. JUDICIAL DISTRICT 8B**

**PROGRAM**

Administration	1,153,179			1,153,179
	<u>1,088,421</u>			<u>1,088,421</u>
TOTALS	<u>1,153,179</u>	<u>0</u>	<u>0</u>	<u>1,153,179</u>
	<u>1,088,421</u>			<u>1,088,421</u>

**AUTHORIZED EMPLOYEES**

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

**Section 137. LARAMIE CO DISTRICT 1C**

**PROGRAM**

Administration	1,214,582			1,214,582
	<u>1,184,085</u>			<u>1,184,085</u>
TOTALS	<u>1,214,582</u>	<u>0</u>	<u>0</u>	<u>1,214,582</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
	<u>1,184,085</u>			<u>1,184,085</u>

#### AUTHORIZED EMPLOYEES

Full Time	5
Part Time	<u>0</u>
TOTAL	5

#### Section 138. SWEETWATER CO DISTRICT 3C

##### PROGRAM

Administration	<del>1,066,101</del>			<del>1,066,101</del>
	<u>1,050,556</u>			<u>1,050,556</u>
TOTALS	<u>1,066,101</u>	<u>0</u>	<u>0</u>	<u>1,066,101</u>
	<u>1,050,556</u>			<u>1,050,556</u>

#### AUTHORIZED EMPLOYEES

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

#### Section 139. NATRONA CO DISTRICT 7C

##### PROGRAM

Administration	<del>1,096,837</del>			<del>1,096,837</del>
	1,061,925			1,061,925
TOTALS	<u>1,096,837</u>	<u>0</u>	<u>0</u>	<u>1,096,837</u>
	1,061,925			1,061,925

#### AUTHORIZED EMPLOYEES

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

#### Section 140. JUDICIAL DISTRICT 6C

##### PROGRAM

Administration	<del>1,110,987</del>			<del>1,110,987</del>
	<u>1,094,151</u>			<u>1,094,151</u>
TOTALS	<u>1,110,987</u>	<u>0</u>	<u>0</u>	<u>1,110,987</u>
	<u>1,094,151</u>			<u>1,094,151</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	4			
Part Time	<u>0</u>			
TOTAL	4			

**Section 141. JUDICIAL DISTRICT 9C**

**PROGRAM**

Administration	1,092,357			1,092,357
	<u>1,085,511</u>			<u>1,085,511</u>
<b>TOTALS</b>	<u>1,092,357</u>	<u>0</u>	<u>0</u>	<u>1,092,357</u>
	<u>1,085,511</u>			<u>1,085,511</u>

**AUTHORIZED EMPLOYEES**

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

**Section 142. JUDICIAL DISTRICT 4B**

**PROGRAM**

Administration	1,089,406			1,089,406
	<u>1,067,322</u>			<u>1,067,322</u>
<b>TOTALS</b>	<u>1,089,406</u>	<u>0</u>	<u>0</u>	<u>1,089,406</u>
	<u>1,067,322</u>			<u>1,067,322</u>

**AUTHORIZED EMPLOYEES**

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

**Section 151. DISTRICT ATTORNEY/JUD DIST #1**

**PROGRAM**

Administration	4,244,832			4,244,832
	<u>4,173,634</u>			<u>4,173,634</u>
<b>TOTALS</b>	<u>4,244,832</u>	<u>0</u>	<u>0</u>	<u>4,244,832</u>
	<u>4,173,634</u>			<u>4,173,634</u>

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
<b>AUTHORIZED EMPLOYEES</b>				
Full Time	19			
Part Time	<u>0</u>			
TOTAL	19			

**Section 157. DISTRICT ATTORNEY/JUD DIST #7****PROGRAM**

Administration	4,096,732			4,096,732
	<u>4,003,571</u>			<u>4,003,571</u>
TOTALS	<u>4,096,732</u>	0	0	<u>4,096,732</u>
	<u>4,003,571</u>			<u>4,003,571</u>

**AUTHORIZED EMPLOYEES**

Full Time	20
Part Time	<u>0</u>
TOTAL	20

**Section 167. UW - MEDICAL EDUCATION****PROGRAM**

Family Practice Res. <sup>1,2</sup>	19,395,306	13,448,009	SR	32,843,315
	<u>17,502,332</u>	<u>15,009,571</u>	SR	<u>32,511,903</u>
WWAMI Medical Education <sup>3</sup>	13,054,582	1,251,388	SR	14,305,970
	<u>12,016,863</u>	<u>2,259,999</u>	SR	<u>14,276,862</u>
Dental Contracts	5,099,824			5,099,824
	<u>4,630,862</u>			<u>4,630,862</u>
Nursing Program	221,625			221,625
TOTALS	<u>37,771,337</u>	0	14,699,397	<u>52,470,734</u>
	<u>34,371,682</u>		<u>17,269,570</u>	<u>51,641,252</u>

**AUTHORIZED EMPLOYEES**

Full Time	137	<u>135</u>
Part Time	<u>25</u>	24
TOTAL	162	<u>159</u>

1. 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 Wyo-

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

ming shall report any transfers and expenditures pursuant to this footnote in accordance with Section 308 of this act.

2. Of this other funds appropriation, up to two hundred thousand dollars (\$200,000.00)SR may be expended to contract for a comprehensive review of the state medical residency programs including the services provided; past, present and future revenue streams; alternative service delivery options; and alternative organizational structures. The University of Wyoming shall contract with a nonstate entity to conduct the review only in the event that the director of the department of health provides written notice to the university and the joint appropriations committee that the department cannot complete such a review without expenditure of these funds. The findings of the review shall be reported to the joint appropriations committee and the joint labor, health and social services interim committee by the department of health, or if review is conducted by a nonstate entity, by the University of Wyoming, not later than October 1, 2016.

3. For the period beginning July 1, 2016 and ending June 30, 2018, up to one million three hundred ten thousand one hundred eighty dollars (\$1,310,180.00) 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 Wyoming for support of the WWAMI medical education curriculum, including compensation for part-time positions. If 2016 House Bill 0085 is enacted into law, this footnote is repealed.

**Section 205. EDUCATION-SCHOOL FINANCE <sup>2</sup>.**

**PROGRAM**

School Foundation Program;			1,677,514,609	\$5	1,677,514,609
Foundation-Specials <sup>1,3,4</sup>			1,808,331,498	\$5	1,808,331,498
Court Ordered Placements			19,433,639	\$5	19,433,639
			<u>17,183,639</u>	\$5	<u>17,183,639</u>
Foundation-Specials <sup>±</sup>			79,765,894	\$5	79,765,894
Education Reform			9,654,900	\$5	9,654,900
Student Performance Data			6,351,539	\$5	6,351,539
TOTALS	0	0	<u>1,792,720,581</u>		<u>1,792,720,581</u>
			<u>1,841,521,576</u>		<u>1,841,521,576</u>

**AUTHORIZED EMPLOYEES**

Full Time	3
Part Time	<u>0</u>
TOTAL	3

1. (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 2016-2017 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)], two and one hundred forty-eight thousandths percent (2.148%);

(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 nine hundred forty-seven thousandths percent (1.947%);

(C) 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)], two and four hundred forty-five thousandths percent (2.445%);

(D) 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)], two and one hundred twenty-six thousandths percent (2.126%).

(ii) Effective for school year 2017-2018 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 four hundred sixty-two thousandths percent (1.462%);

(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 three hundred twenty-six thousandths percent (1.326%);

(C) 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)], one and six hundred sixty-five thousandths percent (1.665%);

(D) 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 four hundred forty-seven thousandths percent (1.447%).

2. Not later than November 1, 2016, pursuant to W.S. 21-13-309(o) and (u), the joint education interim committee and the joint appropriations committee shall review information prepared for the model monitoring process, including school year 2015-2016 average daily membership data, to inform recommen-

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

dations made to the governor and the legislature pursuant to law to modify the external cost adjustment contained in footnote 1(a)(ii) of this section. Not later than January 1, 2017, the department of education shall provide preliminary student enrollment data for school year 2016-2017 to the joint appropriations committee. The joint appropriations committee shall report any recommendation to revise the external cost adjustment as a result of the review of the preliminary student enrollment data to the governor and the legislature.

3. (a) After making adjustments in footnote 1(a)(ii) of this section, the state superintendent of public instruction shall reduce the level of funding made available from the foundation program as defined in W.S. 21-13-101(a)(v) to each school district for the 2017-2018 school year. In order to make the reductions under this footnote, the state superintendent of public instruction shall reduce the amount computed for each district under Title 21, Chapter 13, Article 3 of the Wyoming statutes, except for amounts paid under W.S. 21-13-313(d), by an equal percentage to reach a total statewide reduction of twenty-five million dollars (\$25,000,000.00) and adjust payments to districts under W.S. 21-13-313(c) and the revenue to be rebated by a district under W.S. 21-13-102(b) accordingly.

(b) If 2017 House Bill 0236, 2017 Senate File 0165 or both are enacted into law, this footnote is repealed.

4. Pursuant to W.S. 9-2-1012, the budget division shall reduce the 2019-2020 standard budget for this program for school year 2018-2019 by twenty million dollars (\$20,000,000.00) from the school foundation program account prior to transmission to the state department of education for this program. If 2017 House Bill 0236, 2017 Senate File 0165 or both are enacted into law, this footnote is repealed.

**Section 206. DEPARTMENT OF EDUCATION <sup>1,2</sup>**

**PROGRAM**

State Board of Education	266,392		145,848	S5	412,240
	<u>243,806</u>		<u>230,348</u>	<u>S5</u>	<u>474,154</u>
Leadership, Finance & IT <sup>3</sup>	9,145,216	16,187	31,642	SR	9,193,045
	<u>8,490,932</u>				<u>8,538,761</u>
Accountability and Commun. <sup>4</sup>	4,381,997	20,050,206	5,648,843	S5	
	<u>4,378,029</u>		<u>5,314,343</u>	<u>S5</u>	
			181,999	SR	
			1,000	T0	30,264,045
					<u>29,925,577</u>
School Support <sup>6,7</sup>	5,038,566	224,081,632	1,159,835	S5	



APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
	<u>3,723,705</u>		<u>909,835</u>	S5
			3,109,669	SR
			468,495	T0
				<u>233,858,197</u>
				<u>232,293,336</u>
TOTALS	<u>18,832,171</u>	<u>244,148,025</u>	<u>10,747,331</u>	<u>273,727,527</u>
	<u>16,836,472</u>		<u>10,247,331</u>	<u>271,231,828</u>

#### AUTHORIZED EMPLOYEES

Full Time	<del>113</del>	<u>108</u>
Part Time	<u>4</u>	<u>2</u>
TOTAL	<del>117</del>	<u>110</u>

1. In preparing the 2019-2020 standard budget request, the department shall create a new, separate unit to properly account for appropriations and expenditures related to a statewide system of support for schools. In the development of this unit, the department shall decrease unit 1228 by one hundred thousand dollars (\$100,000.00), unit 1231 by seven hundred thousand dollars (\$700,000.00) and unit 1252 by two hundred thousand dollars (\$200,000.00). The amount of any decreases in the units identified shall comprise the total amount of the standard budget for the newly created unit under this footnote.
2. No funds shall be expended from this appropriation for purposes of special education hearings, mediation or use of external legal counsel without prior approval of the attorney general.
3. No federal funds from this appropriation shall be expended to implement a youth risk behavior survey.
4. Of this other funds appropriation, one hundred thirty-five thousand nine hundred twenty-five dollars (\$135,925.00)S5 shall only be expended for the state board coordinator position for the period beginning July 1, 2016 through June 30, 2017. The position shall not be authorized after June 30, 2017 without further appropriation by the legislature. Not later than September 1, 2016, the state board shall submit a report to the joint education interim committee on the governance structure of the board and the necessity of the coordinator position.
6. Of this general fund appropriation, an amount not to exceed twenty thousand dollars (\$20,000.00) shall only be used for in-state and out-of-state travel expenses for the K-3 Reading Assessment program.
7. Of this general funds appropriation, ninety-four thousand five hundred eighty-five dollars (\$94,585.00) shall only be effective for the period beginning July 1, 2016 and ending June 30, 2017 for purposes of compensation for one

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

(1) education program consultant as maintenance of effort for federal awards.

**Section 211. BOARD OF EQUALIZATION**

**PROGRAM**

Equalization/Tax Appeals	1,712,563			1,712,563
	<u>1,708,935</u>			<u>1,708,935</u>
 TOTALS	<u>1,712,563</u>	<u>0</u>	<u>0</u>	<u>1,712,563</u>
	<u>1,708,935</u>			<u>1,708,935</u>

**AUTHORIZED EMPLOYEES**

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

**Section 220. ENVIRONMENTAL QUALITY COUNCIL**

**PROGRAM**

Administration	716,816			716,816
	<u>711,466</u>			<u>711,466</u>
 TOTALS	<u>716,816</u>	<u>0</u>	<u>0</u>	<u>716,816</u>
	<u>711,466</u>			<u>711,466</u>

**AUTHORIZED EMPLOYEES**

Full Time	2
Part Time	<u>0</u>
TOTAL	2

**Section 038. PARI-MUTUEL COMMISSION**

**PROGRAM**

Administration		1,320,560	SR	1,320,560
		<u>1,739,118</u>	SR	<u>1,739,118</u>
Wyoming Breeders Award		7,770,000	SR	7,770,000
 TOTALS	<u>0</u>	<u>0</u>		<u>9,090,560</u>
				<u>9,509,118</u>

**AUTHORIZED EMPLOYEES**

Full Time	3	6
Part Time	<u>1</u>	
TOTAL	4	7

**Section 3.** 2016 Wyoming Session Laws, Chapter 31, Sections 300 by creating new subsections (k) through (p), 305(b), 306(a)(i), 312 by creating a new subsection (e) and by creating new Sections 309, 313, 320 and 332 through 335 are amended to read:

[BUDGET BALANCERS - TRANSFERS]

**Section 300.**

(k) If after the implementation of 2016 Wyoming Session Laws, Chapter 31, Section 322 the unappropriated fund balance of the budget reserve account on June 30, 2018 is less than one hundred four million five hundred fifty thousand dollars (\$104,550,000.00) reduced by any expenditures made under Sections 334 and 335 of this act, there is appropriated up to one hundred four million five hundred fifty thousand dollars (\$104,550,000.00) from the legislative stabilization reserve account to the budget reserve account as necessary so that the unappropriated fund balance of the budget reserve account is one hundred four million five hundred fifty thousand dollars (\$104,550,000.00) reduced by any expenditures made under Sections 334 and 335 of this act on June 30, 2018.

(m) Notwithstanding W.S. 9-4-719(b), no funds within the permanent Wyoming mineral trust fund reserve account shall be credited to the permanent Wyoming mineral trust fund until June 30, 2018.

(n) Notwithstanding W.S. 9-4-719(f), no funds within the common school permanent fund reserve account shall be credited to the common school account within the permanent land fund until June 30, 2018.

(o) The unobligated, unencumbered fund balance of the permanent land fund holding account referenced in subsection (h) of this section shall be transferred to the school foundation program account on July 1, 2017 or as soon as thereafter practicable.

(p) Notwithstanding W.S. 21-13-306(c), no funds within the school foundation program account shall be credited to the school capital construction account until June 30, 2018.

[EMPLOYEE BENEFITS]

**Section 305.**

(b) There is appropriated ~~three million six hundred forty-four thousand five hundred dollars (\$3,644,500.00)~~ three million three hundred forty-eight thousand five hundred dollars (\$3,348,500.00) from the general fund to the state auditor for the period beginning July 1, 2016 and ending June 30, 2018 to be expended only for health insurance benefits for executive, legislative and judicial branch agency retirees, including retirees of the University of Wyoming and the community colleges, who participate in the state employees' and officials' group health insurance plan, and whose date of retirement was prior to July 1, 2008. Payments to the plan on behalf of eligible retirees shall be made

monthly at the rate of eleven dollars and fifty cents (\$11.50) per year of service up to a maximum of thirty (30) years of service for those retirees who are not Medicare eligible, and at the rate of five dollars and seventy-five cents (\$5.75) per year of service up to a maximum of thirty (30) years of service for those retirees who are Medicare eligible.

[FLEX - EXECUTIVE]

**Section 306.**

(a) Notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer:

(i) Between programs within any executive branch agency, excluding the University of Wyoming and the administration division of the department of agriculture, ten percent (10%) of the total appropriation for the agency;

[HIGHER EDUCATION EXCELLENCE ENDOWMENT]

**Section 309.** If the unencumbered, unobligated balance of the excellence in higher education endowment reserve account created by W.S. 9-4-719(k) is less than two million five hundred thousand dollars (\$2,500,000.00) on September 30, 2017, there is appropriated from the legislative stabilization reserve account up to one million two hundred fifty thousand dollars (\$1,250,000.00) as necessary so that the unencumbered, unobligated balance in the excellence in higher education endowment reserve account is two million five hundred thousand dollars (\$2,500,000.00). This appropriation shall be deposited to the excellence in higher education endowment reserve account not later than September 30, 2017.

[MAJOR MAINTENANCE FUNDING FOR STATE FACILITIES,  
UNIVERSITY AND COMMUNITY COLLEGES]

**Section 312.**

(e) There is appropriated to the state construction department two hundred thousand dollars (\$200,000.00) from the general fund. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2018. This appropriation shall only be expended to provide for emergency boiler piping and fire suppression repairs or replacement at Western Wyoming Community College. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on July 1, 2018.

[{Reserved} ENDOW]

**Section 313.** {Reserved.}If 2017 Senate File 0132 is enacted into law, there is appropriated from the general fund to the economic diversification account created by W.S. 9-12-1404(a) two million five hundred thousand dollars (\$2,500,000.00). This appropriation shall be reduced dollar for dollar by any

appropriation provided by 2017 Senate File 0132 to the economic diversification account.

[POSITION FREEZE AND STATEWIDE BUDGET REDUCTION]

**Section 320.**

(a) The state auditor shall report to the governor and the joint appropriations committee **[not later than May 15, 2017]** the number of generally funded, fulltime positions on the state's April 2017 payroll and associated position table and shall specify whether each position is vacant or filled. **[Using this listing the governor shall ensure that the total number of filled, generally funded, fulltime positions does not exceed at any time between receipt of the report through June 30, 2018 the number of positions noted as filled in the report.]** Additionally, not later than June 30, 2018, the governor shall **[either]**:

(i) Identify not less than ninety (90) generally funded, fulltime positions from the positions reported **[as filled, to be terminated on or before June 30, 2018]**; **[or]**

(ii) **[In lieu of identifying all ninety (90) generally funded, fulltime positions in paragraph (i) of this subsection,]** the governor may reduce appropriations for programs, units or activities within 2016 Wyoming Session Laws, Chapter 31 as amended by this act, that would generate a like amount of general fund savings using the ratio of one (1) fulltime employee to seventyfive thousand twentythree dollars (\$75,023.00) of annual savings.

(b) The governor's 2019-2020 biennial budget request pursuant to W.S. 9-2-1013 shall reflect the **[elimination or anticipated elimination of positions and]** reductions in appropriations required by subsection (a) of this section.

(c) In addition to the authority in 2016 Wyoming Session Laws, Chapter 31, Section 306 as amended by this act and notwithstanding W.S. 9-2-1005(a) and (c), the governor is authorized to transfer appropriated general funds and position authorizations in 2016 Wyoming Session Laws, Chapter 31 as amended by this act in order to meet the provisions of this section or address any legislative reductions of authorized positions in this act. The governor may authorize additional positions in any agency, even if in excess of the positions authorized by the legislature<sup>]</sup>, **provided that at least an identical number of vacant generally funded, fulltime positions existing in other agencies are eliminated]**.

(d) The governor shall **[provide]** report[s] by **[June 30, 2017 and]** January 1, 2018<sup>]</sup>, **[respectively]** to the joint appropriations committee identifying, by agency, the eliminated generally funded, fulltime positions.

(e) As used in this section, "generally funded, fulltime position" means any legislatively authorized fulltime position within the executive branch which is funded eighty percent (80%) or more from state general funds.

(f) All general fund savings generated from this section shall be deposited

into a separate account administered by the state auditor. Funds in the account are further appropriated as follows:

(i) The first five hundred thousand dollars (\$500,000.00) deposited into the account shall be transferred to the department of health and expended pursuant to Section 2, Section 048, footnote 15 of this act; and

(ii) Subsequent to all transfers in paragraph (i) of this subsection, any remaining funds shall only be expended for purposes specified in Section 335 of this act as directed by the governor.

(g) This section shall not apply to the department of corrections, the uranium NRC agreement program within the department of environmental quality, or any position at a Wyoming community college or the University of Wyoming.

**[BRACKETED LANGUAGE SHOWN IN BOLD VETOED BY GOVERNOR MARCH 2, 2017 – HOUSE AND SENATE VETO OVERRIDE MARCH 3, 2017 IN THREE (3) SEPARATE MOTIONS.]**

[PENAL FACILITY PEER REVIEW STUDY]

**Section 332.** There is appropriated fifty thousand dollars (\$50,000.00) from the penitentiary permanent land fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this act and ending December 31, 2017. This appropriation shall only be expended at the direction of management council for the purpose of funding an independent peer review study of the structural engineering reconnaissance study and conceptual cost estimate submitted to the 2016 task force on state penal facilities. The report shall be submitted to the joint appropriations committee not later than July 1, 2017. 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, 2018.

[K-12 EDUCATION RECALIBRATION]

**Section 333.**

(a) The select committee on school finance recalibration is created consisting of the following members:

(i) 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) Five (5) members of the Wyoming house of representatives 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 more than four (4) members from each house shall be from the

same political 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 review the state educational program under W.S. 21-9-101 and to recalibrate the education resource block grant model as provided 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. If the select committee determines an alternative to the education resource block grant model should be reviewed and developed to more efficiently meet the constitutional duties of the legislature in providing K-12 education funding, the select committee shall not limit its study to a recalibration of the existing cost-based model.

(c) The select committee shall be staffed by the legislative service office. The department of education, the 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.

(d) The select committee, through management council, may seek out expert opinions and may hire consultants as necessary to complete the study and recommendations required under this section. The legislative service office is authorized, subject to the approval of management council, to contract with consultants for the purposes of this section to complete recalibration of the education resource block grant model.

(e) The select committee shall report its recommendations and any associated legislation to the legislature not later than January 31, 2018. The select committee may develop and introduce legislation as necessary to effectuate the purposes of this section, provided that no legislation shall be introduced by the select committee unless it is approved by a majority of the members of the select committee from each house.

(f) Appointments shall be made under this section not later than March 15, 2017. The select committee shall exist until March 31, 2018. 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.

(g) For the period beginning on the effective date of this act and ending June 30, 2018, there is appropriated from the general fund to the legislative service office eighty thousand dollars (\$80,000.00) 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.

(h) If 2017 House Bill 0236, 2017 Senate File 0165 or both are enacted into law, this section is repealed.



[EMERGENCY RESERVE – TITLE 25]

**Section 334.** There is appropriated ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account to the state auditor to be expended only upon determination by the governor that the department of health has expended not less than four million three hundred thousand dollars (\$4,300,000.00) from its appropriated general funds under 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 048 as amended by this act, for funding needs that may arise for emergency detention and involuntary commitment related obligations under Title 25, Chapter 10 of the Wyoming statutes. The appropriation under this section may be expended as requested by the director of the department of health for those funding needs as necessary. The department of health shall report quarterly to the joint appropriations committee and the joint labor, health and social services interim committee on expenditures made from the legislative stabilization reserve account under this section. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2018 shall revert to the legislative stabilization reserve account as provided by W.S. 9-4-207.

[EMERGENCY RESERVE – WYOMING STATE PENITENTIARY]

**Section 335.** There is appropriated fifteen million dollars (\$15,000,000.00) from the legislative stabilization reserve account to the state auditor to be expended only upon determination by the governor that no other sources of funds are available including any funds deposited with the state auditor under Section 320(f) of this act, and that the department of corrections and state construction department have insufficient appropriations for operations, major maintenance or capital construction to address emergency needs that may arise at the state penitentiary. Funds appropriated under this section may be expended, only upon the governor's approval, for repairs, capital construction or inmate relocation in the event hazardous conditions resulting from subsurface movement at the Wyoming state penitentiary warrant an immediate response. The department of corrections shall report quarterly to the joint appropriations committee on expenditures made from the legislative stabilization reserve account under this section. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2018 shall revert to the legislative stabilization reserve account as provided by W.S. 9-4-207.

[EFFECTIVE DATE]

**Section 400.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 2, 2017.



## Chapter 121

### LIVESTOCK INSPECTIONS AND INVESTIGATORS

Original Senate File No. 147

AN ACT relating to livestock; increasing the amount brand inspection fees can be adjusted each fiscal year; and providing for an effective date.

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

**Section 1.** W.S. 11-20-408(b) is amended to read:

**11-20-408. Examination of agency records; report.**

(b) The board shall adopt an annual fiscal year budget for the brand registration and inspection program. The budget shall include any deficit amount from the prior year and may include an operating reserve not to exceed one (1) year for that portion of the program to be funded by user fees. Based on the budget adopted under this subsection, the board shall set the user fees for all activities under the program at no less than the minimum fees provided for in this chapter. Each fee may be adjusted not more than one (1) time per fiscal year and by not more than ~~twenty percent (20%)~~ twenty-five percent (25%) in any one (1) fiscal year. The board shall report annually by November 1 to the joint agriculture, state and public lands and water resources interim committee with respect to the budget adopted and fees set under this subsection.

**Section 2.** This act is effective October 1, 2017.

Approved March 3, 2017.

## Chapter 122

### GAME AND FISH LICENSES-CONFIDENTIALITY

Original Senate File No. 26

AN ACT relating to game and fish; providing for the confidentiality of information submitted for the purchase of game and fish licenses; specifying permissible uses of the information; requiring a process to designate the information as public; specifying applicability of the public records act; and providing for an effective date.

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

**Section 1.** W.S. 23-1-706 is created to read:

**23-1-706. Game and fish licenses; confidentiality.**

The commission shall establish a process by which an applicant for any game and fish license, permit or tag authorized by this act may designate as public personally identifiable information required for the applicant to purchase the license, permit or tag. Unless designated as public by the applicant or as oth-

erwise provided by law, personally identifiable information submitted for any game and fish license, permit or tag is solely for the use of the department or appropriate law enforcement offices and is not a public record for purposes of W.S. 16-4-201 through 16-4-205. As used in this section, "personally identifiable information" includes an applicant's electronic mail address, date of birth, telephone number, driver's license number, social security number, passport number, sportsperson identification number or tax identification number or any part of any of the preceding information.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

### Chapter 123

#### TOBACCO SETTLEMENT DATA SHARING

Original Senate File No. 97

AN ACT relating to the Wyoming tobacco settlement fund; clarifying the authorized purposes for disclosure of information to the attorney general; authorizing disclosure of information to enable compliance with a settlement agreement; and providing for an effective date.

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

**Section 1.** W.S. 9-4-1207(b) is amended to read:

**9-4-1207. Reporting of information; escrow installments.**

(b) The department is authorized to disclose to the attorney general any information received under this act and requested by the attorney general for purposes of determining compliance with and enforcing the provisions of this act, implementing the master settlement agreement as defined in W.S. 9-4-1201(a)(v) or resolving any dispute arising under the master settlement agreement. The director of the department and the attorney general shall share the information received under this act and may share the information with other federal, state or local agencies or with a data clearinghouse or any similar entity or process established under the master settlement agreement or a settlement of any dispute arising under that agreement, only for the purposes of enforcement of this act, W.S. 9-4-1202, ~~or enforcement of~~ corresponding laws of other states or implementation of the master settlement agreement or a settlement of any dispute arising under that agreement.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

**Chapter 124****TELEPHARMACY-AMENDMENTS**

Original Senate File No. 62

AN ACT relating to the practice of pharmacy; amending provisions related to the practice of telepharmacy; and providing for an effective date.

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

**Section 1.** W.S. 33-24-101(b)(ii) and 33-24-156(a), (b)(i), (ii), by creating a new paragraph (vi), (c) and by creating a new subsection (d) are amended to read:

**33-24-101. Short title; definitions.**

(b) As used in this act:

(ii) "Telepharmacy" means a site ~~located within a medical clinic or community health center where prescription drugs are stored and dispensed~~ that is remote from but under the active control and supervision of a parent pharmacy and a licensed pharmacist; and that is ~~staffed during hours of operation by a certified pharmacy technician or registered pharmacy intern subject to the requirements of W.S. 33-24-156;~~

**33-24-156. Telepharmacy practice authorized.**

(a) The board pursuant to its rules and regulations may authorize a licensed resident pharmacy licensee to store and dispense prescription drugs as provided in subsection (b) of this section through a telepharmacy located at a site at least ~~twenty-five (25) ten (10)~~ ten (10) miles from a licensed pharmacy: except this ten (10) mile restriction does not apply:

(i) In counties with a city of fifty thousand (50,000) or more persons as shown in the most recent federal census; or

(ii) To any facility owned or leased by the state or any subdivision of the state; or

(iii) To any facility located in a hospital or clinic setting.

(b) Telepharmacies shall include the following minimum features:

(i) Storage, security and dispensing of prescription drugs ~~in unit of issue packages or through a mechanical system which dispenses tablets or capsules from an enclosed and lockable cabinet directly into a prescription vial and prints and applies a prescription label to the vial; only:~~

(A) In unit of issue packages;

(B) Through a system which dispenses tablets or capsules from an enclosed and lockable cabinet directly into a prescription vial and prints and applies a prescription label to the vial; or

(C) By manually dispensing tablets, capsules or liquids from a stock bottle into a prescription vial and affixing a prescription label to the vial.

(ii) Connection by a secure communication system to the parent pharmacy, with the capability of live video and audio communication with a registered licensed pharmacist at the parent pharmacy during hours of operation;

(vi) Telepharmacies shall be supervised by a parent pharmacy and a licensed pharmacist and shall be staffed during hours of operation by a licensed pharmacist, certified pharmacy technician or registered pharmacy intern.

(c) A telepharmacy system operated as provided in this act and in accord with rules and regulations of the board is deemed to be operated under the charge of a registered-licensed pharmacist for purposes of W.S. 33-24-113(b). A pharmacist may not serve as a pharmacist in charge for more than one (1) telepharmacy at any one time.

(d) A licensed pharmacist who supervises a telepharmacy shall complete an inspection of the telepharmacy at a frequency specified by the board of pharmacy. Inspection criteria shall be developed by the state board of pharmacy and all inspection criteria shall be included in the policies and procedures applicable to each telepharmacy site. Inspection reports shall be prepared pursuant to standards adopted by the board of pharmacy and shall be maintained by each telepharmacy until the next state board of pharmacy inspection.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

## Chapter 125

### PROBATE CODE AMENDMENTS

Original Senate File No. 107

AN ACT relating to the probate; amending the period for objections to applications for summary probate; providing that notice to an agent or attorney of a party interested in an estate or a summary distribution is notice to the party; amending prerequisite to a decree of final distribution; and providing for an effective date.

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

**Section 1.** W.S. 2-1-205(d), (f) and by creating a new subsection (j), 2-7-205(a)(intro) and by creating a new subsection (d) and 2-7-812(a)(iii) are amended to read:

**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.**

(d) Subject to subsection (j) of this section, 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 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 not later than ten (10) days after the date of first publication.

(f) An objection to an application shall be filed before the expiration of the later of twenty (20) days after the mailing required by subsection (d) of this section or thirty (30) days after the date of first publication. An untimely objection is barred. If no timely objection to the application has been filed within thirty (30) days of the first date of publication is filed, 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 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 time provided in this subsection, the court shall set the matter for a hearing, after which the court shall enter an order either denying or granting the application.

(j) Notice to the agent or attorney of any party entitled to notice under this section is notice to that party.

**2-7-205. Parties entitled to receive.**

(a) Subject to subsection (d) of this section, a true copy of the notice required in W.S. 2-7-201 shall be mailed by ordinary United States mail, first class, to:

(d) Notice to the agent or attorney of any party entitled to notice under this section is notice to that party.

**2-7-812. Payment of all taxes prerequisite; filing of documents.**

(a) Before a final decree of distribution is entered the court shall be satisfied by presentation of receipts, cancelled checks, certificates, closing letters and other proof that all federal, state, county and municipal taxes legally levied upon the property of the estate or due on account of the estate or death of the decedent have been fully paid. The court shall not discharge any personal representative nor release his bond nor issue a decree of final distribution of the estate until:

(iii) The court finds that no inheritance tax or estate tax is chargeable against the estate, and excuses the filing of a receipt.

**Section 2.** W.S. 2-7-812(a)(i) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 3, 2017.

**Chapter 126****2017 LARGE PROJECT FUNDING**

Original Senate File No. 72

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 2017; 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. 9-15-103 by creating a new subsection (r) is amended to read:

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

(r) No funds shall be disbursed under this act unless the person receiving the funds certifies 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 board.

**Section 2.**

(a) Pursuant to the authority granted under W.S. 9-15-104(k), authorization is granted for funding of the large projects provided for in subsections (b) through (m) of this section.

(b) Baggs Mule Deer Habitat:

(i) Project sponsor: Little Snake River Conservation District;

(ii) Project purpose: Removal of invasive conifers and other invasive species on approximately eleven thousand two hundred (11,200) acres in Carbon County in order to:

(A) Maintain key seasonal habitats for mule deer and Greater Sage-Grouse;

(B) Restore valuable aspen and intermediate shrub land ecotypes;

(C) Increase the carrying capacity for mule deer, Greater Sage-Grouse and elk; and

(D) Increase water infiltration and reduce erosion and water yield on high quality upland habitats.

(iii) Project description: Invasive species removal and reseedling of native plants;

(iv) Total project budget: Seven hundred seven thousand fifty dollars (\$707,050.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant two hundred eighty thousand nine hundred

dollars (\$280,900.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred eighty thousand nine hundred dollars (\$280,900.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(c) Pete's Pond:

(i) Project sponsor: Dubois Anglers and Wildlife Group;

(ii) Project purpose: Deepwater fisheries habitat, wetland creation and riparian vegetation enhancement in order to:

(A) Provide economic enhancement to a community that is highly dependent on recreational tourism;

(B) Abate high stream flows through a natural diversion, retention and wetland filtering system; and

(C) Enhance habitats for waterfowl, amphibians and other species of interest to the state of Wyoming.

(iii) Project description: Pond and wetland construction, channel design and modification and enhancement of diversion structures;

(iv) Total project budget: Five hundred ninety-seven thousand five hundred forty-two dollars (\$597,542.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred ninety thousand dollars (\$290,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred ninety thousand dollars (\$290,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(d) Coal Creek Rehabilitation:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: Restoration of stream function and fish passage on a stream in an area with extremely high wildlife diversity and critical habitat function in Lincoln County in order to:

(A) Maintain habitats and migration passage for Bonneville cutthroat trout;

(B) Reduce or eliminate large sediment loads which affect downstream irrigators and fisheries;

(C) Stabilize streambanks and adjacent riparian habitats to maintain proper stream function; and

(D) Provide reliable access and road placement that will allow use by

grazing permittees and recreational users.

(iii) Project description: River restoration;

(iv) Total project budget: Nine hundred five thousand seven hundred dollars (\$905,700.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred ninety thousand dollars (\$290,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred ninety thousand dollars (\$290,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(e) Sunlight Basin Habitat:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: Restoration of stream function and adjacent meadow and riparian uplands on approximately four hundred (400) acres of lands providing crucial winter range to elk, mule deer, bighorn sheep and moose in Park County in order to:

(A) Maintain habitats and migration passage for game species;

(B) Reduce or eliminate sediment loads on Sunlight, Painter and Trail Creeks;

(C) Stabilize streambanks and adjacent riparian habitats to maintain proper stream function; and

(D) Increase the amount of forage available for wintering ungulates.

(iii) Project description: River restoration and rangeland restoration;

(iv) Total project budget: One million six hundred two thousand three hundred dollars (\$1,602,300.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor seven hundred eighty-eight thousand dollars (\$788,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board seven hundred eighty-eight thousand dollars (\$788,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(f) Medicine Lodge Creek Rehabilitation:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: Restoration of stream function and fish passage on a stream in an area with extremely high wildlife diversity in Big Horn County in order to:

(A) Maintain habitats and migration passage for trout in an area with



high levels of public recreational use;

(B) Reduce or eliminate sediment loads and improve irrigation infrastructure for downstream irrigators;

(C) Stabilize streambanks and adjacent riparian habitats to maintain proper stream function; and

(D) Provide reliable access and road placement that will allow use by grazing permittees and recreational users.

(iii) Project description: River restoration;

(iv) Total project budget: One million three hundred eighty-five thousand two hundred dollars (\$1,385,200.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor five hundred seventy-two thousand seven hundred fifty dollars (\$572,750.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board five hundred seventy-two thousand seven hundred fifty dollars (\$572,750.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(g) Weber River Conservation Easement:

(i) Project sponsor: The Nature Conservancy;

(ii) Project purpose: Conservation easement on approximately five hundred twelve (512) acres of private land in Carbon County in order to:

(A) Maintain crucial habitats for mule deer, antelope, Colorado River cutthroat trout, Greater Sage-Grouse, amphibians and raptors; and

(B) Maintain agricultural production and opportunity on high quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million eight hundred twenty-one thousand three hundred thirty-two dollars (\$1,821,332.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor four hundred thirty thousand dollars (\$430,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board four hundred thirty thousand dollars (\$430,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(h) Government Draw Invasives:

(i) Project sponsor: Fremont County Weed and Pest District;

(ii) Project purpose: Treatment and eradication of invasive species on approximately one hundred sixty thousand (160,000) acres of state, private and federal lands in Fremont County in order to:

(A) Maintain crucial habitats for mule deer, antelope, Greater Sage-Grouse and other sagebrush obligate species;

(B) Maintain and improve forage quantity and quality for livestock; and

(C) Prevent expansion of invasive species into other important habitats and agricultural production areas.

(iii) Project description: Invasive species removal;

(iv) Total project budget: Six hundred fifty-two thousand five hundred dollars (\$652,500.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred thousand dollars (\$200,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(j) Wyoming Range Mule Deer III:

(i) Project sponsor: Wyoming game and fish commission;

(ii) Project purpose: Treatment of habitats on approximately fifty-six thousand (56,000) acres of state, private and federal lands in Sublette County in order to:

(A) Maintain and improve crucial habitats for mule deer, antelope, elk, Greater Sage-Grouse and other sagebrush obligate species;

(B) Maintain and improve forage quantity and quality for livestock and wildlife;

(C) Prevent expansion of invasive species into other important habitats and agricultural production areas; and

(D) Reduce the future risk of catastrophic wildfire and disease transmission.

(iii) Project description: Rangeland habitat enhancement;

(iv) Total project budget: Five million seventy thousand twenty-eight dollars (\$5,070,028.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor one million five hundred thousand dollars (\$1,500,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the

board one million five hundred thousand dollars (\$1,500,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(k) Muddy Creek Wetlands VI:

(i) Project sponsor: Little Snake River Conservation District;

(ii) Project purpose: Wetland creation and enhancement on approximately sixty (60) acres of state, private and federal lands in Carbon County in order to:

(A) Maintain valuable habitats for waterfowl, shore birds, wading birds, amphibians and other wetland species;

(B) Capture and reduce sediment loads into the Little Snake River aquatic system; and

(C) Expand upon approximately six hundred (600) acres of limited wetland habitat in southern Wyoming.

(iii) Project description: Wetland creation and enhancement;

(iv) Total project budget: Five hundred twenty-five thousand dollars (\$525,000.00);

(v) Project grant: The Wyoming wildlife and natural resource trust account board is authorized to grant to the sponsor two hundred fifteen thousand dollars (\$215,000.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred fifteen thousand dollars (\$215,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(m) Little Snake River Restoration IV:

(i) Project sponsor: Little Snake River Conservation District;

(ii) Project purpose: Channel reconstruction and wetland creation and enhancement on approximately one (1) mile of riparian habitat in Carbon County in order to:

(A) Improve habitats for fish, waterfowl, shore birds, wading birds, amphibians and other wetland species;

(B) Reduce and eliminate streambank erosion and sediment loading in the Little Snake River aquatic system; and

(C) Improve irrigation efficiency and agricultural production on historic ranch and farm lands in southern Wyoming.

(iii) Project description: River restoration and wetland creation;

(iv) Total project budget: Five hundred fifty-eight thousand three hundred dollars (\$558,300.00);

(v) Project grant: The Wyoming wildlife and natural resource trust ac-

count board is authorized to grant to the sponsor two hundred twenty-three thousand three hundred dollars (\$223,300.00) for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred twenty-three thousand three hundred dollars (\$223,300.00) or as much thereof as is necessary to carry out the purposes of this subsection.

**Section 3.** Unexpended and unobligated funds appropriated under section 2 of this act shall revert to the income account on June 30, 2020.

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

Approved March 3, 2017.

## Chapter 127

### FEDERAL NATURAL RESOURCE POLICY ACCOUNT

Original Senate File No. 78

AN ACT relating to public funds; amending the purposes of the federal natural resource policy account; and providing for an effective date.

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

**Section 1.** W.S. 9-4-218(c)(i), (ii) and by creating new paragraphs (iii) and (iv) is amended to read:

**9-4-218. Federal natural resource policy account created; purposes.**

(c) In the expenditure of funds from the federal natural resources policy account pursuant to this section, preference shall be given to those funding requests that:

(i) Enhance the ability of a county to participate in federal natural resource policy matters; ~~or~~

(ii) Fund actions taken under paragraph (a)(iii) of this section as the governor determines necessary or advisable to protect or promote the state's jurisdictional, economic or property interests ~~from which may be affected by~~ actions taken by the environmental protection agency; or other federal agencies;

(iii) Fund actions taken under subsection (a) of this section as the governor determines necessary or advisable to facilitate federal permitting of proposed activities which may bring about further economic development of the natural resources of the state; or

(iv) Add to the internal expertise of the state or a state agency to participate in federal natural resource policy matters.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

## Chapter 128

### WORKER'S COMPENSATION-RATE DISCOUNT, MODIFICATION & CREDIT

Original Senate File No. 167

AN ACT relating to worker's compensation; modifying the rate discount for compliance with a drug and alcohol testing program as specified; providing for an experience modification rate for out of state employers moving operations to Wyoming as specified; providing a premium credit for employers 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. 27-14-201(o)(intro) and 27-14-207 by creating a new subsection (h) and by amending and renumbering (h) as (j) are amended to read:

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

(o) The division shall in accordance with its rules and regulations, grant a discount to rates established under this section in an amount not to exceed ten percent (10%) of the base rate for the employment classification of any employer if the employer complies with a safety program approved by the division and a discount in an amount not to exceed ~~five percent (5%)~~ ten percent (10%) of the base rate for the employment classification if the employer complies with a drug and alcohol testing program approved by the division and a discount in an amount not to exceed ten percent (10%) of the base rate for the employment classification if the employer complies with a health and safety consultation program developed by the department of workforce services in consultation with the occupational health and safety commission. In no instance shall the sum total of discounts under this subsection exceed ~~twenty-five percent (25%)~~ thirty percent (30%) of the base rate for the employment classification for the employer. The discount for the health and safety consultation program shall only remain in effect for three (3) years after the employer is certified to be in compliance with the health and safety consultation program recommendations. In determining safety program approval, drug and alcohol program approval, health and safety consultation program approval and the total discount granted under this subsection, the division shall consider:

**27-14-207. Employer registration required; person acquiring trade of another employer; transfer of experience and assignment of rates; out of state employers.**

(h) Where an employer has not had prior operations in Wyoming and has not had prior worker's compensation insurance coverage in Wyoming, and

moves or expands operations from another state into Wyoming, and begins operations that are the same or similar to operations outside of Wyoming, the division shall assign the employer experience modification rate as calculated per the current experience modification rating formula in place at the time. The division shall assign such experience modification to the partial year ending June 30 after the start of coverage in Wyoming and to the first full policy year subsequent to the start of coverage in Wyoming.

(h)(j) The division by rule and regulation shall establish procedures to identify the transfer or acquisition of a business, or the movement of an out of state operation to Wyoming, for purposes of this section and W.S. 27-14-806. The division may require by regulation an out of state employer to submit any information necessary for the purpose of determining an experience modification rate under subsection (h) of this section.

**Section 2.** Pursuant to W.S. 27-14-201(q) the department shall establish a premium credit for any employer who has made all required worker's compensation payments for the period beginning January 1, 2016 and ending December 31, 2016. To qualify for the credit, an employer shall be in good standing with the division for all required worker's compensation payments by June 15, 2017. Premium credits granted under this paragraph shall become effective on August 1, 2017 and may be used for premium reporting periods from July 1, 2017 through December 31, 2017. Any unused credit will expire January 31, 2018.

### **Section 3.**

(a) Section 1 of this act is effective July 1, 2017.

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

Approved March 3, 2017.

## **Chapter 129**

### **BACKGROUND CHECKS-ENTERPRISE TECHNOLOGY SERVICES**

Original House Bill No. 88

AN ACT relating to the department of enterprise technology services; authorizing the department of enterprise technology services to obtain criminal background checks as specified; and providing for an effective date.

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

**Section 1.** W.S. 7-19-106(a) by creating a new paragraph (xxvii), 7-19-201(a) by creating a new paragraph (xxiii) and 9-2-2906(a) by creating a new paragraph (iii) are amended to read:

**7-19-106. Access to, and dissemination of, information.**

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xxvii) The department of enterprise technology services for purposes of obtaining background information on prospective and current employees.

**7-19-201. State or national criminal history record information.**

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(xxiii) Department of enterprise technology services employees or applicants for employment who have access to confidential information or records, if required by the state chief information officer as a condition for a position with the department of enterprise technology services.

**9-2-2906. Office of the state chief information officer and director; authority; duties of department.**

(a) The state chief information officer may:

(iii) Require employees or applicants for employment who have access to confidential information or records to submit to fingerprinting in order to obtain state and national criminal history record information as a condition for a position with the department in accordance with W.S. 7-19-106 and 7-19-201.

**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, 2017.

## Chapter 130

### DIVORCE-RESIDENCY

Original House Bill No. 161

AN ACT relating to domestic relations; modifying residency requirements for the granting of a divorce as specified; and providing for an effective date.

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

**Section 1.** W.S. 20-2-107(a) is amended to read:

**20-2-107. Residential requirements generally for divorce.**

(a) No divorce shall be granted unless ~~the plaintiff~~ one of the parties has resided in this state for sixty (60) days immediately preceding the time of filing

the complaint, or the marriage was solemnized in this state and ~~the plaintiff one of the parties~~ has resided in this state from the time of the marriage until the filing of the complaint.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

## Chapter 131

### BACKGROUND CHECKS-ACCESS TO FEDERAL TAX INFORMATION

Original House Bill No. 222

AN ACT relating to criminal background checks; providing for criminal background checks for persons with access to federal tax information as specified; and providing for an effective date.

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

**Section 1.** W.S. 7-19-201(a) by creating a new paragraph (xxiii) is amended to read:

**7-19-201. State or national criminal history record information.**

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(xxiii) Employees of the state, state agencies, institutions and political subdivisions of the state, or applicants for employment with any of those entities, whose job duties require access to federal tax information, if the head of the agency, institution or political subdivision, or their designee, determines that federal law governing access to federal tax information requires a criminal history record check of the employee or applicant. The provisions of this paragraph shall also apply to individuals who are contractors or subcontractors providing goods or services to any of the specified entities, if in the performance of the contract the individual has or will have access to federal tax information and the contracting governmental entity determines that federal law requires the criminal history record check.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

## Chapter 132

### TRANSPORTATION NETWORK COMPANIES

Original House Bill No. 80

AN ACT relating to motor vehicles; establishing requirements for transportation network companies, including driver requirements and disclosure requirements; providing exclusions for transportation net-



work companies and drivers; specifying insurance requirements for transportation network companies and transportation network company drivers; authorizing related insurance policy exclusions; superseding local government regulations which conflict with this act; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 31-20-101 through 31-20-111 are created to read:

CHAPTER 20  
TRANSPORTATION NETWORK COMPANIES

**31-20-101. Definitions.**

(a) As used in this chapter:

(i) “Digital network” means any online enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with a driver;

(ii) “Driver” means an individual operator of a transportation network company vehicle who:

(A) Receives connection to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(B) Uses a transportation network company vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in exchange for compensation.

(iii) “Prearranged ride” means the provision of transportation by a driver to a rider:

(A) Beginning when a driver accepts a rider’s request for a ride through a digital network controlled by a transportation network company;

(B) Continuing while the driver transports the requesting rider; and

(C) Ending when the rider exits the transportation network company vehicle.

(iv) “Rider” means a natural person who uses a transportation network company’s digital network to connect with a driver who provides prearranged rides in a transportation network company vehicle between locations chosen by the natural person;

(v) “Transportation network company” means a corporation, partnership, sole proprietorship or other entity which operates pursuant to this chapter and uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract;

- (vi) "Transportation network company vehicle" means a vehicle that is:
  - (A) Used by a driver to provide a prearranged ride; and
  - (B) Owned, leased or otherwise authorized for use by the driver.

**31-20-102. Agent.**

A transportation network company shall maintain a registered agent for service of process in Wyoming pursuant to W.S. 17-28-101.

**31-20-103. Fare collected for services.**

On behalf of a driver, a transportation network company may charge a fare for the services provided to riders, provided that if a fare is collected from a rider, the transportation network company shall disclose to the rider the fare or fare calculation method on its digital network. The transportation network company shall provide a rider with the applicable rate being charged for a prearranged ride and the option to receive an estimated fare before the rider enters the transportation network company vehicle.

**31-20-104. Identification of transportation network company vehicles and drivers.**

A transportation network company's digital network shall display a picture of the driver and the license plate number of the transportation network company vehicle used to provide the prearranged ride prior to a rider entering a transportation network company vehicle.

**31-20-105. Electronic receipt.**

Within four (4) hours following the completion of a prearranged ride, a transportation network company shall transmit an electronic receipt to the rider on behalf of the driver that provides a record of the origin and destination of the prearranged ride, the total time and distance of the prearranged ride and an itemization of the total fare paid, if any.

**31-20-106. Driver requirements.**

- (a) Before a transportation network company may allow an individual to act as a driver, the transportation network company shall:
  - (i) Require the individual to submit to the transportation network company an application that includes all of the following:
    - (A) The individual's name, mailing address and age;
    - (B) A photocopy of the individual's driver's license;
    - (C) A photocopy of the registration for the transportation network company vehicle that the individual will use to provide prearranged rides;
    - (D) Proof of financial responsibility for the transportation network company vehicle that the individual will use to provide prearranged rides;

(E) Any other information required by the transportation network company.

(ii) Conduct, or cause a third party to conduct, the following:

(A) A local and national criminal background check on the individual that shall include review of a multistate or multijurisdiction criminal records locator or other similar commercial nationwide database with primary source search validation;

(B) A search of the United States department of justice's national public sex offender website for the individual; and

(C) A search of the individual's driving history pursuant to W.S. 31-7-309(a).

**31-20-107. Financial responsibilities of transportation network companies and drivers.**

(a) A driver, or a transportation network company on the driver's behalf, shall maintain a motor vehicle liability policy that recognizes the driver is a transportation network company driver or otherwise uses a vehicle to transport riders for compensation and covers the driver:

(i) While the driver is available to receive requests for prearranged rides; and

(ii) While the driver is engaged in a prearranged ride.

(b) The following automobile insurance requirements shall apply while a participating driver is available to receive requests for prearranged rides but is not engaged in a prearranged ride:

(i) Primary automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) for death and bodily injury per person, one hundred thousand dollars (\$100,000.00) for death and bodily injury per incident and twenty-five thousand dollars (\$25,000.00) for property damage; and

(ii) Uninsured motorist coverage as required by W.S. 31-10-101.

(c) The following automobile insurance requirements shall apply while a driver is engaged in a prearranged ride:

(i) Primary automobile liability insurance that provides at least one million dollars (\$1,000,000.00) for death, bodily injury and property damage; and

(ii) Uninsured motorist coverage as required by W.S. 31-10-101.

(d) The requirements of subsections (b) and (c) of this section may be satisfied by a motor vehicle liability policy or bond maintained by the driver, the transportation network company or through a combination of the driver and the transportation network company.

(e) Coverage under an automobile insurance policy maintained by the trans-

portation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to deny a claim.

(f) If any insurance maintained by a driver pursuant to subsection (b) or (c) of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and the transportation network company's insurer shall have the duty to defend such claim.

(g) The insurance requirements of this section may be satisfied by insurance placed with an insurer authorized as required under W.S. 26-3-101 or with an eligible surplus lines insurer as defined in W.S. 26-11—107 that has a credit rating of no less than "A-" from A.M. Best or similar rating from another rating agency recognized by the department of insurance.

(h) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement of a motor vehicle under the Motor Vehicle Safety-Responsibility Act.

(j) A driver shall carry digital or physical proof of coverage satisfying the requirements of subsections (b) and (c) of this section with the driver at all times while operating a transportation network company vehicle. In the event of an accident, a driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers upon request. Upon such request, a driver shall also disclose to directly interested parties, automobile insurers and investigating police officers whether the driver was available to receive a request for a prearranged ride or engaged in a prearranged ride at the time of the accident.

(k) In a claims coverage investigation, a transportation network company shall immediately provide upon request by directly involved parties or, if applicable, any insurer of the driver, the precise times that a driver was available to receive a request for a prearranged ride in the twelve (12) hour period immediately preceding and in the twelve (12) hour period immediately following the accident. Insurers providing coverage under this section shall disclose upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions and limits provided under any automobile insurance maintained in order to satisfy the requirements of this section.

#### **31-20-108. Automobile insurance provisions.**

(a) Insurers that write automobile insurance in Wyoming may exclude any and all coverage afforded under the policy issued to an owner or operator of a transportation network company vehicle for any loss or injury that occurs while a driver is available to receive a request for a prearranged ride or while a driver is engaged in a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including

any of the following:

- (i) Liability coverage for bodily injury and property damage;
- (ii) Uninsured and underinsured motorist coverage;
- (iii) Medical payments coverage;
- (iv) Comprehensive coverage;
- (v) Collision coverage.

(b) Subsection (a) of this section shall apply notwithstanding any requirement under W.S. 31-9-405. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while a driver is available to receive a request for a prearranged ride, while the driver is engaged in a prearranged ride or while the driver otherwise uses a transportation network company vehicle to transport riders for compensation.

(c) Nothing in this section shall be construed as to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is available to receive a request for a prearranged ride or while a driver provides a prearranged ride.

(d) Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage for the driver's transportation network company vehicle, if it chooses to do so by contract or endorsement.

(e) Automobile insurers that exclude the coverage described in W.S. 31-20-107 shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this chapter shall be deemed to invalidate or limit an exclusion contained in a policy including any policy in use in Wyoming prior to the enactment of this chapter that excludes coverage for vehicles used to carry persons or property for a charge or which are available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of W.S. 31-20-107.

### **31-20-109. Required disclosures.**

(a) A transportation network company shall disclose in writing to a driver before the driver is allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(i) Any insurance or bond coverage, including the types of coverage and the limits for each coverage, the transportation network company provides to the driver when the driver uses a transportation network company vehicle to provide services in connection with the transportation network company's digital network;

(ii) That the driver's own automobile insurance policy might not provide any coverage while the driver is available to receive a request for a prearranged ride or is engaged in a prearranged ride; and

(iii) That if the vehicle to be used to provide a prearranged ride has a lien against it, the driver has a duty to notify the lienholder that the driver will use the vehicle for transportation services that may violate the terms of a contract with the lienholder. The driver shall disclose to the lienholder all insurance coverage information provided to the driver by the transportation network company pursuant to this section and the driver shall maintain proof that notice has been sent to the lienholder.

**31-20-110. Transportation network company and driver exclusions.**

(a) A driver shall be an independent contractor, not subject to the Wyoming Worker's Compensation Act and not an employee of a transportation network company if:

(i) The transportation network company does not unilaterally prescribe the hours during which a driver must be available to receive requests for prearranged rides;

(ii) The transportation network company imposes no restrictions on the driver's ability to use digital networks of other transportation network companies to provide prearranged rides;

(iii) The transportation network company does not restrict a driver from engaging in commercial activities unrelated to providing prearranged rides; and

(iv) The transportation network company and driver agree in writing that the driver is an independent contractor with respect to the transportation network company.

(b) A transportation network company shall not be deemed to control, direct or manage the transportation network company vehicles or drivers that connect to its digital network, except when agreed to by written contact. Notwithstanding any other provision of law a transportation network company or a driver shall not be deemed a commercial vehicle operator, a common carrier, a contract carrier, a motor carrier or a motor club.

(c) A transportation network company vehicle is not a taxicab, limousine, for hire vehicle or any public transportation conveyance. A driver shall not be required to register the vehicle the driver uses to provide prearranged rides as a commercial vehicle or a public transportation business.

(d) A prearranged ride does not include transportation provided using taxicab, limousine, for hire vehicle or commercial vehicle pursuant to this title. A prearranged ride does not include a shared expense carpool, or any other type of arrangement or service in which the driver receives a fee that does not ex-

ceed the driver's costs associated with providing the ride.

(e) Nothing in this chapter limits the ability of a public airport or its governing body to enter into an operating agreement with a transportation network company providing access to that public airport. A public airport with more than ninety thousand (90,000) annual enplanements in the previous calendar year, as reported by the federal aviation administration, may require an operating agreement regarding entry, pick-up and drop-off with a transportation network company providing access to that public airport.

(f) Neither a transportation network company nor a driver shall include services performed:

(i) In the employ of a state, or any political subdivision of the state, or in the employ of an Indian tribe or any instrumentality of a state, any political subdivision of a state or any Indian tribe that is wholly owned by one (1) or more states or political subdivisions or Indian tribes, provided that the service is excluded from employment as defined in the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 and 3306(c)(7);

(ii) In the employ of a religious, charitable, educational or other organization that is excluded from employment as defined in the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 through 3311, solely by reason of 26 U.S.C. § 3306(c)(8).

### **31-20-111. Controlling authority.**

Notwithstanding any other provision of law, transportation network companies and drivers in this state are governed exclusively by this chapter and any laws consistent with this chapter including W.S. 39-15-103(a)(i)(D) and 39-15-106(k). Except as provided by this section, no municipality or other local or state entity may impose a tax on, or require a license for a transportation network company or driver or a vehicle used by a driver where such tax or licenses relate to facilitating or providing prearranged rides or subject a municipality's or other state or local entity's rate, entry, operational or other requirements that are inconsistent with, are more restrictive than or exceed the requirements of this chapter.

**Section 2.** W.S. 31-4-103(a) and 31-7-309(a) by creating a new paragraph (iv) are amended to read:

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

(a) No owner of a motor vehicle currently required to be registered or which is required to be registered within a period of time, shall operate or permit the operation of his motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b), ~~or~~ a bond in amounts provided by W.S. 31-9-102(a)(xi) or, when applicable, in amounts as required by W.S. 31-20-107(b) and (c). Violation of this subsection is a mis-



demeanor punishable by imprisonment for not more than six (6) months, a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or both. On a second or subsequent violation of this subsection, the person may be fined not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500.00), imprisoned for not more than six (6) months, or both. In addition to the fine or imprisonment imposed for a second or subsequent violation of this subsection, the judge shall require the defendant to deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued, and the registration and license plates shall be held by the county treasurer until such time as the judge determines that the defendant has met all obligations imposed by law. Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to conditions imposed by the judge which shall include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued. This subsection does not apply to a vehicle owned by a nonresident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulations of that state is in effect or unless it otherwise complies with the laws of that state concerning compulsory financial responsibility. The department shall report any violation of this subsection to the motor vehicle administrator in the state wherein the vehicle is registered. A vehicle owned by a nonresident and registered in a state not requiring insurance is exempt from this subsection.

**31-7-309. Driving record information to be furnished.**

(a) Notwithstanding any other provision of law, the department of transportation shall furnish full information regarding the driving record of any person:

(iv) To a transportation network company to evaluate a prospective transportation network company driver as required by W.S. 31-20-106 upon payment of the required fee.

**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, 2017.



## Chapter 133

### SERVICE AND ASSISTANCE ANIMALS

Original House Bill No. 114

AN ACT relating to service and assistance animals; creating an offense for the misrepresentation of a service or assistance animal; prohibiting the killing or injuring of a service or assistance animal; specifying penalties; conforming provisions to federal law provisions on service and assistance animals; making conforming amendments; providing exemptions from liability as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-13-201(a)(ii), (b) and by creating new subsections (c) and (d), 35-13-203, 35-13-205(a) by creating new paragraphs (iv) through (viii) and 35-13-206(a), (b)(intro) and (ii) are amended to read:

**35-13-201. Generally; service and assistance animals.**

(a) Any blind, visually impaired, deaf, hearing impaired person or other person with a disability, subject to the conditions and limitations established by law and applicable alike to all persons:

(ii) Shall be afforded full and equal accommodations, advantages, facilities and privileges of ~~all hotels, motels, lodging places, restaurants, public elevators, places~~ any place of public accommodation ~~amusement or resort~~ and any other place to which the general public is invited; and

(b) Any blind, visually impaired, deaf, hearing impaired person or other person with a disability may be accompanied by a service ~~dog~~ animal in any of the ~~places listed in subsection (a) of this section without paying an extra charge for the service dog,~~ facility of a public entity in accordance with 28 C.F.R. 35.136 and any place of public accommodation in accordance with 28 C.F.R. 36.302(c).

(c) A person shall not be discriminated against in the leasing or rental of residential property because the person has a service dog and is an assistance animal, which shall be permitted in leased or rented residential property in accordance with the federal Fair Housing Act. The person shall be liable for any damage done by his assistance animal to the premises or facilities by the dog of the leased or rented residential property.

(d) A public accommodation, or any agent or employee thereof, that permits a service animal or an animal believed in good faith to be a service animal in its place of public accommodation is not liable for any damage or injury caused by the animal.

**35-13-203. Interfering with rights; misrepresentation of a service or assistance animal; penalties.**

(a) Any person denying or interfering with admittance to or enjoyment of ~~the public facilities enumerated~~ any place or facility referenced in W.S. 35-13-201-35-13-201(a) through (c) or otherwise interfering with the rights of

the blind, partially blind, deaf, hearing impaired person or other person with a disability is guilty of a misdemeanor and may be fined not more than seven hundred fifty dollars (\$750.00).

(b) Any person who knowingly and intentionally misrepresents that an animal is a service animal or an assistance animal for the purpose of obtaining any of the rights or privileges set forth in this article is guilty of a misdemeanor and may be fined not more than seven hundred fifty dollars (\$750.00).

**35-13-205. Definitions.**

(a) As used in this article:

(iv) "Assistance animal" means an animal that works, provides assistance or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability;

(v) "Place of public accommodation" means as defined in 28 C.F.R. 36.104;

(vi) "Public accommodation" means as defined in 28 C.F.R. 36.104;

(vii) "Public entity" means as defined in 28 C.F.R. 35.104;

(viii) "Service animal" means as defined in 28 C.F.R. 35.104 and 28 C.F.R. 36.104 and includes service miniature horses pursuant to 28 C.F.R. 35.136 and 28 C.F.R. 36.302(c).

**35-13-206. Injuring or killing a service or assistance animal prohibited; penalties.**

(a) Any person who knowingly, willfully and without lawful cause or justification inflicts, or permits or directs any animal under his control or ownership to inflict, serious bodily harm, permanent disability or death upon any service dog as defined in W.S. 35-13-205(a)(i) animal or assistance animal 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.

(b) A court shall order a defendant convicted of an offense under subsection (a) of this section to make restitution to the owner of the service ~~dog~~ animal or assistance animal for:

(ii) The cost of replacing the service ~~dog~~ animal or assistance animal or retraining an injured service dog by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide special equipment for or special training to an animal to help a person with a disability animal or assistance animal; and

**Section 2.** W.S. 35-13-205(a)(i) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 134****ACUPUNCTURE PRACTICE ACT**

Original House Bill No. 165

AN ACT relating to professions and occupations; creating the Acupuncture Practice Act; establishing the board of acupuncture; regulating the practice of acupuncture in this state; providing rulemaking authority; providing penalties; establishing an account; providing an appropriation; and providing for an effective date.

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

**Section 1.** W.S. 33-49-101 through 33-49-112 are created to read:

CHAPTER 49  
ACUPUNCTURE PRACTICE ACT

**33-49-101. Short title.**

This chapter shall be known and may be cited as the “Wyoming Acupuncture Practice Act”.

**33-49-102. Definitions.**

(a) As used in this chapter:

(i) “ACAOM” means the accreditation commission for acupuncture and oriental medicine educational institutions, or its equivalent as determined by the board;

(ii) “Acupuncture” means the insertion of acupuncture needles into the body, with or without the application of electric current or heat to the needles, for the therapeutic purpose of promoting, maintaining and restoring health, including the treatment of dysfunctions of the body involving pain;

(iii) “Acupuncturist” means any person to whom a license to practice acupuncture in this state has been issued under this chapter;

(iv) “Auricular acupuncture” means a practice trained by a nationally recognized auricular acupuncture program for the purpose of treating mental and emotional health, post and acute trauma, substance abuse and chemical dependency;

(v) “Board” means the Wyoming board of acupuncture created under this chapter;

(vi) “License” means a license to practice acupuncture in this state issued by the board pursuant to this chapter and consistent with the scope of practice a person is qualified to perform as a result of their NCCAOM diplomate status, post graduate training, NADA certificate of training completion or as otherwise authorized by the board;

(vii) “Licensee” means a person licensed by the board under this chapter;

(viii) "NADA" means the national acupuncture detoxification association, or its equivalent as determined by the board;

(ix) "NCCAOM" means the national certification commission for acupuncture and oriental medicine, or its equivalent as determined by the board.

**33-49-103. Board created; members; appointment; terms; qualification; removal; vacancies.**

(a) The Wyoming board of acupuncture is created to implement and administer the provisions of this chapter. The board shall consist of five (5) members who are legal residents of Wyoming. The board shall consist of one (1) member of the public, one (1) member who is NCCAOM certified, two (2) members who have been engaged in the practice of acupuncture for a period of not less than five (5) years immediately preceding appointment to the initial board and one (1) member who is a health care professional licensed pursuant to this title other than this chapter.

(b) The governor shall appoint the members of the board. Of the initial members appointed to the board, two (2) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of four (4) years. Thereafter, the terms of office shall be four (4) years. Each member shall serve until the member's successor is appointed and qualified. No member shall serve more than two (2) consecutive full terms.

(c) Any vacancy on the board shall be filled by the governor for the balance of the unexpired term.

(d) The governor may remove any member from the board pursuant to W.S. 9-1-202.

**33-49-104. Board meetings; elections; quorum.**

The board shall meet at least once each year and elect a chairman at the first meeting each year. The board may convene at the request of the chairman or as determined by the board for any other meeting as may be deemed necessary to transact its business. Meetings may be carried out via telecommunications. Three (3) board members shall constitute a quorum.

**33-49-105. Reimbursement of expenses and immunity.**

(a) Members of the board shall not receive compensation for their services but shall receive mileage and per diem as provided in W.S. 33-1-302(a)(vii) while engaged in the discharge of official duties.

(b) Members of the board shall have the same immunities from personal liability as state employees for actions taken in the performance of their duties under this chapter, as provided in W.S. 1-39-104.

**33-49-106. Board responsibilities and duties.**

(a) The board shall:

- (i) Administer this chapter;
  - (ii) Determine the following standards for licensees:
    - (A) Continuing education requirements;
    - (B) Professional conduct standards;
    - (C) Ethical standards of practice.
  - (iii) Approve or disapprove applications for licensure and issue licenses, renewals and reinstatements;
  - (iv) Establish tiered licensing as necessary for the purpose of differentiating auricular acupuncture;
  - (v) Censure, suspend or revoke licenses as provided in this chapter and the Wyoming Administrative Procedure Act;
  - (vi) Initiate and conduct investigations, hearings and proceedings concerning alleged violations of this chapter and board rules;
  - (vii) Keep a record of all proceedings and make available to licensees and other concerned parties an annual report of all board action;
  - (viii) Establish application and licensure fee requirements for licensees regulated under this chapter;
  - (ix) Prescribe fees in accordance with W.S. 33-1-201 for implementing this chapter;
  - (x) Promulgate rules and regulations as necessary to carry out this chapter.
- (b) The board may employ or contract with individuals it determines necessary to administer its affairs and provide support services.
- (c) All fees collected by the board shall be deposited by the state treasurer to the credit of the Wyoming board of acupuncture account. Disbursements from the account shall not exceed the monies credited to it. The account shall be used by the board to defray costs incurred in the administration of this chapter.

**33-49-107. Licensure required; components; exemptions; other licensed health care professionals.**

- (a) Beginning January 1, 2018, unless the person is licensed to practice acupuncture in compliance with this chapter and the rules and regulations adopted pursuant thereto, no person shall:
- (i) Practice acupuncture or hold himself out as an acupuncturist or as being able to practice acupuncture in Wyoming;
  - (ii) Use the title of acupuncturist or any variant thereof; or
  - (iii) Use any configuration of letters, including L. Ac., after his name indicating a degree in acupuncture.

(b) Any license issued under this chapter shall:

(i) Be issued in the name of the licensed acupuncturist;

(ii) State the licensing and expiration dates; and

(iii) Be displayed at all times in a conspicuous manner in the place of business or employment of the licensee.

(c) The following persons are exempt from this chapter's licensure requirements:

(i) An acupuncturist licensed to practice acupuncture in another jurisdiction while teaching or demonstrating or providing acupuncture in connection with teaching or participating in an educational seminar in Wyoming. Any exemption under this paragraph shall not exceed sixty (60) days cumulatively in a calendar year;

(ii) An acupuncturist licensed in another jurisdiction who enters this state to provide acupuncture during a natural disaster or a public health emergency, as declared by the governor pursuant to W.S. 35-4-115(a)(i);

(iii) With board approval, a person in training may practice acupuncture provided all services are performed under the direct supervision of an acupuncturist licensed in this state.

(e) Nothing in this chapter shall be construed to prohibit or restrict any other licensed health care provider in this state from practicing acupuncture within their statutory scope of practice. However, no person may represent themselves as an acupuncturist in any manner unless licensed in accordance with this chapter.

**33-49-108. Application for license; renewal and reinstatement; qualifications; fees; reporting.**

(a) An applicant for licensure to practice acupuncture under this chapter shall:

(i) Apply for licensure with the board by providing an application in the form and manner prescribed by the board;

(ii) Pay the required fees established by the board; and

(iii) Furnish to the board evidence that the applicant has:

(A) Graduated from an accredited ACAOM program and passed NC-CAOM examination;

(B) Graduated from an accredited ACAOM program and continuously practiced acupuncture in this state for at least ten (10) years before January 1, 2018;

(C) Completed other examination, education or apprenticeship processes the board considers substantively qualifying; or

(D) NADA certificate of training completion, if applying for an auricular acupuncturist license.

(b) Licenses shall be renewed or reinstated according to a schedule established by the board pursuant to this chapter. If a licensee fails to renew a license pursuant to the schedule established by the board, the license shall expire and the licensee shall not practice acupuncture in this state.

(c) An applicant for licensure or licensee shall report any pending or final administrative or disciplinary actions, or other judgments, as well as the terms of any settlement or other disposition of an action or judgment, against the applicant or licensee involving malpractice or improper practice of acupuncture, whether occurring in Wyoming or in any other jurisdiction upon application for licensure, renewal or reinstatement, or not later than thirty (30) days after the licensee becomes aware of such actions or judgments.

**33-49-109. Licensure by endorsement.**

(a) The board may issue a license by endorsement to practice acupuncture in Wyoming to an applicant who is licensed to practice acupuncture in another state subject to the following:

(i) The other state shall have substantially equivalent acupuncture licensure requirements as Wyoming, including similar licensure by endorsement provisions for licensees of this state;

(ii) The applicant shall not have any disciplinary actions pending at the time of application;

(iii) The applicant shall not have had a license to practice acupuncture suspended or revoked in this state or any other; and

(iv) The person shall adhere to all requirements of continuing education and ethical standards established by the board.

**33-49-110. Hearings and investigations.**

(a) Upon receiving a complaint charging a licensee or applicant with any act prohibited by this chapter, the board may conduct an investigation. If the board finds reasonable grounds to substantiate the allegations of the complaint, a time and place for a hearing shall be set, notice of which shall be served on the licensee or applicant at least fifteen (15) calendar days prior to the hearing. The notice shall be by personal service or by certified or registered mail sent to the last known address of the licensee or applicant.

(b) The board may issue subpoenas for the attendance of witnesses and the production of necessary evidence in any hearing before it. Upon request of the respondent or his counsel, the board shall issue subpoenas on behalf of the respondent.

(c) Hearings under this section shall be held in accordance with, and a per-

son aggrieved by a decision of the board may take an appeal pursuant to, the Wyoming Administrative Procedure Act.

**33-49-111. Disciplinary action; suspension and revocation of license; application for reinstatement.**

(a) After any hearing conducted pursuant to W.S. 33-49-110, the board may approve, deny, suspend, revoke or refuse to renew a license or impose probationary conditions on the license if the licensee or applicant has engaged in unprofessional conduct. For purposes of this section, unprofessional conduct includes any of the following:

(i) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(ii) Violating the ethical standards of practice or rules of professional conduct as adopted and published by the board;

(iii) Being convicted of a felony;

(iv) Being convicted of an offense involving a controlled substance;

(v) Being negligent in the practice of acupuncture;

(vi) Violating any lawful order, rule or regulation rendered or adopted by the board;

(vii) Violating any provision of this chapter.

(b) An application for reinstatement may be made to the board not earlier than one (1) year after the date of the revocation of the license. The board may accept or reject an application for reinstatement and may hold a hearing to consider reinstatement. An applicant for reinstatement aggrieved by any final action of the board may appeal to the district court pursuant to the Wyoming Administrative Procedure Act.

(c) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

**33-49-112. Violations; penalties; proceedings.**

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor and upon conviction shall be subject to the fines and penalties prescribed in W.S. 6-10-103. If the board has reason to believe that any individual is liable under this section, it may certify the facts to the prosecuting attorney of the jurisdiction in which the offense was committed.

(b) The attorney general, the board, any county or district attorney or any



citizen may obtain an injunction in the name of the state of Wyoming upon the relation of a complainant enjoining any person from engaging in the practice of acupuncture without a license. The district court of the district in which the offending person resides or the district court of Laramie county has original jurisdiction of any such injunction proceedings. An injunction may be issued without proof of actual damage sustained and upon proof of one (1) or more acts constituting the practice of acupuncture without a license. The standard of proof of any violation of this subsection shall be by a preponderance of the evidence.

(c) Nothing in this section shall limit any additional civil or criminal liability under the laws of this state.

(d) Notwithstanding any other provision of this chapter, the Wyoming Acupuncture Practice Act shall not apply to persons licensed under title 33, chapter 25 or chapter 26 of the Wyoming statutes.

**Section 2.** For the period beginning with the effective date of this act through June 30, 2018, there is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the department of administration and information. This appropriation shall be expended only for the purpose of providing necessary support and executive secretary services for the licensing board created under section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2018. The board shall submit through the normal budget process a standard budget request for the fiscal biennium beginning July 1, 2018, and for subsequent biennia.

**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, 2017.

## Chapter 135

### HONOR AND REMEMBER FLAG

Original House Bill No. 20

AN ACT relating to the display of flags; authorizing the display of the honor and remember flag as specified; providing protocols and penalties; and providing for an effective date.

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

**Section 1.** W.S. 8-3-125 is created to read:

**8-3-125. Honor and remember flag.**

(a) As a symbol of gratitude and respect for the ultimate sacrifice made by members of the United States military in service to our nation, the honor and remember flag, described under subsection (c) of this section, may be displayed at any state leased or owned building or office beneath the national flag on any day upon which the national flag is displayed. Any state agency, board or commission having authority for the supervision, control or management of a state leased or owned building or office is authorized to adopt rules relating to the display of the honor and remember flag at the state leased or owned building or office pursuant to this section.

(b) Any county, city, town or political subdivision of the state may display the honor and remember flag beneath the national flag on any day upon which the national flag is displayed.

(c) The honor and remember flag is the same proportions as the national flag. Its design contains a red field that occupies the top three-quarters (3/4) and a white field that occupies the bottom one-quarter (1/4) of the flag. In the center of the red field is a five (5) pointed gold star with the top point located near the top of the red field and the two (2) bottom points extending approximately one-quarter (1/4) of the way into the white field. The gold star has a white border surrounded by a blue border. Between the two (2) bottom points of the star is a folded national flag. At the top of the folded national flag, extending into the center of the gold star, is a stylized flame with one (1) blue part and two (2) red parts. In the white field below the flag, the words "Honor and Remember" are centered. The honor and remember flag is protected by United States copyright, registration number VA0001670661.

(d) All protocols used in displaying national flags shall be used in displaying the honor and remember flag. All penalties provided by the laws of this state for the misuse of the national flag are applicable to the honor and remember flag.

(e) Nothing in this section shall be construed to require the acquisition, erection and maintenance of a flagpole or the display of the honor and remember flag where a pole or display of the national flag does not already exist.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

## Chapter 136

### OPIATE OVERDOSE EMERGENCY TREATMENT

Original Senate File No. 42

AN ACT relating to public health and safety; creating the Emergency Administration of Opiate Antagonist Act; providing for prescription and administration of an opiate antagonist drug as specified; granting im-

munity from criminal or civil liability for specified conduct; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 33-24-158 and 35-4-901 through 35-4-906 are created to read:

**33-24-158. Prescription of opiate antagonist by pharmacist.**

(a) A pharmacist licensed under this act may prescribe an opiate antagonist in accordance with the Emergency Administration of Opiate Antagonist Act.

(b) The board, in cooperation with the Wyoming state board of medicine, shall adopt rules specifying the requirements a pharmacist shall meet in order to prescribe an opiate antagonist.

ARTICLE 9

EMERGENCY ADMINISTRATION OF OPIATE ANTAGONIST ACT

**35-4-901. Short title.**

This article may be cited as the “Emergency Administration of Opiate Antagonist Act.”

**35-4-902. Definitions.**

(a) As used in this article:

(i) “Opiate antagonist” means naloxone hydrochloride, narcan or any other brand name used for naloxone hydrochloride approved by the United States food and drug administration for the treatment of an opiate related drug overdose;

(ii) “Opiate related drug overdose” means a condition, including extreme physical illness, a decreased level of consciousness or respiratory depression resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, that a reasonable person would believe to require medical assistance;

(iii) “Pharmacist” means any person licensed under Wyoming statutes as a pharmacist and who is practicing within the scope of their license;

(iv) “Practitioner” means any person licensed under Wyoming statutes as a physician, physician assistant or advanced practice registered nurse and who is practicing within the scope of their license;

(v) “Standing order” means an order transmitted electronically or in writing by a practitioner for a drug or device for a patient or multiple patients with whom no prescriber-patient relationship exists.

**35-4-903. Prescription of opiate antagonist.**

(a) A practitioner or a pharmacist acting in good faith and exercising reasonable care may, without a prescriber-patient relationship, prescribe an opiate

antagonist to:

- (i) A person at risk of experiencing an opiate related drug overdose;
  - (ii) A person in a position to assist a person at risk of experiencing an opiate related drug overdose;
  - (iii) A person who, in the course of the person's official duties or business, may encounter a person experiencing an opiate related drug overdose.
- (b) A practitioner or pharmacist who prescribes an opiate antagonist under this article shall provide education to the person to whom the opiate antagonist is prescribed, which shall include written instruction on how to:
- (i) Recognize an opiate related drug overdose;
  - (ii) Respond appropriately to an opiate related drug overdose event, including how to administer an opiate antagonist;
  - (iii) Ensure that a person to whom an opiate antagonist has been administered receives, as soon as possible, additional medical care and a medical evaluation.

**35-4-904. Standing order for opiate antagonist; drug overdose treatment policy; rules.**

- (a) A practitioner acting in good faith and exercising reasonable care may prescribe by a standing order an opiate antagonist to an entity that, in the course of the entity's official duties or business, may be in a position to assist a person experiencing an opiate related drug overdose.
- (b) An entity prescribed an opiate antagonist by standing order shall establish a drug overdose treatment policy in accordance with rules adopted by the department of health. The drug overdose treatment policy shall:
- (i) Provide for the designation of individuals to receive training and instructional materials on how to recognize and respond to an opiate related drug overdose and ensure that a person to whom an opiate antagonist has been administered receives additional medical care and a medical evaluation;
  - (ii) Provide for reporting to the department of health, in the manner and form prescribed by the department, all opiate related drug overdoses for which an opiate antagonist is administered.
- (c) The Wyoming state board of medicine and the Wyoming state board of nursing may adopt rules as necessary to implement and administer prescription of an opiate antagonist by a standing order.

**35-4-905. Voluntary participation.**

This article does not establish a duty or standard of care for a person to prescribe or administer an opiate antagonist.

**35-4-906. Administration of an opiate antagonist; immunity from liabil-**

**ity; exemption from unprofessional conduct; relation to other law.**

(a) A person acting in good faith may administer an opiate antagonist to another person who appears to be experiencing an opiate related drug overdose.

(b) A person who administers an opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(c) A practitioner or pharmacist who prescribes an opiate antagonist pursuant to this article is personally immune from civil or criminal liability for any act or omission resulting in damage or injury.

(d) An entity that establishes a drug overdose treatment policy pursuant to this article is immune from civil or criminal liability for any act or omission related to the administration of an opiate antagonist resulting in damage or injury.

(e) Prescribing an opiate antagonist by a practitioner or pharmacist pursuant to this article shall not constitute unprofessional conduct.

(f) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act conflict with any provision of this article, this article shall prevail.

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

**Chapter 137****SCHOOL NUTRITION PILOT PROJECT**

Original Senate File No. 123

AN ACT relating to school district operations; establishing a grant program for school districts to increase consumption of Wyoming meat products in school lunch programs; requiring rulemaking; authorizing expenditure of prior appropriations as specified; and providing for an effective date.

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

**Section 1.**

(a) The school protein enhancement pilot project for public school children is established. Under the project, the department of education may provide financial assistance to school districts to increase the quantity of Wyoming poultry, lamb, pork, beef or bison used in school lunches during the 2017-2018 school year. Funding shall be provided only to pay for processing costs for Wyoming poultry, lamb, pork, beef or bison donated to a school district. The project shall meet program requirements and criteria established by rule and regulation of the department. The department shall, to the extent possible,

equally match funding contributed by school districts to pay for Wyoming poultry, lamb, pork, beef or bison processing costs. The department shall also endeavor to provide funding to as many school districts as possible.

(b) Each school district may apply to the department of education for assistance under this section on or before June 15, 2017. Application shall be on a form and in a manner prescribed by the department. At minimum, the application shall include a description of the district's goals for increasing the quantity of Wyoming poultry, lamb, pork, beef or bison used in school lunches.

(c) Twenty-five thousand dollars (\$25,000.00) from any appropriation to the department of education in 2016 Wyoming Session Laws, chapter 31, section 2, section 206 as amended is authorized to be expended as necessary to implement this section.

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

Approved March 3, 2017.

## Chapter 138

### BAR AND GRILL LIQUOR LICENSE INCREASE

Original Senate File No. 155

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

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

**Section 1.** W.S. 12-4-413(b)(ii), (iii) and (iv) is amended to read:

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

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

(ii) Not more than ~~three (3)~~ six (6) licenses for population in incorporated cities between seven thousand five hundred one (7,501) and ~~fifteen thousand (15,000)~~ twenty thousand (20,000); and

(iii) Not more than ~~four (4)~~ ten (10) licenses for population in incorporated cities between ~~fifteen thousand one (15,001)~~ twenty thousand one (20,001) and ~~twenty-seven thousand five hundred (27,500)~~ thirty thousand (30,000); and

(iv) Not more than one (1) additional license for each additional seven thousand five hundred (7,500) population in incorporated cities over ~~twenty-seven thousand five hundred (27,500)~~ thirty thousand (30,000).

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

## Chapter 139

### PRESUMPTIVE DISABILITY FOR FIREFIGHTERS

Original Senate File No. 89

AN ACT relating to labor and employment; providing for a rebuttable presumption of disabilities for firefighters; listing subject diseases; providing eligibility for specified benefits to which the presumption applies; outlining criteria for presumptions; providing rulemaking authority; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 27-15-101 through 27-15-103 are created to read:

#### CHAPTER 15

#### PRESUMPTIVE DISABILITY FOR CERTAIN DISEASES

##### 27-15-101. Definitions.

(a) As used in this act:

(i) "Firefighter" means a paid fireman defined under W.S. 15-5-201(a)(xi), a firefighter member under W.S. 9-3-402(a)(xxv), an employee under W.S. 15-5-402(a)(viii), a volunteer fireman defined under W.S. 15-5-201(a)(xiv) and a volunteer firefighter or firefighter defined under W.S. 35-9-616(a)(x). "Firefighter" also means an individual employed by a municipal corporation or private organization who devotes the individual's entire time of employment to the provision of fire protection service for a city, town, county or fire protection district;

(ii) "Listed disease" means any of the following:

(A) Cancer, lymphoma or leukemia that may be caused by exposure to heat, smoke, radiation or a known or suspected carcinogen as determined by the International Agency for Research on Cancer;

(B) Cardiovascular disease;

(C) Acute myocardial infarction or stroke;

(D) A disease, illness, health impairment or disability determined on a case-by-case basis under W.S. 27-15-102(h).

(iii) "Minimum period of employment" means:

(A) Employment as a firefighter for at least ten (10) years; and

(B) For volunteer firefighters, an individual is considered to have been employed for the minimum period of employment if that individual while actively a volunteer participates or participated in a minimum of forty percent

(40%) of the drills conducted by the individual's department and a minimum of twenty-five percent (25%) of the emergency calls received during the time the volunteer serves or served on call. Volunteer firefighter departments shall keep individual records that document the criteria in this subparagraph.

(iv) "This act" means W.S. 27-15-101 through 27-15-103.

**27-15-102. Presumption of occupational disability; applicability; exceptions.**

(a) A firefighter who suffers from a listed disease is presumed to have developed that listed disease during the course and scope of employment. The listed disease is presumed to be an occupational disease, the dominant cause of which is the employment as a firefighter, unless the contrary is proven.

(b) A presumption established under this act applies to a determination of whether a firefighter's injury, disease, illness, health impairment, disability or death resulted from a listed disease contracted in the course and scope of employment for purposes of benefits or compensation provided under:

(i) Firefighter retirement and disability retirement plans administered by the Wyoming retirement board under W.S. 9-3-401 through 9-3-431, 15-5-201 through 15-5-209, 15-5-401 through 15-5-422 and 35-9-616 through 35-9-628;

(ii) Workers' compensation benefits paid by or on behalf of an employer to an employee under the provisions of W.S. 27-14-101 through 27-14-806;

(iii) University of Wyoming and Wyoming community college tuition and fees as provided under W.S. 21-16-1501(h) and (j).

(c) The presumption in subsection (a) of this section applies only to a firefighter who:

(i) Is employed for not less than the minimum period of employment and seeks the presumption within:

(A) Ten (10) years after cessation of employment for a listed disease as defined by W.S. 27-15-101(a)(ii)(A);

(B) One (1) year after cessation of employment for a listed disease as defined by W.S. 27-15-101(a)(ii)(B) or (C);

(C) A period to be determined by the Wyoming worker's compensation medical commission for a listed disease as defined by W.S. 27-15-101(a)(ii)(D).

(ii) Has been exposed to the hazards involved in firefighting during the minimum period of employment; and

(iii) On becoming employed or during employment as a firefighter received a physical examination that failed to reveal evidence of the listed disease for which the presumption is sought.

(d) The presumption in subsection (a) of this section does not apply:



(i) If the listed disease is known to be caused by tobacco use and the firefighter:

(A) Is a regular user of tobacco for five (5) or more years; or

(B) Was a regular user of tobacco for five (5) or more years and it has been fewer than ten (10) years since the firefighter gave up the use of tobacco products.

(ii) In a cause of action brought in a state or federal court except for judicial review of a proceeding in which there has been a grant or denial of employment-related benefits or compensation.

(e) This act does not create a cause of action.

(f) This act does not enlarge or establish a right to any benefit or compensation or eligibility for any benefit or compensation.

(g) A firefighter who qualifies for a presumption established under this act is entitled only to the benefits or compensation to which the firefighter would otherwise be entitled to receive at the time the claim for benefits or compensation is filed.

(h) A presumption under this act is not limited to the current listed diseases. A firefighter is not precluded from a case-by-case demonstration before the Wyoming workers' compensation medical commission that the dominant cause of the firefighter's disease, illness, health impairment or disability is or was employment as a firefighter.

(j) Paragraph (d)(i) of this section only prevents the application of the presumption authorized by this chapter and does not affect the right of a firefighter to provide proof, without the use of the presumption, that an injury, disease, illness, health impairment or disability occurred during the course and scope of employment.

#### **27-15-103. Presumption rebuttal.**

A person opposed to the award of benefits or compensation listed under W.S. 27-15-102(b) may rebut the presumption under this act through a showing by a preponderance of the evidence that a risk factor, accident, hazard or other cause not associated with the firefighter's service was the dominant cause of the listed disease.

**Section 2.** W.S. 27-14-616(b) by creating a new paragraph (vi) is amended to read:

#### **27-14-616. Medical commission; hearing panels; creation; membership; duties; rulemaking.**

(b) One (1) member shall be elected by commission members as chairman and one (1) as vice-chairman. The division shall designate an employee to serve as executive secretary of the commission or contract with an individual

to provide executive secretary services to the commission. The governor may appoint no more than eleven (11) additional health care providers as associate members of the commission whose function is limited to serving as members of individual medical hearing panels. Except for initial members, the terms of commission members and associate members shall be three (3) years. Three (3) members of the initial commission and three (3) initial associate members shall be appointed to a one (1) year term and four (4) initial commission members and four (4) initial associate members shall be appointed to a two (2) year term. The duties of the commission shall be:

(vi) To establish by rule and regulation procedures for decisions pursuant to W.S. 27-15-102(h) and for rebuttals pursuant to W.S. 27-15-103 and to adopt other rules as necessary to implement W.S. 27-15-101 through 27-15-103.

**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, 2017.

## Chapter 140

### ENDOW INITIATIVE

Original Senate File No. 132

AN ACT relating to economic diversification; providing for an economic diversification council to oversee and promote economic diversification activities in the state; providing for the development of a comprehensive economic diversification policy and strategy; providing for business development and innovation zones; specifying duties of the council and executive department in regard to implementation of the policy and strategy; providing for a coordinator of economic diversification; providing legislative findings and specifying intent; creating an account; providing an appropriation; specifying use of funds; and providing for an effective date.

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

#### **Section 1.**

(a) The legislature finds that the legislature and the governor have undertaken an effort to develop a twenty (20) year comprehensive and coordinated economic diversification strategy to encourage the expansion and diversification of Wyoming's existing energy and industrial sectors and to stimulate new and emerging industries to create private sector jobs and encourage business development, entrepreneurship and innovation. The governor and legislature have identified and invested in several projects that have and will result in substantial public benefit and are advancing the interests of Wyoming, including, but not limited to: the Wyoming integrated test center, NRG COSIA Carbon XPRIZE, the value added energy and industrial plan, developing international markets for Wyoming resources, and the outdoor recreation task force. Eco-

conomic diversification in Wyoming should be fostered through the private sector and private/public partnerships in the creation of business development and innovation zones. Nothing in this act shall be construed to limit or contravene the powers of the governor or legislature to appropriate resources to capitalize on these or other opportunities to diversify Wyoming's economy where they exist.

(b) The legislature further finds that it is beneficial to have a coordinated approach between the legislative and executive branches of government to determine appropriate policies, processes and procedures to allocate resources to promote diversification of Wyoming's economy. The governor's continued consultation with legislative leadership will allow the executive and legislative departments to continue to formulate and advance economic policy, business development, entrepreneurship and innovation, and take action to further develop and diversify Wyoming's economy.

(c) This act creates an executive council supported by the governor's office to oversee and promote these efforts and to continually monitor, support and adjust these activities through subsequent legislative and executive department action. The provisions of this act shall be interpreted in accordance with these findings and stated intent.

**Section 2.** W.S. 9-12-1401 through 9-12-1404 are created to read:

**9-12-1401. Economically needed diversity options for Wyoming executive council; creation; appointment and terms of members.**

(a) There is created the economically needed diversity options for Wyoming (ENDOW) executive council. The members shall represent existing, new and emerging economic sectors or subsectors or have demonstrated executive level experience. The council shall consist of not more than fifteen (15) voting members, appointed by the governor with the advice and consent of the senate. The presiding officers of the house and senate and the chairmen of the house and senate minerals, business and economic development committees shall be ex officio, nonvoting members. The governor may remove any appointed member as provided in W.S. 9-1-202. If an appointed member's position is vacant the governor shall appoint a new member as provided in W.S. 28-12-101. The governor, or his designee, shall be a member and cochairman of the council, but shall not vote. The council shall elect a cochairman from among the appointed members. One-half plus one (1) of the appointed members shall have initial terms of four (4) years and the remaining members shall have initial terms of two (2) years. Thereafter, appointed members shall serve for terms of four (4) years.

(b) In appointing members the governor shall, to the extent practicable, provide for diversity of members based upon existing, new and emerging economic sectors and subsectors. No more than two (2) members shall be appointed to serve concurrently from the same economic subsector.

(c) Members of the council shall not receive compensation for their services, but when engaged in the performance of their duties, they may receive travel expenses, per diem and mileage expenses in the same manner and amount as employees of the state.

(d) The council shall meet as often as necessary to conduct business. Meetings shall be called by the cochairmen. A majority of the voting members of the council shall constitute a quorum for the transaction of any business or the exercise of any power or function of the council.

(e) The council shall be administered by the office of the governor and staffed and supported by the Wyoming business council, community college commission, University of Wyoming and department of workforce services. The council shall, where appropriate and authorized by the governor, make use of the services and facilities of other departments, boards, commissions and agencies of the state of Wyoming.

(f) As used in this article:

(i) “Business development and innovation zone” means defined geographic areas within the state in which local, state and federal permitting and other regulatory requirements will be met for all or significant segments of industry located in the zone or in which industries or businesses would be benefitted substantially as a result of being located in proximity to each other;

(ii) “Economic sector” and “economic subsector” means a primary business activity identified respectively as a sector or subsector in the most recent edition of the North American Industry Classification System (NAICS) manual.

**9-12-1402. General powers and duties of the council; economic diversification policy and strategy; authority of governor.**

(a) The ENDOW executive council shall:

(i) Receive and evaluate public input, opinions and recommendations regarding the diversification of Wyoming’s economy and advise the governor and legislature of any findings or recommendations. The council shall seek the advice of departments, boards, commissions and agencies of the state of Wyoming;

(ii) By August 30, 2017, prepare and submit to the governor and legislature through the joint minerals, business and economic development interim committee, an exhaustive assessment of socioeconomic data, which shall include an examination of state and local fiscal sustainability, existing, new and emerging economic sectors and subsectors of the economy, identification of potential business development and innovation zones, an inventory of existing workforce strengths and deficiencies, economic trends and key enablers for economic growth in the state that translate to viable business development;

(iii) By December 31, 2017, prepare and submit to the governor and legislature a report of its preliminary findings and recommendations in the development of a comprehensive economic diversification strategy. The preliminary report shall evaluate investments necessary to support new and emerging industries or economic sectors, knowledge transfer, infrastructure, international trade, and cooperation between the public sector and private enterprise, assess the relationship between incremental state and local tax revenues, costs of public services and economic diversification and make recommendations as appropriate. The report shall identify specific areas which should be designated as business development and innovation zones. In identifying potential zones the report shall review the establishment of zones including, but not limited to, industries involving agriculture and agricultural business, renewable energy sources, advanced clean coal technologies, nuclear fuel processing and enrichment, hybrid energy sources, enhanced oil recovery, inland distribution ports, international trade, food and beverage industry distribution, promotion, marketing and development of the international trust and fiduciary business and related sectors, emerging research and technological development, existing, new and emerging economic sectors and subsectors, and value added manufacturing involving Wyoming resources. The potential zones shall be described by location in the state, including recommended boundaries. The report shall also identify existing industries in these areas which could be expanded and used to attract other businesses in the same, related or mutually supporting industries. The report shall identify existing deficiencies and strengths in Wyoming's workforce and workforce training programs;

(iv) By August 1, 2018, prepare and submit to the governor for his approval a twenty (20) year comprehensive economic diversification strategy. The strategy shall contain explicit economic targets to guide the evolution of Wyoming's economy in order to build a sustainable and diversified, value added economy by 2038. The strategy shall identify agency specific or collective actions that can be implemented immediately without new state appropriations and resources and agency specific and collective actions that will require new state appropriations or reallocation of state resources. The strategy shall address the creation of business development and innovation zones and plans to implement the zones. The council may recommend to the governor modifications to the twenty (20) year plan from time to time as it deems advisable;

(v) In coordination with departments, boards, commissions and agencies of the state of Wyoming, develop four (4) year action plans with performance benchmarks, including policy recommendations and budget requests. Each plan shall specify a time period for creating business development and innovation zones within the plan's four (4) year period and a time schedule for full implementation of steps necessary to establish each zone. The council shall submit each action plan to the governor for his approval. After approval by the governor, the council shall, in coordination with departments, boards,

commissions and agencies of the state, implement the action plan and provide regular progress reports in meeting targets and shall identify adjustments to be made to the governor and legislature;

(vi) Review with the Wyoming business council, community college commission, University of Wyoming, the department of workforce services, and other state agency directors as determined by the governor and ENDOW executive council to be necessary or desirable, agency enabling legislation, rules and regulations, policies, procedures and other governing mechanisms to determine amendments which would better align agency functions with the economic diversification strategy and to allow for implementation of business development and innovation zones;

(vii) Engage the private sector in review of state laws, rules and regulations, policies, procedures and other governing mechanisms that inhibit economic diversification efforts, including those which stand as obstacles to the implementation of business development and innovation zones, in order to determine amendments to the same without compromising Wyoming's environmental and workplace standards;

(viii) Have the authority to contract with consultants through the Wyoming business council for rendering of professional, financial and technical assistance and advice, including for studies and investigation likely to lead to economic diversification;

(ix) At the request of the governor, review and make recommendations to the governor for approval on projects submitted for grant and other funding opportunities from nonstate sources which support the economic diversification strategy;

(x) Conduct studies to identify services, facilities and amenities that are attractive to businesses and their employees seeking to relocate but which are substantially lacking or deficient in Wyoming, and identify potential solutions to address those deficiencies to create working and community life climates attractive to a modern day workforce;

(xi) Develop a performance evaluation system, monitor progress and report to the governor the status of programs and activities outlined as goals, objectives or action items in the state's economic diversification strategy.

(b) In carrying out his duties under this article the governor, in consultation with the presiding officers of the legislature, may convene advisors to obtain objective advice in the formulation of economic diversification policy, including assessing local, national and global conditions and trends and evaluating the significance of those factors relative to Wyoming.

**9-12-1403. Coordinator of economic diversification; duties.**

(a) The governor shall designate a coordinator of economic diversification, who 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 coordinator shall:

- (i) Provide administrative support for the ENDOW executive council;
- (ii) Direct and oversee the execution of Wyoming's economic diversification strategies and initiatives and the advancement of the interests of Wyoming in policy, program and project development and implementation to support diversification of the economy of Wyoming. Unless law directs a different state entity to undertake those programs and projects the coordinator may initiate or implement those programs and projects;
- (iii) Coordinate activities with the Wyoming business council, community college commission, University of Wyoming, department of workforce services, Wyoming department of transportation, department of environmental quality, office of state lands and investments and other departments, boards, commissions, authorities and agencies of the state of Wyoming to assure efficient use of state resources in execution of Wyoming's economic diversification strategy;
- (iv) Compile detailed information on all programs and projects undertaken for the purpose of measuring trends, development and progress in the diversification of the economy of Wyoming;
- (v) Initiate, implement, sponsor, promote and coordinate policy research, policy development and economic analysis to support diversification of the economy of Wyoming;
- (vi) Where appropriate and authorized by the governor, make use of the services and facilities of other departments, boards, commissions and agencies of the state of Wyoming.

**9-12-1404. Economic diversification account created; authorized expenditures.**

(a) There is created an economic diversification account. All monies in the account are continuously appropriated to the office of the governor to be used solely for the purposes of this article, including per diem, mileage and other administrative expenses of the ENDOW executive council. Notwithstanding W.S. 9-2-1008 and 9-4-207, funds in the account shall not lapse at the end of the fiscal period. Interest earned on funds in the account shall be deposited to the account.

(b) The governor may accept, and shall deposit to the account, any gifts, contributions, donations, grants or federal funds specifically designated for purposes of this article.

**Section 3.** Notwithstanding W.S. 9-12-1401(a) and 28-12-101, senate confirmation of the appointed members of the economically needed diversity options for Wyoming executive council shall not be required until the 2018 legislative session.



**Section 4.** There is appropriated two million five hundred thousand dollars (\$2,500,000.00) from the legislative stabilization reserve account to the economic diversification account created by this act. Of this appropriation, not less than one million five hundred thousand dollars (\$1,500,000.00) shall be earmarked for expenditure under this act for workforce development recommended by the ENDOW executive council to carry into effect the state's economic diversification strategy. These earmarked funds may be expended by the governor for other purposes consistent with the provisions of this act should the governor determine an immediate economic diversification opportunity exists and the earmarked funds are necessary to realize that opportunity.

**Section 5.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 3, 2017.

## Chapter 141

### MALICIOUS CRUELTY TO ANIMALS

Original Senate File No. 115

AN ACT relating to crimes and offenses; expanding the felony of aggravated cruelty to animals; and providing for an effective date.

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

**Section 1.** W.S. 6-3-203(c) by creating a new paragraph (vii) and (m)(intro) is amended to read:

**6-3-203. Cruelty to animals; penalties; limitation on manner of destruction.**

(c) A person commits aggravated cruelty to animals if he:

(vii) Shoots, poisons or otherwise intentionally acts to seriously injure or destroy any livestock or domesticated animal owned by another person while the animal is on property where the animal is authorized to be present.

(m) Nothing in subsection (a), (b), (c)(vii) or (n) of this section shall be construed to prohibit:

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.



**Chapter 142****AGRICULTURAL TAX VALUATION-FARMSTEAD**

Original Senate File No. 148

AN ACT relating to ad valorem taxation; revising the definition of "agricultural purpose" to include land used for a farmstead structure; making conforming changes; and providing for an effective date.

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

**Section 1.** W.S. 39-13-101(a)(viii)(intro), (C), by creating a new subparagraph (D) and by creating a new paragraph (x) and 39-13-103(b)(x)(A), (B)(I) and (B)(III) are amended to read:

**39-13-101. Definitions.**

(a) As used in this article:

(viii) "Agricultural purpose," as used in W.S. 39-13-103(b)(x), means the following land uses when conducted consistent with the land's capability to produce or when supporting the land's capability to produce:

(C) Rearing, feeding, grazing or management of livestock; or

(D) Land used for a farmstead structure.

(x) "Land used for a farmstead structure" means land that underlies and that supports the use of a barn, shop, shed, granary, corral or other structure if the structure:

(A) Is used to support an agricultural purpose specified in subparagraphs (viii)(A) through (C) of this subsection;

(B) Is not a structure built for human habitation or actually used for human habitation;

(C) Is not attached to a structure built for human habitation or actually used for human habitation; and

(D) Is built upon land used for the agricultural purpose supported by the structure.

**39-13-103. Imposition.**

(b) Basis of tax. The following shall apply:

(x) The following shall apply to agricultural land:

(A) The department shall determine the taxable value of agricultural land and prescribe the form of the sworn statement to be used by the property owner to declare that the property meets the requirements of subparagraph (B) of this paragraph. In determining the taxable value for assessment purposes under this paragraph, the value of agricultural land shall be based on the current use of the land, and the capability of the land to produce agricultural products, including grazing and forage, based on average yields of lands of the same

classification under normal conditions. The area of land used for a farmstead structure shall be valued at the same value as the agricultural land supported;

(B) Contiguous or noncontiguous parcels of land under one (1) operation owned or leased shall qualify for classification as agricultural land if the land meets each of the following qualifications:

(I) The land is presently being used and employed for an agricultural purpose including use as a farmstead to support an agricultural purpose as provided in W.S. 39-13-101(a)(viii)(D);

(III) If the land is not leased land, the owner of the land has derived annual gross revenues of not less than five hundred dollars (\$500.00) from the marketing of agricultural products, or if the land is leased land the lessee has derived annual gross revenues of not less than one thousand dollars (\$1,000.00) from the marketing of agricultural products. If a portion of the land is used for a farmstead structure, that area of the land upon which the structure is built and which supports the use of the structure shall be deemed to meet the requirements of this subdivision if the farmstead structure is part of one (1) operation that meets the requirements of this subdivision; and

**Section 2.** This act is effective July 1, 2017.

Approved March 3, 2017.

## Chapter 143

### DISCOUNTED CASH FLOW IMPLEMENTATION PROCESS

Original House Bill No. 11

AN ACT relating to the department of revenue; requiring a study on discounted cash flow valuation for oil and gas as specified; requiring a report; providing a definition; providing an appropriation; and providing for an effective date.

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

#### **Section 1.**

(a) The department of revenue shall study the changes necessary to implement the use of discounted cash flow valuation for the ad valorem tax on oil and gas production by 2020.

(b) The study required by subsection (a) of this section shall include:

(i) A report on the additional costs to the department to administer discounted cash flow valuation of oil and gas production;

(ii) A determination of the tax impacts that would occur with a transition to discounted cash flow valuation and recommendations to make the transition to the new valuation method revenue neutral to the extent possible;

(iii) Recommendations on the specific inputs necessary to implement discounted cash flow valuation including the price forecast, production forecast, operating expenses and the discount rate and how those inputs will be determined.

(c) In preparing the study required under subsection (a) of this section, the department shall consult with industry representatives, local governments, the revenue departments of other states that have implemented discounted cash flow valuation for oil and gas production and other interested stakeholders. The department may hire consultants as necessary to develop information or data required for the study.

(d) The department shall report the results of the study including any recommendations for legislation to the joint revenue interim committee not later than November 30, 2019. The department shall provide an update on the study not later than November 30, 2017 and November 30, 2018. The updates shall include recommendations for any legislation or appropriation necessary to complete the study or implement the recommendation or to discontinue the study and pursue other appropriate valuation methods.

(e) As used in this section, “discounted cash flow” is a method of valuing a reservoir of petroleum or natural gas using the concepts of the time value of money where all future cash flows, both incoming and outgoing, are estimated and discounted by using the cost of capital to give their present values.

**Section 2.** There is appropriated ten thousand dollars (\$10,000.00) 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, 2020. This appropriation shall only be expended for the purpose of conducting the study and hiring consultants as provided in section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

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

Approved March 6, 2017.

## Chapter 144

### SEX OFFENDER REGISTRATION FEES AND PENALTIES

Original House Bill No. 15

AN ACT relating to sex offender registration; providing for registration and reporting fees as specified; creating the sex offender registration account; requiring rulemaking; establishing penalties; and providing for an effective date.

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

**Section 1.** W.S. 7-19-310 is created to read:

**7-19-310. Sex offender registration account; purposes.**

There is created the sex offender registration account to be administered by the division. Any state registration or reporting fees collected pursuant to W.S. 7-19-302 shall be deposited into the account. Funds in the account shall be expended only upon appropriation by the legislature and shall not be transferred or expended for any purpose other than administering and enforcing the provisions of this act. Interest accruing to the account shall be retained in the account and shall be expended for the purposes provided in this section.

**Section 2.** W.S. 7-19-301(a)(xv), 7-19-302 by creating new subsections (r) through (u) and 7-19-307(a) and by creating a new subsection (e) are amended to read:

**7-19-301. Definitions.**

(a) Unless otherwise provided, for the purposes of this act:

(xv) "This act" means W.S. 7-19-301 through ~~7-19-309~~ 7-19-310;

**7-19-302. Registration of offenders; procedure; verification; fees.**

(r) Except as provided in subsection (s) of this section, all offenders required to register or report updated information pursuant to this act shall pay fees established by rules of the division. The division shall establish fees in accordance with the following:

(i) At the time of initial registration, the offender shall pay a state registration fee in an amount not to exceed one hundred twenty dollars (\$120.00) and a county registration fee in an amount equal to twenty-five percent (25%) of the state registration fee;

(ii) Each time the offender is required to report updated information pursuant to subsection (e), (f), (k) or (m) of this section, the offender shall pay a state reporting fee in an amount not to exceed twenty-five dollars (\$25.00) and a county reporting fee in an amount equal to twenty-five percent (25%) of the state reporting fee;

(iii) The state registration and reporting fees established by the division shall, to the extent practicable, generate a total revenue that approximates, but does not exceed, the direct and indirect costs of administering and enforcing the provisions of this act.

(s) No fee required under subsection (r) of this section shall be charged to:

(i) An offender in custody of the department, a local jail or a public or private agency pursuant to a court order during the period in which the offender is in custody;

(ii) An indigent offender, as provided in rules established by the division. The rules shall establish criteria and procedures for determinations of indigency in accordance with the following:

(A) Standards for indigency shall be similar to the standards used to determine indigency for the purposes of the appointment of counsel;

(B) An offender shall apply for a determination of indigency at the time of registration or reporting updated information by submitting to the division or the sheriff of the county in which the offender is required to register or report, under penalty of perjury, an application and supporting documentation regarding the offender's income, property owned, outstanding obligations, number and ages of the offender's dependents and any other factors relevant to the offender's ability to pay registration and reporting fees. The application and information shall detail the offender's financial status for a period of not less than one (1) year preceding the date of the application;

(C) If an offender is unable to submit a complete application at the time of registration or reporting updated information, the offender may submit an application to the division or the sheriff of the county in which the offender is required to register or report updated information within thirty (30) days of registration or reporting. Failure to submit an application and all required information within thirty (30) days of registration or reporting updated information shall be deemed to be a waiver of the offender's ability to request a determination of indigency and the fees required under subsection (r) of this section shall be payable;

(D) The division shall approve or deny an application for a determination of indigency and provide notice of the determination to the offender within thirty (30) days of receipt of the application;

(E) The division's determination that the offender is indigent shall be valid for a period of one (1) calendar year from the registration or reporting updated information date for which the application was submitted. Upon the expiration of the period, the offender may submit an application for a new determination of indigency;

(F) If the division determines the offender is not indigent, the offender shall pay the fees required under subsection (r) of this section within thirty (30) days from the date the offender receives notice of the denial. An offender may apply for a determination of indigency only once per calendar year, unless the offender can show a material change in circumstances;

(G) The division's determination that an offender is not indigent is an agency action subject to judicial review as provided under W.S. 16-3-114 and 16-3-115.

(t) The sheriff of the county in which the offender is required to register or report updated information shall:

(i) Collect the fees required under subsection (r) of this section;

(ii) Retain the county registration and reporting fees collected to be expended for purposes of administering and enforcing the provisions of this act and to cover the administrative expenses and costs of collecting and remitting the state registration and reporting fees;

(iii) Remit to the division the state registration and reporting fees to be deposited in the sex offender registration account created by W.S. 7-19-310; and

(iv) Forward to the division any applications for a determination of indigency.

(u) If an offender fails to pay the fees required under subsection (r) of this section, the sheriff of the county in which the offender is required to register or report updated information shall provide to the division the registration or reporting information required under this act and notify the division of the offender's failure to pay. Unpaid fees become delinquent thirty (30) days after the date the fee is imposed, the date the offender waives the ability to request a determination of indigency by failing to submit an application or the date the division notifies the offender he does not qualify as indigent, whichever is later. Unpaid fees may be collected by the division as otherwise provided by law and as provided in W.S. 9-1-415(a). Nothing in this subsection shall be construed to prohibit the prosecution of an offender for failure to register or report updated information or for any other offense.

#### **7-19-307. Penalties.**

(a) Failure to register, ~~or~~ update any registration information or pay any fee required under subsection (r) of this section within the time required under W.S. 7-19-302 constitutes a per se violation of this act and is punishable as provided in ~~subsections (c) and (d) of this section.~~ The division shall notify the appropriate authorities when it discovers that an offender fails to register, ~~or~~ update any registration information or pay any fee required under subsection (r) of this section within the time required under W.S. 7-19-302 or when an offender absconds.

(e) A person who willfully fails to pay fees required under W.S. 7-19-302 is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment in the county jail for not more than six (6) months, or both.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 145****IMPROVEMENT AND SERVICE DISTRICTS-SERVICES**

Original House Bill No. 186

An ACT relating to improvement and service districts; providing for the acquisition of new improvements, facilities or services as specified; providing requirements; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 18-12-141 is created to read:

**18-12-141. New improvements, facilities or services; voter approval.**

A district shall not acquire any new improvement or facility or provide any new service that was not originally described in the petition for formation of the district unless the new improvement, facility or service is authorized by this act, approved by the board of county commissioners of the county in which the district is situated and approved by a majority of the qualified voters of the district. Upon approval of the board of county commissioners and by resolution of its board, a district may submit to its qualified voters, by mail ballot election pursuant to W.S. 22-29-116 or concurrently with any other district election, the proposition of acquiring any new improvement or facility or providing any new service authorized under this act.

**Section 2.** W.S. 18-12-102(a)(xi) is amended to read:

**18-12-102. Definitions.**

(a) As used in this act:

(xi) "This act" means W.S. 18-12-101 through ~~18-12-140~~ 18-12-141;

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 146****MENTOR SMALL GAME AND GAME BIRD HUNTING**

Original House Bill No. 235

AN ACT relating to game and fish; providing an exception to the hunter safety certificate requirement for hunting small game and game birds with a mentor; specifying requirements; providing rulemaking authority; and providing for an effective date.

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

**Section 1.** W.S. 23-2-106(a), (c) and by creating a new subsection (e) is amended to read:

**23-2-106. Hunter safety; exception.**

(a) Except as provided in subsections (c), ~~and (d)~~ and (e) of this section, no person born on or after January 1, 1966, may take any wildlife by the use of firearms on land other than that of his own family, unless the person possesses or can demonstrate they have obtained a certificate of competency and safety in the use and handling of firearms as provided by subsection (b) of this section.

(c) ~~Except as provided in subsection (e) of this section,~~ a person who has not received a certificate of competency and safety in the use and handling of firearms as provided by subsection (b) of this section may apply to the department for a special authorization to take wildlife with the use of a firearm while being accompanied by a person who has attained the age of majority, acting as a mentor, who possesses or can demonstrate he has obtained a certificate of competency and safety in the use and handling of firearms and who possesses a valid Wyoming hunting license. A mentor shall not provide supervision for more than one (1) person, other than immediate family members, at a time in the field. The special authorization shall be valid for not more than one (1) year. Nothing in this subsection shall be construed as altering the requirements of W.S. 23-2-102(a). The commission shall promulgate rules and regulations to carry out the purposes of this subsection ~~and subsection (e) of this section.~~

(e) A person under fourteen (14) years of age who has not yet received a certificate of competency and safety in the use and handling of firearms may take small game and game birds without receiving special authorization from the department under subsection (c) of this section while being accompanied by a person who has attained the age of majority, acting as a mentor, who possesses or can demonstrate he has obtained a certificate of competency and safety in the use and handling of firearms, unless otherwise exempted as provided in subsection (a) of this section, and who possesses a valid Wyoming small game or game bird license. A mentor shall not provide supervision for more than one (1) person, other than immediate family members, at a time in the field.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 147****BACKGROUND CHECKS-INTERSTATE COMPACTS**

Original House Bill No. 241

AN ACT relating to criminal history records; authorizing licensure boards to obtain criminal background checks for health care professionals licensed pursuant to an interstate compact entered into by the state of Wyoming; and providing for an effective date.

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



**Section 1.** W.S. 7-19-106(a) by creating a new paragraph (xxvii) and 7-19-201(a) by creating a new paragraph (xxiii) are amended to read:

**7-19-106. Access to, and dissemination of, information.**

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xxvii) A health care licensure board that licenses health care professionals under title 33 of the Wyoming statutes for purposes of obtaining background information on applicants for licensure pursuant to an interstate compact entered into by the state of Wyoming.

**7-19-201. State or national criminal history record information.**

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(xxiii) Health care professionals applying for licensure under title 33 of the Wyoming statutes, if required as a condition for licensure pursuant to an interstate compact entered into by the state of Wyoming.

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

Approved March 6, 2017.

## Chapter 148

### VEHICLE REGISTRATION REQUIREMENTS

Original House Bill No. 280

AN ACT relating to motor vehicles; creating a rebuttable presumption pertaining to ownership of vehicles registered under the laws of another jurisdiction that are operated by Wyoming residents; providing for notice and hearing as specified; providing a penalty; amending vehicle registration exemptions; requiring rulemaking; specifying applicability and deadlines; and providing for effective dates.

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

**Section 1.** W.S. 31-2-201 by creating new subsections (o) and (p) and 31-2-224(a)(v) by creating a new subparagraph (C) are amended to read:

**31-2-201. Registration required; timelines.**

(o) A resident found to be in control of a vehicle operated or driven upon any highway for which Wyoming vehicle registration is required shall be rebuttably presumed to be the actual owner of the vehicle, subject to the following:

(i) The department, in consultation with the department of revenue, a county treasurer or a Wyoming peace officer, is authorized to determine that a

resident is in control of a vehicle operated or driven upon any highway in Wyoming for which Wyoming vehicle registration is required. Factors that indicate a resident is in control of a vehicle include, but are not limited to the following:

(A) The resident was a purchaser of the vehicle;

(B) The resident operated or stored the vehicle in Wyoming for any period of time;

(C) The resident is a partner, member or shareholder of the business entity that purports to be the owner of the vehicle;

(D) The resident is insured to drive the vehicle.

(ii) Upon a determination that a resident is in control of a vehicle operated or driven upon any highway in Wyoming for which Wyoming vehicle registration is required, the department shall notify the resident in writing that the resident is required to register the vehicle and to pay any sales or use taxes due on the purchase or use of the vehicle in accordance with W.S. 39-15-107(b)(i) or 39-16-107(b)(ii) within thirty (30) days from the date of the notice;

(iii) The department shall promulgate rules necessary to implement this subsection, including rules to provide the resident an opportunity for a hearing and appeal in accordance with the Wyoming Administrative Procedure Act. Following a final determination in the appeal in favor of the department, the resident shall owe the taxes and fees determined to be due.

(p) If a resident found to be in control of a vehicle operated or driven upon any highway for which Wyoming vehicle registration is required under subsection (o) of this section fails to pay registration fees or applicable sales or use taxes due within thirty (30) days from the date of the notice required under subsection (o) of this section or within thirty (30) days following a final determination in favor of the department, the person shall be charged a penalty equal to seventy-five percent (75%) of the unpaid registration fees.

### **31-2-224. Registration exemptions.**

(a) The following vehicles are exempt from the provisions of this article:

(v) Vehicles owned by a nonresident, validly registered in another state or country, displaying registration numbers or plates in accordance with the laws of that state or country and:

(C) Not operated primarily by a resident found to be in control of a vehicle under W.S. 31-2-201(o).

**Section 2.** A resident in control of a vehicle operated or driven upon any highway for which Wyoming vehicle registration is required, who is in control of the vehicle and has previously registered the vehicle in another state on or before March 1, 2017, and who registers the vehicle before July 1, 2018, shall

be subject to neither imposition of tax pursuant to W.S. 39-15-103(a)(i)(A) or 39-16-103(a)(i) nor recovery of delinquent taxes, penalty or interest pursuant to W.S. 39-15-110(b) or 39-16-108(c)(vii).

**Section 3.** The department of transportation shall promulgate rules and regulations necessary to implement this act on or before October 15, 2017.

**Section 4.**

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

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 6, 2017.

## Chapter 149

### HARVEST OF TROPHY GAME AND FURBEARING ANIMALS

Original House Bill No. 130

AN ACT relating to game and fish; specifying determinations of allowable harvests for mountain lions; allowing regulation of use of dogs for residents and nonresidents; and providing for an effective date.

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

**Section 1.** W.S. 23-1-703(e) and 23-3-109(a) are amended to read:

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

(e) The commission shall reserve eighty percent (80%) of the moose and seventy-five percent (75%) of the ram and ewe and lamb bighorn sheep, mountain goat and grizzly bear licenses to be issued in any one (1) year for resident hunters. The commission shall determine the allocation of resident and non-resident mountain lion harvest.

**23-3-109. Use of dogs; dogs injuring big or trophy game animals may be killed; citation of owners of dogs harassing game animals; penalties.**

(a) No person shall use any dog to hunt, run or harass any big or trophy game animal, protected animal or furbearing animal except as otherwise provided by this act. The commission shall regulate the use of dogs to take mountain lions and bobcats by residents and nonresidents during hunting or trapping seasons.

**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 6, 2017.

**Chapter 150****ECONOMIC DEVELOPMENT ACCOUNT FUNDING**

Original House Bill No. 253

AN ACT relating to economic development; providing an appropriation to the economic development account within the revolving investment fund created under article XVI, section 12 of the Wyoming constitution; requiring economic and fiscal analysis of projects; and providing for an effective date.

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

**Section 1.** There is appropriated twenty-five million dollars (\$25,000,000.00) from the legislative stabilization reserve account to the economic development enterprise account as defined in W.S. 9-12-301(a)(iii) within the revolving investment fund created under article XVI, section 12 of the Wyoming constitution. This appropriation shall not be included in the Wyoming Business Council's 2019-2020 standard biennial budget request.

**Section 2.** In conducting a fiduciary analysis on an economic development project considered for funding under section 1 of this act, the state treasurer shall perform an economic and fiscal analysis regarding consequential state and local impacts. The analysis shall identify any induced revenues and induced costs associated with a project under consideration for each year for the ten (10) years following completion of the project. A local cost analysis shall consider impacts on public education, public safety, fire protection, public utilities and the courts and shall determine whether projects contribute more in tax revenue than they cost in public funds. Any analysis required by this section shall be conducted by an entity qualified to provide the analysis using nationally accepted econometric modeling techniques. Any analysis required by this section shall be paid for using funds appropriated by this act.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 151****HATHAWAY RESERVE ACCOUNT**

Original House Bill No. 190

AN ACT relating to higher education and public funds; increasing the amount retained within the Hathaway student scholarship reserve account; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1302(b) is amended to read:

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

(b) There is created the Hathaway student scholarship reserve account. The reserve account shall consist of those monies deposited to the account pursuant to subsection (a) of this section and such other funds appropriated by the legislature to the reserve account. Interest and other earnings on funds within the reserve account shall be credited to the reserve account. To the extent funds within the Hathaway scholarship expenditure account are insufficient in any fiscal year to fully fund scholarships awarded under this article, monies within the reserve account shall be deposited by the state treasurer to the expenditure account for distribution to eligible institutions to fund those scholarships. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2007, the state treasurer shall transfer monies from this reserve account to the Hathaway student scholarship endowment fund to the extent monies within the reserve account are in excess of the greater of twelve million dollars (\$12,000,000.00) or an amount equal to ~~three and seventy-five hundredths percent (3.75%)~~ four and one-half percent (4.5%) of the previous five (5) year average market value of the Hathaway student scholarship endowment fund, calculated from the first day of the fiscal year. The state treasurer shall report not later than November 1, of each year to the education committee and the select committee on capital financing and investments the amount of funds within the reserve account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

**Section 2.** This act is effective 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, 2017.

## Chapter 152

### MOTOR VEHICLE INSURANCE-PENALTIES

Original House Bill No. 202

AN ACT relating to motor vehicle insurance; increasing penalties for failing to sufficiently insure a motor vehicle; and providing for an effective date.

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

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

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

(a) No owner of a motor vehicle currently required to be registered or which is required to be registered within a period of time, shall operate or permit the operation of his motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b) or a bond in amounts provided by W.S. 31-9-102(a)(xi). Violation of this subsection is a

misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not less than ~~two hundred fifty dollars (\$250.00)~~ five hundred dollars (\$500.00) nor more than ~~seven hundred fifty dollars (\$750.00)~~ one thousand five hundred dollars (\$1,500.00), or both. ~~On a second or subsequent violation of this subsection, the person may be fined not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500.00); imprisoned for not more than six (6) months, or both. In addition to the fine or imprisonment imposed~~ For a second or subsequent violation of this subsection, the judge shall require the defendant to deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued, and the registration and license plates shall be held by the county treasurer until such time as the judge determines that the defendant has met all obligations imposed by law. Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to conditions imposed by the judge which shall include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued. This subsection does not apply to a vehicle owned by a nonresident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulations of that state is in effect or unless it otherwise complies with the laws of that state concerning compulsory financial responsibility. The department shall report any violation of this subsection to the motor vehicle administrator in the state wherein the vehicle is registered. A vehicle owned by a nonresident and registered in a state not requiring insurance is exempt from this subsection.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017

### Chapter 153

## GOVERNMENTAL IMMUNITY-COOPERATIVE PUBLIC TRANSPORTATION

Original House Bill No. 52

AN ACT relating to governmental claims; extending the Wyoming Governmental Claims Act to governmental entities in other states that operate cooperative public transportation programs in Wyoming under specified conditions; expanding intergovernmental cooperation laws to include agreements concerning reciprocal governmental immunity or limitations of liability for cooperative public transportation programs; and providing for an effective date.

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

**Section 1.** W.S. 1-39-103(a)(ii), by creating a new paragraph (viii) and by renumbering (viii) as (ix), 16-1-101 and 16-1-104 by creating a new subsection (f) are amended to read:

**1-39-103. Definitions.**

(a) As used in this act:

(ii) "Local government" means cities and towns, counties, school districts, joint powers boards, airport boards, public corporations, community college districts, special districts and their governing bodies, all political subdivisions of the state, and their agencies, instrumentalities and institutions, and governmental entities of another state but only while physically present in the state of Wyoming and while in the course of operating a cooperative public transportation program as defined by W.S. 16-1-104(f);

(viii) "Governmental entity of another state" means any state and its political subdivisions, agencies, instrumentalities and institutions and any local government entity within another state;

(~~viii~~)(ix) "This act" means W.S. 1-39-101 through 1-39-121.

**16-1-101. Authority to cooperate.**

In exercising, performing or carrying out any power, privilege, authority, duty or function legally vested in any one (1) or more of them by Wyoming law, the state of Wyoming, and any one (1) or more of its counties, municipal corporations, school districts, special districts, public institutions, agencies, boards, commissions and political subdivisions, and any officer or legal representative of any one (1) or more of them, may cooperate with and assist each other, and like entities or authorities of other states, the United States and the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Reservation. Cooperation may be informal or subject to resolution, ordinance or other appropriate action, and may be embodied in a written agreement specifying purposes, duration, means of financing, methods of operations, termination, acquisition and disposition of property, employment of executive and subordinate agents, reciprocation of governmental immunity protections or other limitations of liability pursuant to W.S. 16-1-104(f) and other appropriate provisions.

**16-1-104. Joint powers, functions and facilities; city-county airport board; eligible senior citizen centers; cooperative public transportation programs.**

(f) An agency may enter into an agreement with any governmental entity of another state, as defined in W.S. 1-39-103(a)(viii), for purposes of operating a cooperative public transportation program to transport passengers on one (1) or more routes beginning in, ending in or passing through Wyoming. Any agreement entered into under this subsection shall only apply to the operation of a cooperative public transportation program and shall be conditioned upon the other state extending or agreeing to extend its governmental immu-



nity or other limitations of liability to any governmental entity of Wyoming while operating a cooperative public transportation program. As used in this subsection, "cooperative public transportation program" means a not-for-profit program designed to transport passengers to and from work or to another location on a regularly scheduled basis using vehicles operated by an agency or a governmental entity of another state.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017

## Chapter 154

### WYOMING UNIFORM TRANSFERS TO MINORS ACT- AMENDMENTS

Original House Bill No. 97

AN ACT relating to the Wyoming Uniform Transfers to Minors Act; increasing the maximum age for which transfer of custodial property to a minor is authorized; authorizing extension of the custodial term by a custodian as specified; amending and creating a definition; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 34-13-138 and 34-13-139 is created to read:

**34-13-138. Changing the time for transfer of custodial property.**

(a) Subject to the requirements and limitations of this section, the time for transfer to the minor of custodial property transferred under W.S. 34-13-116 through 34-13-119 may be changed to a specified time other than the minor's attainment of twenty-one (21) years of age, which time shall be specified in the transfer pursuant to W.S. 34-13-122.

(b) To specify a changed time for transfer to the minor of the custodial property, the words "as custodian for .... (name of minor) until age .... (age for delivery of property to minor) under the Wyoming Uniform Transfers to Minors Act" shall be substituted in substance for the words "as custodian for .... (name of minor) under the Wyoming Uniform Transfers to Minors Act" in making the transfer pursuant to W.S. 34-13-122.

(c) The time for transfer to the minor of custodial property transferred under or pursuant to W.S. 34-13-116 or 34-13-118 may be changed under this section only if the governing will, trust or nomination provides in substance that the custodianship is to continue until the minor's attainment of a specified age, which time shall not be later than the minor's attainment of thirty (30) years of age, and in that case the governing will, trust or nomination shall determine the time to be specified in the transfer pursuant to W.S. 34-13-122.

(d) The time for transfer to the minor of custodial property transferred by ir-



revocable gift or the irrevocable exercise of a power of appointment under W.S. 34-13-117 may be changed under this section only if the transfer pursuant to W.S. 34-13-122 provides in substance that the custodianship is to continue until the minor's attainment of a specified age, which time shall not be later than the minor's attainment of thirty (30) years of age.

(e) The time for transfer to the minor of custodial property transferred by a trustee under W.S. 34-13-119 may be changed under this section only if the transfer pursuant to W.S. 34-13-122 provides that the custodianship is to continue until a specified time not later than the earlier of:

(i) The minor's attainment of thirty (30) years of age;

(ii) The time of termination of all present beneficial interests of the minor in the trust from which the custodial property was transferred.

(f) If the transfer pursuant to W.S. 34-13-122 does not specify any age, the time for the transfer of the custodial property to the minor under W.S. 34-13-133 is the time when the minor attains twenty-one (21) years of age.

(g) If the transfer pursuant to W.S. 34-13-122 provides in substance that the duration of the custodianship is for a time longer than the maximum time permitted by this section for the duration of a custodianship created by that type of transfer, the custodianship shall be deemed to continue only until the minor's attainment of the maximum age permitted by this section for the duration of a custodianship created by that type of transfer.

**34-13-139. Extension of custodial term by custodian.**

(a) A custodian may extend the custodial term under this section to an age older than the age that is specified by this act or a transferring instrument made under W.S. 34-13-122, subject to the right of the minor to compel immediate distribution under subsection (c) of this section.

(b) To extend the custodial term under subsection (a) of this section, the custodian shall give the minor written notice of the custodian's intent to extend the custodial term. The notice must specify the duration of the extension by indicating the new custodial term and must inform the minor of the minor's right to compel immediate distribution under subsection (c) of this section. The custodian shall give the notice during the later of the following periods:

(i) The six (6) month period that precedes the last day of the custodial term; or

(ii) The six (6) month period that begins when the minor attains twenty-one (21) years of age.

(c) Rather than permit the extension of the custodial term, the minor may compel immediate distribution of all or part of the custodial property by giving written notice to the custodian:

(i) During the six (6) month period that begins on the last day of the current custodial term; or

(ii) Within ninety (90) days after receiving the custodian's notice under subsection (b) of this section.

(d) If a minor does not exercise the minor's right to compel distribution under subsection (c) of this section, the custodial term shall be extended as indicated in the custodian's notice given under subsection (b) of this section, and the minor may not compel the immediate distribution of custodial property before the end of the custodial term, as extended.

(e) A custodian may extend the custodial term more than once under this section.

(f) As used in this section, "custodial term" means the time provided in or allowed by this act during which the custodian is directed to hold custodial property until the property is transferred to the minor.

**Section 2.** W.S. 34-13-114(a)(xi) and by creating a new paragraph (xvii) 34-13-133(a)(i) and (ii) are amended to read:

**34-13-114. Definitions.**

(a) As used in this act:

(xi) "Minor" means:

(A) An individual who has not attained the age of twenty-one (21) years; or

(B) An individual who has not attained the age at which the custodian is required to transfer the custodial property to the beneficiary under W.S. 34-13-133, 34-13-138 or 34-13-139, when used in reference to the beneficiary for whose benefit custodial property is held or is to be held.

(xvii) "This act" means W.S. 34-13-114 through 34-13-139.

**34-13-133. Termination of custodianship.**

(a) The custodian shall transfer in an appropriate manner the custodial property to the minor or to the minor's estate upon the earlier of:

(i) The minor's attainment of twenty-one (21) years of age with respect to custodial property transferred under W.S. 34-13-117 or 34-13-118, unless the time of transfer of the custodial property to the minor is changed under W.S. 34-13-138 or 34-13-139;

(ii) The minor's attainment of majority under the laws of this state other than this act with respect to custodial property transferred under W.S. 34-13-119 or 34-13-120, unless the time of transfer of the custodial property to the minor is changed under W.S. 34-13-138 or 34-13-139;

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 155

### SCHOOL FACILITY PROPERTY INSURANCE

Original House Bill No. 27

AN ACT relating to school facilities; requiring property insurance for school facilities; and providing for an effective date.

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

**Section 1.** W.S. 21-3-129 by creating new subsections (d) and (e) is amended to read:

**21-3-129. Comprehensive liability insurance; waiver of governmental immunity; property insurance.**

(d) The board of trustees of each school district within the state shall procure a policy or policies for property insurance covering all education, administrative and transportation facilities owned or maintained by the school district in an amount adequate to cover against loss or damage to those facilities, and against loss consequential upon that loss or damage, other than noncontractual legal liability for that loss or damage. The board of trustees of a school district may elect not to provide property insurance coverage for any facility valued at fifty thousand dollars (\$50,000.00) or less upon a per facility determination that the cost of insurance for the facility is disproportionately high when compared to the value of the facility to the school district. Coverage provided by a school district joint powers board as of February 1, 2017, shall satisfy the insurance requirement of this subsection until July 1, 2018, if kept in force. The coverage may be modified as needed.

(e) The insurance department shall undertake an examination of the school district joint powers board operating a school risk retention program. The department shall report whether the school risk retention program operated by the school district joint powers board is backed by sufficient reserves, reinsurance and other factors to safely satisfy the insurance requirement provided in subsection (d) of this section. The department shall report the results of the examination and recommend any steps needed to protect the solvency of the school district joint powers board to the joint corporations, elections and political subdivisions interim committee and the joint education interim committee no later than December 1, 2017.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 156****BUSINESS ENTITIES-COMMUNICATIONS CONTACT**

Original House Bill No. 22

AN ACT relating to business entities; modifying persons authorized to be a designated communications contact; and providing for an effective date.

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

**Section 1.** W.S. 17-28-104(d) and 17-28-107(a)(v)(B) are amended to read:

**17-28-104. Service on business entity.**

(d) Every entity shall provide to its registered agent, or to the secretary of state as provided in W.S. 17-28-107(b), and keep current the name, business mailing address and physical address, if different, and business telephone number of a natural person who is an officer, director, ~~employee or designated agent~~ limited liability company member or manager, managing partner or trustee of the entity who is authorized to receive communications from the registered agent and is deemed the designated communications contact for the entity. The designated communications contact for the entity shall not be the entity's registered agent or an employee of the entity's registered agent unless the registered agent is the entity's officer, director, limited liability company member or manager, managing partner or trustee.

**17-28-107. Duties of the registered agent; duties of the entity.**

(a) The registered agent shall:

(v) Maintain at the registered office, the following information for each domestic entity represented which shall be current within sixty (60) days of any change until the entity's first annual report is accepted for filing with the secretary of state and thereafter when the annual report is due for filing and shall be maintained in a format that can be reasonably produced on demand:

(B) The name, physical address and business telephone number of a natural person who is ~~an officer, director, employee or designated agent of each entity represented who is~~ authorized to receive communications from the registered agent as specified in W.S. 17-28-104(d);

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 157****SENIOR CITIZEN DISTRICTS-USE OF REVENUES**

Original House Bill No. 119

AN ACT relating to senior citizen service districts; limiting the use of district revenues to senior citizen programs and services as specified; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 18-15-111(a)(intro), (ii) and by creating a new paragraph (iii) and (b)(intro), (ii) and (iii) is amended to read:

**18-15-111. Fund; disposition of revenue; contract requirements.**

(a) The revenues collected under the tax levy authorized by W.S. 18-15-110 shall be remitted by the county treasurer to the district to a separate account and shall be used solely for senior citizen programs or services authorized by this subsection and for the payment of bond premiums authorized by W.S. 18-15-108(b), but shall not be used for the purchase of real property or for capital construction expenditures. Senior citizen programs ~~may include or services are limited to the following:~~

(ii) The expansion of existing senior citizen centers to provide programs ~~of such as~~ nutrition, health, in-home services, socialization or transportation; ~~if other sources of grant funds are not available. or~~

(iii) Participation in programs or services administered through the aging division of the Wyoming department of health, but only programs offered by the department as of January 1, 2017.

(b) The district may provide directly or contract for the provision of senior citizen programs or services. Contracts for the provision of senior citizen programs or services shall:

(ii) Specify the manner in which the funds are expended and the programs or services provided; and

(iii) Require the provider of the programs or services to present an annual budget for review to determine compliance with this chapter and for approval by the district.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 158****DISPOSITION OF LOTTERY PROCEEDS**

Original House Bill No. 131

AN ACT relating to the Wyoming lottery; modifying disposition 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) 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, 2022, the first six million dollars (\$6,000,000.00) in each fiscal year of~~ At least once per fiscal year, 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) sales of lottery tickets collected by retailers~~ 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) sales of lottery tickets collected by retailers~~ in all counties including their cities and towns. This percentage of the monies shall be distributed within each county as follows:

**Section 2.** W.S. 9-17-111(c) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 159

### GAME AND FISH FEES

Original House Bill No. 288

AN ACT relating to game and fish; increasing certain fees relating to game and fish licenses, preference points, permits, applications, and stamps; increasing certain watercraft fees administered by the game and fish department; and providing for an effective date.

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

**Section 1.** W.S. 23-1-702, 23-2-101(e), (f)(i) through (iii), (j)(i) through (iv), (vi) through (x), (xiii) through (xv), (xviii), (xix), (xxii) through (xxvii), (xxx), (xxxi), (xxxiv), (xxxv), (xxxix), (xliii)(A), (B), (xlvi) and (m), 23-2-107(e), 23-2-201(d)(i), (ii) and (viii), 23-2-301(c)(i) through (xii), 23-2-306(b)(intro), 23-2-307(b), 41-13-104(f), (k) and (m) and 41-13-109(a)(i) and (ii) are amended to read:

**23-1-702. Duplicate license upon loss or destruction of original; issuance; fees.**

When any license issued under this act has been lost or destroyed, the licensee may secure a duplicate of the original license from any district office or any authorized personnel of the department upon the presentation of satisfactory proof that the original license was lost or destroyed. Prior to issuing the duplicate license and in accordance with rule and regulation of the commission, the department may assess a fee of not more than ~~three dollars (\$3.00)~~ five dollars (\$5.00) plus the ~~fee fees~~ charged under W.S. 23-1-701. Duplicate licenses shall be issued in accordance with procedure established by commission order.

**23-2-101. Fees; restrictions; nonresident application fee; nonresident licenses; verification of residency required.**

(e) Resident and nonresident license applicants shall pay an application fee in an amount specified by this subsection upon submission of an application for purchase of any limited quota drawing for big or trophy game license or wild bison license. The resident application fee shall be five dollars (\$5.00) and the nonresident application fee shall be ~~fourteen dollars (\$14.00)~~ fifteen dollars (\$15.00). The application fee is in addition to the fees prescribed by subsections (f) and (j) of this section and by W.S. 23-2-107 and shall be payable to the department either directly or through an authorized selling agent of the department. At the beginning of each month, the commission shall set aside all of the fees collected during calendar year 1980 and not to exceed twenty-five percent (25%) of the fees collected thereafter pursuant to this subsection to establish and maintain a working balance of five hundred thousand dollars (\$500,000.00), to compensate owners or lessees of property damaged by game animals and game birds.

(f) Forty percent (40%) of available nonresident elk licenses, forty percent

(40%) of available nonresident deer licenses and forty percent (40%) of available nonresident antelope licenses for any one (1) calendar year shall as established by the commission, be offered to nonresident applicants upon receipt of the fee prescribed by this subsection. Seventy-five (75) of the nonresident deer licenses set aside pursuant to this subsection shall be used for a national bow hunt for deer. The licenses authorized by this subsection shall be offered by drawing to nonresident applicants prior to the drawing for the remaining nonresident licenses issued. The licenses offered under this subsection shall be issued in a manner prescribed by rules and regulations promulgated by the commission. Nothing in this subsection shall prohibit any unsuccessful applicant for a nonresident license pursuant to this subsection from submitting an application for any licenses remaining after the drawing during the calendar year in which the application under this subsection was submitted. The following fees shall be collected by the department and are in addition to the nonresident license fee for the appropriate big game species imposed under subsection (j) of this section and the application fee imposed under subsection (e) of this section:

(i) Nonresident elk license ..... ~~\$480.00~~ \$576.00 in addition to the license fee imposed under paragraph (j)(xix) of this section;

(ii) Nonresident deer license .... ~~\$240.00~~ \$288.00 in addition to the license fee imposed under paragraph (j)(xv) of this section;

(iii) Nonresident antelope license .... ~~\$240.00~~ \$288.00 in addition to the license fee imposed under paragraph (j)(xxxi) of this section.

(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:

- (i) Resident black bear license; one (1) black bear.....~~\$43.00~~ \$45.00
- (ii) Nonresident black bear license; one (1) black bear.....~~360.00~~ 371.00
- (iii) Resident mountain lion license; one (1) mountain lion....~~28.00~~ 30.00
- (iv) Nonresident mountain lion license; one (1) mountain lion  
.....~~360.00~~ 371.00
- (vi) Nonresident daily game bird/small game license; all game birds  
except wild turkey..... ~~18.00~~ 20.00
- (vii) Resident lifetime game bird and small game license; all game birds  
except wild turkey.....~~300.00~~ 309.00
- (viii) Resident lifetime game bird/small game and fishing license; all game  
birds except wild turkey.....~~480.00~~ 494.00
- (ix) Resident game bird/small game license; all game birds except wild  
turkey.....~~2.00~~ 25.00



(x) Nonresident game bird/small game license; all game birds except wild turkey.....	<del>70.00</del> <u>72.00</u>
(xiii) Nonresident archery license .....	<del>28.00</del> <u>70.00</u>
(xiv) Resident deer license; one (1) deer.....	<del>36.00</del> <u>40.00</u>
(xv) Nonresident deer license; one (1) deer.....	<del>310.00</del> <u>372.00</u>
(xviii) Resident elk license; one (1) elk.....	<del>50.00</del> <u>55.00</u>
(xix) Nonresident elk license; one (1) elk, fishing privileges...	<del>575.00</del> <u>690.00</u>
(xxii) Resident bighorn sheep license; one (1) bighorn sheep .....	<del>115.00</del> <u>150.00</u>
(xxiii) Nonresident bighorn sheep license; one (1) bighorn sheep .....	<del>2,250.00</del> <u>2,318.00</u>
(xxiv) Resident mountain goat license; one (1) mountain goat .....	<del>120.00</del> <u>150.00</u>
(xxv) Nonresident mountain goat license; one (1) mountain goat .....	<del>2,150.00</del> <u>2,160.00</u>
(xxvi) Resident moose license; one (1) moose.....	<del>110.00</del> <u>150.00</u>
(xxvii) Nonresident moose license; one (1) moose .....	<del>1,400.00</del> <u>1,980.00</u>
(xxx) Resident antelope license; one (1) antelope.....	<del>31.00</del> <u>35.00</u>
(xxxii) Nonresident antelope license; one (1) antelope.....	<del>270.00</del> <u>324.00</u>
(xxxiv) Resident license to capture falcons for falconry purposes .....	<del>36.00</del> <u>37.00</u>
(xxxv) Nonresident license to capture falcons for falconry purposes .....	<del>240.00</del> <u>247.00</u>
(xxxix) Nonresident turkey license.....	<del>70.00</del> <u>72.00</u>
(xl) From and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108:	
(A) Resident gray wolf license.....	<del>\$18.00</del> <u>19.00</u>
(B) Nonresident gray wolf license.....	<del>\$180.00</del> <u>185.00</u>
(xli) Resident lifetime archery license.....	<del>200.00</del> <u>206.00</u>
(m) Subject to the provisions of this subsection, as part of any preference point program for nonresident antelope, nonresident ram bighorn sheep, nonresident moose, nonresident deer or nonresident elk, the commission may establish a nonrefundable fee to be either withheld from the license fee remitted or submitted separately when application for a license or preference point is made through electronic licensing, and may also establish a fee to be paid in	

lieu of applying for licenses that are limited in quota. Retention of the established fee or payment of the fee in lieu of applying shall authorize the person to accumulate a preference point for future drawings for licenses that are limited in quota for the applicable species in accordance with rules of the commission. The rules may provide for the loss of all accumulated points for persons failing to apply or to pay the in lieu fee in two (2) consecutive calendar years. The fee for any program under this subsection for antelope, deer or elk shall be established by rule and shall not exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) per species. Payment of the fee shall be made in compliance with application dates. Nothing in this subsection authorizes the commission to establish or retain a fee for resident moose or resident ram bighorn sheep license preference points in addition to the fee established by subsection (k) of this section or to establish rules for ram bighorn sheep or moose preference point drawings in conflict with the provisions of W.S. 23-1-703(b). For nonresident ram bighorn sheep and nonresident moose licenses, the commission may establish by rule a nonrefundable preference point fee to be withheld from either the license fee remitted or submitted separately when application for a license or preference point is made through electronic licensing and may establish a fee in lieu of making application in an amount greater than that established under subsection (k) of this section, but neither fee shall exceed ~~one hundred dollars (\$100.00)~~ one hundred fifty dollars (\$150.00). Fees established under this subsection may be set at lower amounts for youth license applicants.

**23-2-107. Wild bison licenses.**

(e) A resident applicant shall pay a license fee of ~~four hundred dollars (\$400.00)~~ four hundred twelve dollars (\$412.00) for a license to harvest any wild bison or ~~two hundred fifty dollars (\$250.00)~~ two hundred fifty-eight dollars (\$258.00) for a license to harvest a female or calf wild bison and shall pay the fee required by W.S. 23-2-101(e). A nonresident applicant shall pay a license fee of ~~two thousand five hundred dollars (\$2,500.00)~~ four thousand four hundred dollars (\$4,400.00) for a license to harvest any wild bison or ~~one thousand dollars (\$1,000.00)~~ two thousand seven hundred fifty dollars (\$2,750.00) for a license to harvest a female or calf wild bison and shall pay the fee required by W.S. 23-2-101(e). The fee charged under W.S. 23-1-701 shall be in addition to the fee imposed under this subsection.

**23-2-201. Fees; restrictions; verification of residency required.**

(d) The following fishing licenses may be purchased for the fee indicated in addition to the applicable fee under W.S. 23-1-701 and subject to the limitations provided:

- (i) Resident fishing license.....~~\$22.00~~ 25.00
- (ii) Nonresident fishing license.....~~90.00~~ 100.00
- (viii) Resident lifetime fishing license.....~~300.00~~ 309.00

**23-2-301. Miscellaneous fees; verification of residency required.**

(c) The following licenses and tags may be purchased for the fee indicated in addition to the applicable fee under W.S. 23-1-701 and subject to other requirements of this article:

- (i) Resident trapping license-furbearing.....~~\$42.00~~43.00
- (ii) License to capture furbearing animals for domestication....~~18.00~~19.00
- (iii) Resident fur dealer's license.....~~50.00~~52.00
- (iv) Nonresident fur dealer's license.....~~275.00~~283.00
- (v) Taxidermist's license.....~~65.00~~67.00
- (vi) Nonresident taxidermist's license.....~~700.00~~721.00
- (vii) Game bird farm license.....~~130.00~~134.00
- (viii) Fishing preserve license.....~~130.00~~134.00
- (ix) Commercial fish hatchery license.....~~180.00~~185.00
- (x) License to seine or trap fish.....~~18.00~~19.00
- (xi) License to deal in live bait.....~~65.00~~67.00
- (xii) Nonresident trapping license-furbearing.....~~240.00~~247.00

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

(b) A lifetime conservation stamp may be purchased for ~~one hundred eighty dollars (\$180.00)~~one hundred eighty-five dollars (\$185.00) plus the applicable fee under W.S. 23-1-701. Revenues collected from the sale of each stamp under this subsection shall be deposited as follows:

**23-2-307. Special management permit.**

(b) Special management permits may be purchased from the department or its authorized selling agents for ~~twelve dollars (\$12.00)~~fifteen dollars (\$15.00) plus the applicable fee under W.S. 23-1-701 and shall be valid for one (1) calendar year.

**41-13-104. Application for certificate; issuance of certificate and assignment of number; conformity with federal numbering system; expiration and renewal of certificate; transfer of ownership; duplicate certificate; manufacturer and dealer certificates.**

(f) Each certificate of number issued under this act expires on December 31 of the last year of valid registration under the certificate unless sooner terminated or discontinued under this act. A duplicate number may be obtained by an owner upon application to the department, which may require payment of a fee of not more than ~~five dollars (\$5.00)~~ten dollars (\$10.00). Certificates of number may be renewed by the owner in the same manner provided under this act for obtaining initial certification.

(k) If any certificate of number is lost, mutilated or becomes illegible, the owner of the motorboat for which the certificate was issued may obtain a duplicate certificate upon application to the department. The department may set and collect payment of a fee for a duplicate certificate not to exceed ~~five dollars (\$5.00)~~ ten dollars (\$10.00).

(m) A person engaged in the manufacture or sale of motorboats may, upon application to the department in the manner and on forms prescribed by rule and regulation, obtain certificates of number for use in the testing or demonstrating of these motorboats. The fee for each registration under this subsection shall be ~~fifteen dollars (\$15.00)~~ thirty dollars (\$30.00). The numbers assigned by certificates of number issued under this subsection shall be temporarily placed on the watercraft to be tested or demonstrated.

**41-13-109. Motorboat registration fee.**

(a) The nonrefundable and nontransferable registration fee for motorboats is:

- (i) ~~Fifteen dollars (\$15.00)~~ Thirty dollars (\$30.00) for one (1) year; or
- (ii) ~~Forty dollars (\$40.00)~~ Eighty dollars (\$80.00) for three (3) years.

**Section 2.** W.S. 23-2-107(c)(ii) is repealed.

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

Approved March 6, 2017.

## Chapter 160

### DEATH CERTIFICATES

Original Senate File No. 21

AN ACT relating to vital records; providing that an advanced practice registered nurse or physician assistant may complete the medical certification of a death certificate as specified; and providing for an effective date.

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

**Section 1.** W.S. 35-1-401(a) by creating new paragraphs (xii) and (xiii) and 35-1-418(c) and by creating a new subsection (d) are amended to read:

**35-1-401. Definitions.**

(a) As used in this act:

(xii) "Advanced practice registered nurse" means as provided in W.S. 33-21-120(a)(i);

(xiii) "Physician assistant" means as provided in W.S. 33-26-501(a)(iii).

**35-1-418. Death registration.**

(c) The medical certification shall be completed and signed within a reasonable time after death by the ~~physician~~ primary health care provider in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the postmortem examination. If the death occurred without medical attendance or if the ~~physician~~ primary health care provider last in attendance refuses or for any reason fails to sign the certificate immediately, the funeral director or person acting as funeral director shall notify the appropriate local registrar. In that event the local registrar shall inform the local health officer and refer the case to him for immediate investigation and certification of cause of death prior to issuing a permit for burial, cremation or other disposition of the body. If the circumstances of the case suggest that the death was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification. The coroner shall examine the body and consider the history of the case, and obtain the assistance and advice of a competent physician who will assist the coroner in determining the cause of death by examination of the body, autopsy, inquest or other procedure determined necessary. The nonmedical coroner shall not diagnose the cause of death without the assistance and advice of a competent physician, advanced practice registered nurse or physician assistant. The coroner or local health officer shall complete and sign the medical certification within a reasonable time after taking charge of the case.

(d) For purposes of this section, "primary health care provider" means as defined in W.S. 35-22-402(a)(xiv).

**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 6, 2017.

## Chapter 161

### SENIOR CITIZEN DISTRICT ELECTIONS

Original House Bill No. 263

AN ACT relating to senior citizen service districts; amending the length of time that electors may authorize mill levy funding for districts; amending term lengths for district board members; providing for staggered board member elections; and providing for an effective date.

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

**Section 1.** W.S. 18-15-102(d), 18-15-105(b) and by creating a new subsection (c) and 18-15-106(a) are amended to read:

**18-15-102. Formation of district; mill levy.**

(d) If the proposition to authorize a mill levy is approved by the qualified

electors of the proposed district, the proposition to impose a levy in the same or at a different amount not to exceed two (2) mills, shall be submitted to the resident electors within the proposed district at the first general election held two (2) years after the election authorizing the district and ~~at each general election every four (4) years thereafter~~, until defeated. If the proposition to impose or continue a mill levy is defeated, the proposition shall not be submitted to the electors for a period of not less than one (1) year.

**18-15-105. Election of trustees; generally.**

(b) Members of the board shall be elected at the general election immediately following the primary election establishing the district, ~~and at each general election thereafter, until the proposition establishing the district is defeated.~~ At the first board election, three (3) members shall be elected for two (2) year terms and two (2) members shall be elected for four (4) year terms and until their successors are elected and qualified at the regular scheduled subsequent board election. The board members shall decide by lot which members shall serve these terms. Thereafter, members shall be elected for terms of four (4) years.

(c) For districts existing prior to July 1, 2017, at the first subsequent board election after the effective date of this act, three (3) members shall be elected for two (2) year terms and two (2) members shall be elected for four (4) year terms. The board members shall decide by lot which members shall serve these terms. Thereafter, members shall be elected for terms of four (4) years.

**18-15-106. Candidates to file petition; printing names of candidates on ballot; publication of names.**

(a) Candidates for the office of special district trustee shall file an application in the office of the county clerk in substantially the following form:

APPLICATION FOR ELECTION FOR  
SENIOR CITIZEN SERVE DISTRICT TRUSTEE

I, the undersigned, certify that I was born on ...., (year); and that I have been a resident of the State of Wyoming since ....; that I am a registered voter of the ... senior citizen service district and I do hereby request that my name, ..., be printed on the ballot of the election to be held on the ... day of ..., (year), as a candidate for the office of ... for a term of ~~two (2)~~ four (4) years. I hereby declare that if I am elected, I will qualify for the office.

Dated: ....

.... (Signature of Candidate)

.... (Residence Address)

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 162****INOPERATIVE LIQUOR LICENSES**

Original Senate File No. 14

AN ACT relating to alcoholic beverages; modifying requirements on liquor licensees to demonstrate a business or enterprise will be operational or open for business; 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)(xxi) and 12-4-103(a)(iv) are amended to read:

**12-1-101. Definitions.**

(a) As used in this title:

(xxi) "Operational" means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title; ~~for not less than three (3) consecutive months during any calendar year;~~

**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:

(iv) Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within ~~two (2) years~~ one (1) year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within ~~two (2) years~~ one (1) year after license issuance or transfer and remain operational thereafter. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority and once the enterprise is operational or open for business, no licensee shall be eligible to repeat the grace periods made available by this paragraph without the consent of the local licensing authority due to extraordinary circumstances. For purposes of this paragraph "remain operational" means operational consecutively, in any license term year, for twelve (12) months or for not less than three (3) months if determined by the local licensing authority to be a seasonal operation;

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

**Chapter 163****LAWSUITS CHALLENGING STATE LEGISLATIVE ACTS**

Original Senate File No. 108

AN ACT relating to civil procedure; specifying the properly named party for actions challenging legislative acts; providing for removal of incorrect names; providing legislative findings; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 1-35-109 is created to read:

**1-35-109. Legislature and legislators as party to actions; properly naming party.**

(a) In any action challenging any official act of the legislature as a whole and naming the legislature or any member thereof as a party, the proper party shall be “The Legislature of the State of Wyoming.” In any such action challenging an official act of either body of the legislature or a committee of the legislature the proper party shall be the appropriate body or committee of “the Legislature of the State of Wyoming”.

(b) In any action challenging any official act of a member of the state legislature, the legislator shall be designated only by the legislative office held unless the action seeks relief from actions of the legislator other than actions taken in his official capacity.

(c) Any individual named in an action in which the proper party is the legislature or a body of the legislature or who has otherwise been improperly named has the substantive right to petition the court to have his name removed from the action.

(d) Nothing in this section shall be interpreted to require naming the legislature as a party when the claim or cause of action arises from the enforcement or operation of any law.

**Section 2.** Wyoming has a part-time citizen legislature. State legislators often engage in other occupations and businesses. Being named as a defendant to a lawsuit can negatively impact a person’s occupation or other business interests. The naming of a state legislator individually for actions taken by the legislature as a whole, or by a body of the legislature, or for official actions taken as a state legislator can negatively impact legitimate interests of the individual and may discourage persons from seeking state legislative offices. The legislature finds that the right not to be named individually for actions taken in an official capacity, or for actions taken by a legislative body, is not a matter of procedure, but a substantive right.

**Section 3.** W.S. 1-35-109 shall apply to any action pending or initiated on or after the effective date of this act.



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

Approved March 6, 2017.

## Chapter 164

### LOCAL GOVERNMENTS-PLAN REVIEW AUTHORITY

Original Senate File No. 92

AN ACT relating to fire protection; authorizing local governmental entities to assume sole plan review authority; permitting assistance by the state fire marshal; making conforming amendments; clarifying cross references related to enforcement, inspections, plan review authority and appeals; and providing for an effective date.

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

**Section 1.** W.S. 35-9-106(c), 35-9-107(a)(vi), by creating a new paragraph (viii), (b)(i)(intro) and (ii), 35-9-108(a)(intro), (j), (n), (o) and (q) by creating a new paragraph (iv), 35-9-118(b), 35-9-119(a)(i), 35-9-120(b)(intro) and (e) and 35-9-121(a)(intro), (b)(intro), (i) and by creating a new subsection (g) are amended to read:

#### **35-9-106. Powers and duties of council.**

(c) Except as provided under W.S. 35-9-121(d), 35-9-121.1(d)(ii) and 35-9-124(a)(ii), the council shall hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from rules and regulations of the council.

#### **35-9-107. Duties and powers of state fire marshal.**

(a) The state fire marshal shall:

(vi) Upon request, assist the chief of a fire company or department, a fire marshal, a local building inspector, other state agencies or political subdivisions of the state or county fire wardens in fire prevention matters;~~and~~

(viii) Upon request, assist a municipality, county or other local governmental entity in exercising authority granted to that entity under W.S. 35-9-121.

(b) The state fire marshal may:

(i) Subject to W.S. 35-9-121(b) and 35-9-121.1(d), enforce state laws not otherwise enforceable by another state agency concerning:

(ii) Subject to W.S. 35-9-121(b), inspect public, business or industrial buildings and require conformance to standards of prevention and safety and of uses of premises as promulgated by the International Fire Code, the International Building Code, the International Mechanical Code and the International

Fuel Gas Code;

**35-9-108. Plan review; procedure; fees.**

(a) Except as provided under subsections (h) and (q) of this section and W.S. 35-9-118, prior to beginning any new construction, the remodeling of existing buildings ~~except as provided under subsection (q) of this section,~~ or the installation of aboveground flammable or combustible fuel storage tanks, the owner or the owner's designated representative shall submit plans to the state fire marshal for review of the proposed project for compliance with applicable fire and electrical safety standards for:

(j) Except as provided under subsections (h) and (q) of this section and W.S. 35-9-118, no new construction or remodeling of buildings or installation of aboveground flammable or combustible fuel storage tanks shall begin until the state fire marshal has approved the plans for compliance with applicable fire and electrical safety standards.

(n) Except as provided under subsections (h) and (q) of this section and W.S. 35-9-118, after new construction or remodeling of buildings is completed, the state fire marshal shall inspect the building and determine conformance with the plan review or amended plan review. If he finds conformance, the state fire marshal shall issue a certificate of occupancy for a newly constructed building and a letter of compliance for a remodeled building. No newly constructed or remodeled building shall be used or occupied until the state fire marshal has issued a certificate of occupancy or letter of compliance. If a newly constructed or remodeled building is used or occupied prior to the issuance of a certificate of occupancy or letter of compliance, the state fire marshal shall order the use and occupancy of the building to cease until a certificate of occupancy or letter of compliance is issued, subject to the requirements of subsection (m) of this section.

(o) Except as provided under subsections (h) and (q) of this section and W.S. 35-9-118, after the installation of aboveground flammable or combustible fuel storage tanks is completed, the state fire marshal shall inspect the premises and determine conformance with the plan review. If he finds conformance, the state fire marshal shall issue a letter of compliance. No premises with aboveground flammable or combustible fuel storage tanks installed shall be used until the state fire marshal has issued a letter of compliance. If a premise with aboveground flammable or combustible fuel storage tanks installed is used prior to issuance of a letter of compliance, the state fire marshal shall order the use of the premises to cease until a letter of compliance is issued, subject to the requirements of subsection (m) of this section.

(q) A plan review is:

(iv) Not required to be submitted to the state fire marshal if the plan review is submitted to a local governmental entity which has been granted sole

plan review authority pursuant to W.S. 35-9-121(b).

**35-9-118. Exceptions.**

(b) Nothing in this section prohibits the state fire marshal from assisting, upon request, another state agency, or an owner or operator of property listed in subsection (a) of this section or a municipality, county or other local governmental entity in exercising authority granted to that entity under W.S. 35-9-121.

**35-9-119. Duties of chief electrical inspector.**

(a) The chief electrical inspector shall:

(i) Enforce the minimum requirements for electrical installations except in localities which have received enforcement authority for electrical safety standards under ~~W.S. 35-9-121~~ 35-9-121(a);

**35-9-120. Minimum requirements for electrical installations; permits; inspections; fees.**

(b) Subject to W.S. 35-9-121(b), the chief electrical inspector and his deputies:

(e) No person shall install electrical equipment in new construction or remodeling, if the remodeling requires a public utility to connect or disconnect and restore electrical power, of a building, mobile home or premises without obtaining an electrical wiring permit. No public utility shall energize an electrical service for an electrical installation which requires an electrical wiring permit until the person responsible for the electrical installation has obtained an electrical wiring permit. A utility may energize an electrical service in an emergency situation without proof that an electrical wiring permit has been obtained, however the utility shall notify the department of the action as soon as possible, but in no case later than five (5) days following the date that the electrical service was energized. Electrical wiring permits shall be issued by the chief electrical inspector upon request. Each permit shall explain procedures and costs for permits and requested inspections conducted by the chief electrical inspector or his deputy electrical inspectors. This subsection does not apply to municipalities and counties granted local enforcement authority for electrical safety standards under ~~W.S. 35-9-121~~ 35-9-121(a) and to exempt installations under W.S. 35-9-123(a)(ii) through (v).

**35-9-121. Local enforcement.**

(a) The state fire marshal shall delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building, existing building standards or electrical safety standards which meet the requirements of this section. The state fire marshal shall notify the governing body of the municipality or county of the minimum standards and requirements of this act and W.S. 16-6-501 and 16-6-502 and transfer jurisdiction and

authority by letter. Except as provided in W.S. 35-9-119(a)(i) and subsection (b) of this section, nothing in this section affects the authority of the state fire marshal or chief electrical inspector regarding state owned or leased buildings. Local enforcement authority under this subsection shall be subject to the following requirements and certification of inspectors:

(b) Notwithstanding the provisions of subsection (a) of this section a local governmental entity is authorized to assume ~~joint~~ sole plan review authority, ~~with the state fire marshal, and, in accordance with W.S. 35-9-107(a)(iv),~~ that entity has sole construction inspection authority on the approved plans; and sole authority for periodic fire and life safety inspections on state owned or leased buildings. For the purpose of this section, school buildings shall be construed to be state buildings. If local code provisions are more stringent than adopted state codes, the local code prevails. The authority granted to local governmental entities under this subsection is subject to certification of local inspectors as follows:

(i) If ~~joint~~ sole plan review authority is requested, certification of a plan reviewer by the international conference of building officials or the International Code Council;

(g) Nothing in this section prohibits the state fire marshal from assisting, upon request, a municipality, county or other local governmental entity in exercising authority granted to that entity under this section.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 165

### AUTOCYCLES

Original Senate File No. 109

AN ACT relating to motor vehicles; providing for regulation, registration and licensure of autocycles; increasing fees as specified; and providing for an effective date.

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

**Section 1.** W.S. 31-1-101(a)(xv) by creating a new subparagraph (Q), 31-2-204 by creating a new subsection (e), 31-3-101(a)(ii)(D) and (F), 31-5-102(a) by creating a new paragraph (lxvii), 31-5-115(e) and by creating a new subsection (t), 31-5-203(b), 31-5-901(c), 31-5-912(a), 31-5-913(a), 31-5-914, 31-5-915(a), 31-5-932(a), 31-5-1401(a)(ii) and 31-7-109 by creating a new subsection (k) are amended to read:

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

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

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

(Q) "Autocycle" means a three wheeled motor vehicle with two (2) wheels in the front, fully or partially enclosed, with automotive controls and safety belts.

**31-2-204. Issuance of certificates of registration and license plates by county; form.**

(e) For the purposes of this chapter, provisions for license plates for motorcycles shall apply to autocycles.

**31-3-101. Registration fees; exemptions.**

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a vehicle:

(ii) A state registration fee computed as follows:

(D) Motorcycles, autocycles and multipurpose vehicles.....~~\$12.00~~ 25.00

(F) Commercial vehicles, except passenger cars, school buses, house trailers, multipurpose vehicles, autocycles and motorcycles for which the fees shall be computed based on gross vehicle weight pursuant to W.S. 31-18-401;

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

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

(lxvii) "Autocycle" means as defined in W.S. 31-1-101(a)(xv)(Q).

**31-5-115. Operation of motorcycles, autocycles and pedestrian vehicles.**

(e) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. Two (2) motorcycles may be driven abreast in the same lane by consent of both motorcycle drivers. One (1) autocycle may be driven per lane.

(t) Subsections (b) through (d), (n), (o) and (r) of this section shall not apply to autocycles.

**31-5-203. Rules governing overtaking on the left.**

(b) A driver of a passenger car, motorcycle, autocycle or pickup truck, not towing any other vehicle, may exceed the speed limit by up to ten (10) miles an hour while passing another vehicle traveling at less than the legal maximum speed, in order to safely pass the vehicle. The overtaking vehicle shall return to the right-hand lane and reduce speed to the posted speed limit as soon as practicable. This subsection shall be applicable only upon roadways divided into two (2) lanes for two (2) way movement of traffic and where the posted speed limit is fifty (50) miles per hour or greater. This subsection shall not be applicable in construction zones. Passing a vehicle pursuant to this subsection shall

be subject to all other applicable motor vehicle laws. A driver of a vehicle exceeding the ten (10) mile per hour limitation of this subsection shall be subject to the full penalty or penalties applicable to exceeding the posted speed limit by the actual speed of the vehicle. As used in this section, "motorcycle," "passenger car," "pickup," "autocycle" and "vehicle" mean as defined in W.S. 31-1-101.

**31-5-901. General requirements; applicability of provisions.**

(c) The provisions of W.S. 31-5-901 through 31-5-970 and regulations of the superintendent with respect to equipment required on vehicles shall not apply to vehicles moved solely by human power, motorcycles, autocycles, motor-driven cycles, mopeds, multipurpose vehicles, implements of husbandry, highway construction machinery or farm tractors except as specifically made applicable.

**31-5-912. Head lamps.**

(a) A motor vehicle, including a multipurpose vehicle or an autocycle, which is greater than fifty (50) inches in width, shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps comply with the regulations of the superintendent.

**31-5-913. Tail lamps.**

(a) A motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which shall comply with the regulations of the superintendent. The superintendent may by regulation allow one (1) tail lamp on any vehicle equipped with only one (1) when it was made. A motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50) inches or less in width, autocycle or moped shall be equipped with at least one (1) tail lamp which shall comply with the regulations of the superintendent.

**31-5-914. Rear reflectors.**

Every motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall carry on the rear, either as a part of the tail lamps or separately, two (2) or more red reflectors complying with the regulations of the superintendent. Motorcycles, motor-driven cycles, multipurpose vehicles which are fifty (50) inches or less in width, autocycles or mopeds shall carry on the rear at least one (1) red reflector complying with the regulations of the superintendent.

**31-5-915. Stop lamps; electric turn signal lamps.**

(a) Every motor vehicle, multipurpose vehicle which is greater than fifty (50) inches in width, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with two (2) or

more stop lamps complying with the regulations of the superintendent. Every motorcycle, motor-driven cycle, multipurpose vehicle which is fifty (50) inches or less in width, autocycle or moped shall be equipped with at least one (1) stop lamp complying with the regulations of the superintendent. The superintendent may by regulation allow one (1) stop lamp on any vehicle equipped with only one (1) when it was made.

**31-5-932. Approved sale of lighting devices; mounting.**

(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, motorcycle, autocycle, motor-driven cycle, moped or pole trailer, or use upon the vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp or reflector, which reflector is required by this article, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the superintendent and approved by him. This section does not apply to equipment in actual use prior to January 1, 1956, or replacement parts therefor.

**31-5-1401. Definitions.**

(a) As used in this act:

(ii) "Passenger vehicle" means a vehicle which is self-propelled and designed to carry eleven (11) persons or less and primarily used to transport persons, including autocycles and pickup trucks but excluding emergency vehicles, motorcycles and buses;

**31-7-109. Classes of licenses.**

(k) Any person licensed to drive any class of vehicle pursuant to this section may also drive an autocycle as defined in W.S. 31-1-101(a)(xv)(Q).

**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 6, 2017.

## Chapter 166

### REAL ESTATE BROKERS AND SALESPERSONS

Original Senate File No. 96

AN ACT relating to professions and occupations; conforming real estate brokers and salespersons licensing and authority provisions to current practice; authorizing responsible brokers to supervise multiple business entities; requiring disclosure of licensee relationships; regulating marketing and advertising; allowing transactions without signed acknowledgment of relationship disclosures; conforming terminology; and providing for an effective date.

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



**Section 1.** W.S. 33-28-102(b)(iv), (vi), (xxix), (xlv)(H), (xlvi), (xlix) and (li), 33-28-103(a)(vi), 33-28-105(c)(iii) and (d), 33-28-106(c)(ii), (f)(intro) and (n)(ii), 33-28-107(a), 33-28-108, 33-28-109, 33-28-110(b)(iv) and (d)(intro), 33-28-111(a)(intro), (ix), (xvi), (xvii), (xxix)(A) and by creating a new subparagraph (D), 33-28-115, 33-28-118(e), 33-28-119(a) and (d) through (g), 33-28-122(a)(intro) and (i), 33-28-123, 33-28-202(a), 33-28-204, 33-28-302(a), (h)(iii), (iv) and (j), 33-28-305(g), 33-28-306(b), 33-28-308(a) through (d) and (f) through (h) and 33-28-310 by creating a new subsection (e) are amended to read:

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REAL ESTATE BROKERS AND SALESPERSONS

**33-28-102. Definitions.**

(b) As used in this act:

(iv) “Associate broker” means an individual who has qualified as ~~a~~an associate broker under this act, is licensed by the commission under a responsible broker and does not have supervisory responsibilities;

(vi) “Branch office” means any office location of a real estate company that is separate from a principal office and supervised by a responsible broker; ~~other than his principal place of business;~~

(xxix) “License” means the document issued by the commission certifying that the person named by the person’s legal name on the document had fulfilled all requirements for licensure under this act;

(xlv) “Real estate activity” occurs when an individual for another and for compensation performs any one or more of the following:

(H) Engages in the business of charging an advance fee in connection with any contract undertaken to promote the sale, auction or lease of real estate either through its listing in a publication issued for that purpose or for referral of information concerning the real estate to responsible brokers, associate brokers and salespersons;

(xlvi) “Real estate company” means a domestic or foreign business entity ~~including a firm, company, corporation, partnership, sole proprietorship or other entity which is~~ that is authorized to conduct business in Wyoming and licensed by the commission to conduct real estate activity;

(xlix) “Responsible broker” means an individual who has an active re-sponsible broker’s license and who is responsible for the supervision of the activities of licensees associated with the real estate company or a responsible broker who operates a single license office or sole proprietorship;

(li) “~~Salesman-Salesperson~~” means an individual who has qualified as a salesman-salesperson under this act and is licensed by the commission under a responsible broker;



**33-28-103. Exemptions.**

(a) The provisions of this act shall not apply to:

(vi) Any person or employee acting as the resident manager for the owner or an employee acting as the resident manager for a responsible broker managing an apartment building, duplex, apartment complex or court, when the resident manager resides on the premises and is engaged in the leasing of real estate in connection with his employment, unless that individual is a licensee; or

**33-28-105. Creation of commission; membership; terms; removal; chairman; powers and duties; director and duties thereof; other employees; compensation; disposition of fees.**

(c) The commission shall employ a director. The director is subject to the rules and regulations of the human resources division of the department of administration and information. The director's salary shall be paid from the real estate commission account specified in subsection (g) of this section. The duties of the director shall include the following:

(iii) Issue real estate responsible broker, ~~and salesman~~ associate broker, salesperson and real estate company licenses;

(d) The commission shall employ other ~~employees~~ staff members to assist in the discharge of the duties imposed upon it by this act and shall prescribe the duties and fix the compensation of its ~~employees~~ staff members, subject to the rules and regulations of the human resources division of the department of administration and information. The office of the commission shall be maintained in Cheyenne and all files, records and property of the commission shall at all times remain in the Cheyenne office. No ~~employee of the commission~~ staff member may be a paid employee of any real estate association, ~~or group of real estate dealers or brokers~~ real estate company or real estate licensee.

**33-28-106. Application for license; qualifications; sworn statement; commission approval of course of study; statement of responsible broker; denial of license; issuing licenses.**

(c) Each applicant for a responsible broker's license shall:

(ii) Have first served actively for two (2) of the four (4) years immediately preceding the application as a real estate ~~salesman~~ salesperson or associate broker; and

(f) Each applicant for a ~~salesman's~~ salesperson's license shall:

(n) Each individual applicant for an associate broker's license shall:

(ii) Have first served actively for two (2) of the four (4) years immediately preceding the application as a ~~salesman~~ salesperson or shall furnish to the commission proof indicating that ~~he~~ the applicant holds a degree in real estate

from an accredited university or college; and

**33-28-107. Examinations; responsible broker, associate broker and salesperson's licenses.**

(a) In addition to proof of honesty, trustworthiness and good reputation, each applicant desiring to become licensed as a real estate responsible broker, associate broker or a real estate salesman-salesperson shall execute and file an application for examination upon a form prescribed by the commission and shall pass a written examination prepared by or under the supervision of the commission. The examination shall be given at times and at places within the state as the commission shall prescribe. The examination for a salesman's salesperson's license shall include business ethics, composition, arithmetic, elementary principles of land economics and appraisal, a general knowledge of the statutes of this state relating to deeds, mortgages, contracts of sale, agency ~~and brokerage~~, and the provisions of this act. The ~~examination examinations~~ for a responsible broker and associate broker's license licenses shall be of a more exacting nature and scope and more stringent than the examination for a salesman's salesperson's license.

**33-28-108. Fees.**

Pursuant to W.S. 33-1-201, the commission shall establish fees for examinations, original licenses, modified licenses, renewals, certifications, change of place of business; and transfers, and duplicate licenses. The fees shall be used to pay the expense of maintaining and operating the office of the commission and the enforcement of this act.

**33-28-109. Responsible broker to establish a real estate company, maintain fixed principal office; change of address; branch offices; restrictions on associate brokers and salespersons.**

(a) Each resident responsible broker shall lawfully establish at least one (1) but no more than three (3) real estate companies or sole proprietorships within Wyoming and acquire a license for each real estate company or sole proprietorship. Each resident responsible broker shall maintain a fixed principal office for each company or sole proprietorship within this state. The address of the each office shall be designated on all licenses associated with the office and no license issued under this act shall authorize the licensee to transact real estate activity at any other address except a licensed branch office. In case of removal from ~~the a~~ designated address, the responsible broker shall ~~make application apply~~ to the commission before the removal designating the new location of his an office and paying the required fee, whereupon the commission shall issue a license for the new location for the unexpired period if the new location complies with the terms of this act.

(b) ~~If a responsible broker maintains more than one (1) place of business within the state, a branch office~~ A responsible broker may conduct business

from a branch office. A branch office shall use the same trade name or business name as the licensed real estate company. A company license shall be issued to the responsible broker for each branch office so maintained by him the responsible broker maintains. Every branch office shall be under the direction and supervision of the responsible broker. A responsible broker requesting a branch office license shall also, in addition to the branch office application, submit a plan of supervision for the branch office for approval by the commission.

(c) An associate broker or ~~salesman-salesperson~~ shall not be associated or engaged under contract to any other responsible broker than is designated upon the license issued to the associate broker or ~~salesman-salesperson~~. Upon termination of an associate broker's or ~~salesman's-salesperson's~~ association or contractual relationship, his responsible broker shall immediately notify the commission for cancellation of the associate broker's or ~~salesman's-salesperson's~~ license. Whenever a licensed associate broker or ~~salesman-salesperson~~ desires to change his contractual relationship from one (1) responsible broker to another, he shall notify the commission promptly in writing of the facts attendant thereon and pay the required fee. Upon application, the commission shall issue a new license under the new responsible broker. No associate broker or ~~salesman-salesperson~~ shall directly or indirectly associate himself with a responsible broker until he has been issued a license to do so with that responsible broker.

(d) No more than one (1) license to conduct real estate activity shall be issued to any ~~salesman-responsible broker, associate broker or salesperson~~ to be in effect at one (1) time except as provided in subsection (a) of this section.

**33-28-110. Unlawful to compensate unlicensed person; licensing of like-licensed nonresidents; service of process on nonresidents.**

(b) A nonresident may be issued a Wyoming responsible broker's license if:

(iv) The ~~broker-individual~~ furnishes the commission a statement under seal of the commission of his home state evidencing that he is an active licensed responsible broker, or an equivalent, in good standing and has no complaints pending against him in his home state.

(d) A nonresident may be issued a Wyoming associate broker or ~~salesman salesperson~~ license if:

**33-28-111. Censure of licensee and suspension or revocation of license; grounds.**

(a) The commission shall upon a written sworn complaint or may upon its own motion investigate the actions of any licensee conducting real estate advertising, self promotion as a licensee or real estate activity regarding real estate located in Wyoming, impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense and may censure a licensee, place a licensee on probation and set the terms of probation, suspend or revoke any license issued under this act for any of the following:

(ix) If a responsible broker, failing to supervise the activities of his associate broker or ~~salesman~~salesperson;

(xvi) Engaging in real estate activity as an associate broker or ~~salesman~~salesperson involving the representing or attempt to represent a responsible broker other than his responsible broker or a real estate company other than the real estate company under which he is licensed;

(xvii) Accepting compensation by an associate broker or ~~salesman~~salesperson from anyone other than his responsible broker;

(xxix) If a responsible broker:

(A) Failing to deliver to the parties in every real estate transaction at the time the transaction is closed a complete, detailed closing statement showing all of the receipts and disbursements handled by the licensee in his office for the parties unless a clear and accurate accounting is furnished by another ~~broker~~real estate licensee or a funds holder;

(D) Failing to disclose, in every real estate transaction, the names of all real estate companies for which a responsible broker holds a license.

**33-28-115. Unlicensed person may not maintain action for fee.**

No action or suit shall be instituted, nor recovery be had, in any court of this state by any person for compensation for any real estate activity unless the person was licensed by the commission under this act at the time of engaging in real estate activity.

**33-28-118. License renewals; continuing education; payment of fees; effect of failure to renew; inactive status.**

(e) Any real estate associate broker or ~~salesman~~salesperson who is not employed by or associated with a responsible broker, or any responsible broker who desires to become inactive, may renew his license in an inactive status prior to the renewal deadline established in this section, by submitting the renewal fee together with a completed renewal application on which he has noted his present inactive status.

**33-28-119. Advertising; licensing under one name; trade names; advertisement of licensees.**

(a) Every real estate licensee, when promoting himself as a licensee, advertising or promoting his real estate activities, shall use the real estate company name under which he is licensed by the commission and shall use no slogans or phraseology in a manner which would indicate or suggest to the public that real estate may be listed or is being offered for sale, exchange, lease or rent by a private party not licensed by the commission.

(d) ~~Except as provided in subsection (e) of this section, no person shall be licensed under more than one (1) real estate company name, and No person shall conduct or promote a real estate brokerage business except under com-~~

~~pany other than~~ the real estate company ~~name~~ under which the person or ~~bro-~~  
~~kerage business company~~ is licensed by the commission.

(e) A trade name, with the permission of the owner of the trade name, may be used concurrently with the licensed name of the real estate company in the promotion or conduct of the responsible broker's business. On promotional materials the real estate company name shall be displayed in a conspicuous manner that the general public may be readily identified by the general public easily identify, as prescribed in commission rules.

(f) A licensed responsible broker shall not advertise the sale, purchase, exchange or lease of real estate, unless owned by him, without including in the advertisement the real estate company name under which he is licensed by the commission.

(g) A licensed associate broker or ~~salesman~~ salesperson shall not advertise the sale, purchase, exchange or lease of real estate, unless owned by him, without including in the advertisement the ~~name of the real estate company with whom he is associated~~ name under which he is licensed by the commission.

**33-28-122. Responsible broker's trust accounts; disposition of interest; commingling with personal funds prohibited; disputed deposits; cooperative transactions.**

(a) Every responsible broker licensed by the commission in this state shall comply with the following provisions for each licensed real estate company he supervises:

(i) Maintain ~~a separate~~ an account in a financial institution in this state designated as a trust or escrow account in which all down payments, earnest money deposits, advance listing fees or other trust funds received by him, his associate brokers or his ~~salesmen~~ salespersons on behalf of a principal or any other person shall be deposited unless all persons having an interest in the funds have agreed otherwise in writing. The account shall permit immediate withdrawal of the funds deposited therein. In lieu of maintaining a trust or escrow account under this paragraph, a responsible broker may use a funds holder;

**33-28-123. Retention of records.**

Every responsible broker licensed by the commission in this state shall keep and maintain a full set of records of every real estate transaction in which he participates on behalf of or to assist any party to the transaction. The records shall be maintained not less than seven (7) years from the latest date on which the real estate company participated in the transaction.

**33-28-202. Real estate recovery account created; payments; pro rata distribution when account insufficient; service of process; joinder of account.**

(a) If any person obtains a final judgment in any court of competent jurisdiction against any licensee on the grounds of fraud, willful misrepresentation,

deceit or conversion of trust funds arising directly out of any transaction which occurred when the licensee was licensed by the commission and in which the licensee performed any real estate activity, that person, within one (1) year of termination of all proceedings, including appeals, may file with the commission a verified petition in the court in which the judgment was entered for an order directing payment out of the real estate recovery account in the amount of actual damages included in the judgment and unpaid, and that a writ of execution has been returned unsatisfied, but for not more than ten thousand dollars (\$10,000.00).

**33-28-204. Suspension of licenses following payment from account; reinstatement.**

If the commission is required to make any payment from the real estate recovery account in settlement of a claim or toward the satisfaction of a judgment, the commission shall immediately suspend the judgment debtor's license. The judgment debtor shall not be licensed by the commission or have his license reinstated by the commission until he has repaid in full the amount paid from the real estate recovery account with interest thereon of eighteen percent (18%) per annum. Repayment under this section shall not prohibit the commission from acting in accordance with W.S. 33-28-111. A discharge in bankruptcy shall not relieve a person from the disabilities and penalties of the section.

ARTICLE 3

BROKER RELATIONSHIPS

**33-28-302. Relationships between licensees and the public.**

(a) A responsible broker shall not be required to offer or engage in more than one (1) of the ~~brokerage-broker~~ relationships. When engaged in any real estate activity, a licensee, with permission of ~~his~~ the licensee's responsible broker, may act in any real estate transaction as an agent or intermediary or may work with the seller or buyer as a customer. The licensee's duties and obligations arising from that relationship shall be disclosed to the seller or buyer pursuant to this article.

(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:

(iii) A ~~salesman~~ salesperson under the direct supervision of a responsible broker, and the responsible broker is not a party to the real estate transaction; or

(iv) A ~~salesman~~ salesperson who is under the direct supervision of a transaction manager.

(j) Licensees employed or engaged by the same responsible broker or across any companies the same responsible broker supervises may be designated li-

censees for different buyers or sellers in the same transaction. If the responsible broker is representing a buyer or a seller in an in-house transaction, the responsible broker shall immediately appoint a transaction manager unless the other licensee is an associate broker. If the responsible broker is representing a buyer or seller in a transaction involving two (2) or more companies the responsible broker manages, he shall immediately appoint a transaction manager for each real estate company unless the other licensee is an associate broker. The responsible broker shall disclose in every real estate transaction to all parties involved the names of all real estate companies the responsible broker supervises. The simultaneous designations shall not constitute dual agency or require the responsible broker or licensee to act as an intermediary unless otherwise required by this article. A responsible broker or transaction manager shall have access to all necessary information but shall be prohibited from sharing any confidential information of any party to the transaction that the responsible broker or transaction manager may learn in the process of supervising the licensees or the transaction.

**33-28-305. Intermediary.**

(g) An intermediary may cooperate with other responsible brokers but shall not engage any subagents.

**33-28-306. Relationship disclosures.**

(b) The written disclosure shall contain a signature line for the buyer or seller to acknowledge receipt of the disclosure. The disclosure and acknowledgment, by itself, shall not constitute a contract or agreement with the licensee. Until the buyer or seller executes such acknowledgment, no representation agreement shall be executed or valid: except, provided if a buyer or seller refuses to sign the disclosure after presentation by the licensee:

(i) The licensee may document the refusal with a signed acknowledgment by the licensee and continue with the transaction; and

(ii) The disclosure and acknowledgement shall be attached to and may become incorporated into any written agreements with the buyer or seller as prescribed in W.S. 33-28-302(b) and (c).

**33-28-308. Compensation.**

(a) In any real estate transaction, the responsible broker's compensation may be paid by the seller, the buyer, a third party, or by the sharing or splitting of compensation between responsible brokers.

(b) Payment of compensation shall not be construed to establish an agency relationship or intermediary relationship between the responsible broker and the party who paid the compensation.

(c) A seller may agree that an intermediary, buyer's agent, subagent or a licensee working with a buyer as a customer may share in the compensation paid



by the seller with another responsible broker.

(d) A buyer may agree that a seller's agent, intermediary, subagent or a licensee working with a seller as a customer may share in the compensation paid by the buyer with another responsible broker.

(f) Prior to entering into a written agreement with the seller and buyer, or prior to entering into a contract to buy or sell, the responsible broker shall disclose in writing to the seller and buyer to the transaction, the agency, intermediary or customer relationships of all parties, persons and entities paying compensation to the responsible broker.

(g) A responsible broker may be compensated by more than one (1) party for services in a transaction, if those parties have consented in writing to the shared payment prior to seller and buyer entering into a contract to buy or sell.

(h) An agreement authorizing a responsible broker who originally agreed in writing to act as an agent to a buyer or seller with respect to a particular real estate transaction to act instead as an intermediary to that party, shall provide that the party agreeing to the new relationship shall not be liable for any compensation greater than the compensation the party would have been liable to pay under the initial agreement. Any contract provision in violation of this subsection is void and unenforceable.

**33-28-310. Licensees working with buyers and sellers as customers; duties; exceptions.**

(e) A licensee working with a buyer or seller who is a customer shall provide the customer an agency disclosure.

**Section 2.** W.S. 33-28-102(b)(vii) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 167

### NURSE PRACTICE ACT REVISIONS

Original Senate File No. 111

AN ACT relating to the occupation of nursing; revising the Nurse Practice Act; specifying applicability to advanced practice registered nurses, registered nurses, licensed practical nurses or certified nursing assistants; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 33-21-120(a)(i)(C), (D) and (viii), 33-21-122(c)(iii), 33-21-127(a)(intro), (ii), (iii), (b)(intro), (ii), (iv)(A), (c) and (d), 33-21-128(b) and (c), 33-21-129, 33-21-130, 33-21-131, 33-21-132(a) through (d), 33-21-133, 33-21-145(a)(i) through (iv) and (viii), 33-21-146(a)(iii)(A), (C),



(D), (vi), (vii), (x) and (b), 33-21-147, 33-21-148, 33-21-149, 33-21-150(a)(i), 33-21-151(a)(i) through (iii), 33-21-153(a) and 33-21-154(a)(ix) and (xi) are amended to read:

**33-21-120. Definitions.**

(a) As used in this act:

(i) "Advanced practice registered nurse (APRN)" means a nurse who:

(C) Has a doctorate or master's degree in nursing, or an advanced practice registered nurse specialty or has completed an accredited advanced practice registered nurse educational program prior to January 1, 1999; and

(D) Has completed an advanced program of study in a specialty area in an accredited nursing program, has taken and passed a national certification examination in the same area and has been granted ~~recognition~~licensure by the board to practice as an APRN.

(viii) "License" means a current document permitting the practice of nursing as a an advanced practice registered nurse, registered nurse or licensed practical nurse;

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

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

(iii) Publish advisory opinions relative to whether the nursing procedures, policies and other practices of any agency, facility, institution or other organization that employs individuals licensed or certified under this act complies with the standards of nursing practice as defined in this act and board rules and regulations. The board may submit comments, register complaints or file charges with the appropriate advisory, certifying or regulatory body governing the agency, facility, institution or organization that authorizes and condones violations of this act or board rules and regulations;

**33-21-127. Qualifications for licensure or certification; application requirements.**

(a) An applicant for licensure or certification by examination to practice as a an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant shall:

(ii) Be a graduate of a state board approved nursing or nursing assistant education program recognized by the board which prepares the applicant for the level of licensure or certification being sought;

(iii) Pass a board approved national nursing licensure or certification examination;

(b) An applicant for licensure or certification by endorsement to practice as a an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical

nurse or certified nursing assistant shall:

(ii) Be a graduate of a state board approved nursing or nursing assistant education program recognized by the board which prepares the applicant for the level of licensure or certification being sought;

(iv) Remit fees as specified by the board; and either:

(A) Submit proof of initial licensure or certification by an examination acceptable to the board, provided that when the applicant secured his or her initial license or certificate, the requirements for licensure or certification included the requirements then necessary for licensure or certification in this state and have submitted proof that the license or certificate has not been suspended, revoked or otherwise restricted for any reason; or

(c) Each applicant who successfully meets the requirements of this section is entitled to licensure or certification as ~~a~~an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant, whichever is applicable.

(d) In addition to subsections (a) and (b) of this section, an applicant for licensure or certification under this act shall provide the board fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201.

### **33-21-128. Examinations for licensure; reexamination.**

(b) The board may employ, contract and cooperate with any organization in the preparation, administration and grading of an appropriate national nursing licensure or nursing assistant certification examination.

(c) The board shall by rules and regulations limit the number of reexaminations which may be taken by the applicant after the initial failure of a board approved national nursing licensure or nursing assistant certification examination.

### **33-21-129. Renewal of licenses or certificates.**

(a) Licenses or certificates issued under this act shall be renewed biennially according to a schedule established by board rules and regulations.

(b) A renewal license or certificate shall be issued to ~~a~~an advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant who demonstrates satisfactory completion of requirements established by the board and who remits the required fees established in the board rules and regulations.

(c) Any license or certificate issued by the board shall expire if the licensee or certificate holder fails to renew the license or certificate as established in board rules and regulations, including the remittance of all fees.

(d) Failure to renew the license or certificate by the expiration date shall re-

sult in forfeiture of the right to practice nursing or nurse assisting in this state.

**33-21-130. Relicensure or recertification.**

Licenses or certificate holders who have allowed their license or certificate to lapse by failure to renew as herein provided, may apply for relicensure or recertification according to board rules and regulations. Upon satisfaction of the requirements for relicensure or recertification, the board shall issue a renewal of license or certificate to practice nursing or nurse assisting.

**33-21-131. Inactive status; reactivation or recertification.**

Licenses or certificate holders who hold an active license or certificate to practice in this state, and who wish to discontinue the practice of professional or practical nursing or nurse assisting in this state, may request in writing that the board place their license or certificate on inactive status. A licensee or certificate holder on inactive status shall not be considered lapsed or expired. A biennial renewal fee shall be required to retain the inactive status. Licenses or certificate holders on inactive status may apply for reactivation pursuant to board rules and regulations.

**33-21-132. Temporary permit.**

(a) The board may issue a temporary permit to practice nursing or nurse assisting to a ~~an~~ advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant who is awaiting licensure or certification by endorsement and who is currently licensed or certified in good standing in another jurisdiction, territory or possession of the United States. The period for a temporary permit shall not exceed ninety (90) days, provided the applicant submits a written application for licensure or certification by endorsement in a form and substance satisfactory to the board. A temporary permit for such a request shall be issued only one (1) time.

(b) The board may issue a temporary permit to practice nursing or nurse assisting to a ~~an~~ advanced practice registered nurse, registered nurse, ~~or~~ licensed practical nurse or certified nursing assistant who is not seeking licensure or certification by endorsement and who is currently licensed or certified in good standing in another jurisdiction, territory or possession of the United States. The period for a temporary permit shall not exceed ninety (90) days, provided the applicant submits a written application for licensure or certification by endorsement in a form and substance satisfactory to the board. A temporary permit for such a request shall be issued only one (1) time.

(c) The board may issue a temporary permit to practice nursing or nurse assisting to a graduate of an approved nursing or nursing assistant education program, pending the results of the first board approved national nursing licensure or certification examination offered after graduation. A temporary permit shall not be issued to any applicant who has previously failed a board approved national nursing licensure or certification examination. The temporary permit

shall be surrendered in event of failure of the licensure or certification examination. A new graduate holding a temporary permit shall practice only under the direction and supervision of a registered professional nurse. A temporary permit for such a request shall be issued only one (1) time.

(d) The board may issue a temporary permit to graduates of foreign schools of nursing who have met the requirements for licensure by examination or endorsement pursuant to board rules and regulations. Applicants showing evidence of certification from a board approved national certifying organization for graduates of foreign nursing schools shall take the first available board approved national nursing licensure or certification examination ~~offered~~ for which they are eligible. A temporary permit for such a request shall be issued only one (1) time.

**33-21-133. Licensees and certificate holders to provide statistical information to board.**

Each licensee and certificate holder shall provide reasonable information for statistics requested by the board to perform its duties in nursing manpower planning.

**33-21-145. Violations; penalties.**

(a) No person shall:

(i) Engage in the practice of nursing or nurse assisting as defined in this act without a valid, current license, certificate or temporary permit, except as otherwise permitted under this act or the Nurse Licensure Compact or the Advanced Practice Registered Nurse Compact;

(ii) Practice nursing or nurse assisting under cover of any diploma, license, certificate or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(iii) Use any words, abbreviations, figures, letters, titles, signs, cards or devices tending to imply that the person is ~~a~~ an advanced practice registered nurse, registered nurse, licensed practical nurse or ~~advanced practice registered nurse~~ certified nursing assistant unless the person is duly licensed or certified as ~~a~~ an advanced practice registered nurse, registered nurse, licensed practical nurse, ~~or recognized as an advanced practice registered nurse~~ or certified nursing assistant under this act or the Advanced Practice Registered Nurse Compact or holds a license in another state and is practicing in this state pursuant to the Nurse Licensure Compact;

(iv) Knowingly employ unlicensed or uncertified persons in the practice of nursing or nurse assisting;

(viii) Practice nursing or nurse assisting during the time a license or certificate is suspended, revoked, surrendered, inactive or lapsed.

**33-21-146. Disciplining licensees and certificate holders; grounds.**

(a) The board of nursing may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee or certificate holder, upon proof that the person:

(iii) Has practiced fraud or deceit:

(A) In procuring or attempting to procure a license or certificate to practice nursing or nurse assisting;

(C) In signing any report or record as ~~a~~an advanced practice registered nurse, registered nurse, ~~or as a~~ licensed practical nurse or certified nursing assistant;

(D) In representing authority to practice nursing or nurse assisting; or

(vi) Has had a license or certificate to practice nursing or nurse assisting or to practice in another health care discipline in another jurisdiction, territory or possession of the United States denied, revoked, suspended or otherwise restricted;

(vii) Has practiced nursing or nurse assisting within this state without a valid current license or temporary permit or as otherwise permitted under this act, ~~or the Nurse Licensure Compact~~ or the Advanced Practice Registered Nurse Compact;

(x) Has knowingly engaged in an act which the licensee or certificate holder knew was beyond the scope of the individual's nursing or nurse assisting practice prior to committing the act, or performed acts without sufficient education, knowledge; or ability to apply nursing principles and skills;

(b) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license or certificate issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license or certificate in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license or certificate withheld, suspended or restricted under this subsection.

### **33-21-147. Disciplining licensees or certificate holders; procedure.**

A proceeding for discipline of a licensee, certificate holder or a temporary permit holder, or action against an applicant for a license, certificate or temporary permit, may be commenced when the board has reasonable grounds to believe that a person under the board's jurisdiction has committed acts in violation of W.S. 33-21-146. No license or certificate to practice nursing or nurse assisting may be revoked or denied by the board without affording the licensee, certificate holder or applicant due process of law. However, the board may summarily suspend a license or certificate and institute proceedings concomitantly if the board finds that the licensee or certificate holder presents a clear and immediate danger to the public health, safety and welfare if allowed to continue to

practice. For purposes of a suspension or other restriction imposed pursuant to W.S. 33-21-146(b), the board may presume that the court imposing the suspension or restriction afforded the licensee, certificate holder or applicant due process of law.

**33-21-148. Disciplining licensees; reinstatement.**

Any person whose license or certificate has been denied, suspended or revoked, pursuant to this act, may apply to the board for reinstatement of the license or certificate or issuance of a license or certificate after fulfilling those requirements determined by the board. The application shall be made in writing and in the form prescribed by the board. The board may grant or deny the application or it may modify its original findings to reflect any circumstances that have changed sufficiently to warrant modifications.

**33-21-149. Disciplining licensees or certificate holders; conditional licensure.**

As a result of disciplinary action, the board may in addition to other powers and duties, issue, renew or reinstate licenses or certificates subject to reasonable conditions which the board may impose.

**33-21-150. Immunity of board members and persons reporting information to board.**

(a) Any member or agent of the board, or any person under oath, is not subject to a civil action for damages as a result of reporting information in good faith, without fraud or malice, relating to alleged violations of this act or board rules and regulations including, but not limited to:

(i) Negligence, malpractice or the qualification, fitness or character of a person licensed or certified, or applying for a license or certificate, to practice nursing or nurse assisting; or

**33-21-151. Injunctive relief; grounds.**

(a) The board may petition in its own name for an injunction to a proper court of competent jurisdiction to enjoin:

(i) Any person from practicing nursing or nurse assisting, within the meaning of this act, without a valid license, certificate or temporary permit, unless so exempted under W.S. 33-21-154;

(ii) Any licensee or certificate holder from practicing who allegedly is in violation of this act; or

(iii) Any person, firm, corporation, institution or association from employing any individual to practice nursing or nurse assisting who is not licensed or certified under this act or exempted under W.S. 33-21-154.

**33-21-153. Names of terminated licensees or certificate holders to board; enforcement by court order; civil contempt for noncompliance; immunity.**

(a) Hospitals, nursing homes and other employers of advanced practice registered nurses, registered nurses, licensed practical nurses; and ~~advanced practice registered nurses~~ certified nursing assistants shall report to the board the names of those licensees or certificate holders whose employment has been terminated voluntarily or involuntarily for any reasons stipulated in W.S. 33-21-146.

**33-21-154. Exemptions.**

(a) No provisions in this act prohibit:

(ix) The practice of any nurse or nursing assistant, currently licensed or certified in another jurisdiction, in the provision of nursing care in the case of an emergency or disaster as declared by the governor;

(xi) The practice of any advanced practice registered nurse who holds a license in another state and is practicing in this state pursuant to ~~W.S. 33-21-302~~ the Advanced Practice Registered Nurse Compact.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 168

### CERTIFIED PUBLIC ACCOUNTANTS-AMENDMENTS

Original Senate File No. 138

AN ACT relating to professions and occupations; amending eligibility requirements to take the certified public accountant certification examination; and providing for an effective date.

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

**Section 1.** W.S. 33-3-111 is amended to read:

**33-3-111. Candidate for examination; eligibility.**

A candidate ~~who has met the education requirement specified in W.S. 33-3-109(a)(v), or who expects to meet the requirements within ninety (90) days following the examination, or with respect to whom the requirement has been waived,~~ is eligible to take the examination when he has met the requirements of W.S. 33-3-109(a)(i) and (ii). ~~When any candidate is admitted to the examination on the expectation that he will complete the education requirement within ninety (90) days, no certificate shall be issued, nor shall credit for any part of the examination be given, unless the requirement is in fact completed within that time or within the time the board in its discretion may determine upon application~~ and has completed a baccalaureate or higher degree conferred by a college or university acceptable to the board, with a total educational program that includes an accounting concentration or its equivalent as determined to be appropriate by the rules and regulations of the board.



**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 169

### WYOMING PHARMACY ACT-AMENDMENTS

Original Senate File No. 121

AN ACT relating to the Wyoming Pharmacy Act; modifying grounds for suspension and revocation of pharmacy licenses; modifying responsibilities of the secretary of the state board of pharmacy; modifying provisions related to examination and reexamination; modifying mailing requirements for license renewal notices and examination notices; removing authorization for the board to credit continuing education units to another year; modifying drug substitution procedures; modifying definitions; removing obsolete language; repealing provisions related to pharmacist pedigree documents; and providing for an effective date.

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

**Section 1.** W.S. 33-24-101(b)(iii), (iv)(G), 33-24-105, 33-24-113(a)(intro), (d)(intro), (v), (vii) and (viii), 33-24-116(a)(iv), 33-24-119, 33-24-120, 33-24-121(a), (c) and (d)(intro), 33-24-122(a)(viii), 33-24-133, 33-24-134(a)(i), 33-24-141, 33-24-149(a), (b), (d) and (e), 33-24-152(a)(intro), (e)(v), (vii) and (viii), 33-24-153(b), (j) and (k)(i)(B) are amended to read:

**33-24-101. Short title; definitions.**

(b) As used in this act:

(iii) “Collaborative pharmaceutical care” means a pharmacist working in collaboration with ~~physicians and other medical providers~~ practitioners authorized to prescribe medications;

(iv) “Unprofessional conduct” means:

(G) Filling a prescription without reasonable inquiry and confirmation of its validity if there are reasonable grounds to doubt the current existence of a ~~doctor-patient practitioner-patient~~ relationship between the ~~prescriber practitioner~~ and the customer seeking to obtain the drug;

**33-24-105. State board of pharmacy; oath or affirmation of members.**

Each member of the board hereinafter appointed shall, before entering upon the duties of his office, take and subscribe an oath or affirmation that the member will support the constitution and the laws of the United States and the state of Wyoming, and that the member will faithfully perform the duties as a member of the state board of pharmacy, ~~examiners of the state.~~

**33-24-113. Licensing of resident pharmacy; exceptions; display of license; suspension, revocation, letter of admonition, administrative penalty or refusal to renew; appeals.**



(a) Any pharmacy located in this state which dispenses, mails or in any manner delivers controlled substances or ~~dangerous-prescription~~ drugs or devices in this state pursuant to a prescription or provides pharmaceutical care in this state shall:

(d) The board may deny, suspend, revoke or refuse to renew a license issued under ~~the this~~ section, may issue a letter of admonition to a resident pharmacy licensee and may assess an administrative penalty, not to exceed two thousand dollars (\$2,000.00) per violation, against a resident pharmacy licensee on any of the following grounds:

(v) Suspension or revocation of a pharmacy license or any other disciplinary action against the licensee by a board of pharmacy in any other state;

(vii) Purchase or receipt of a ~~dangerous-prescription~~ drug, controlled substance or medical device from a source other than a manufacturer, wholesaler or pharmacy licensed by the board;

(viii) Purchase or receipt of a ~~dangerous-prescription~~ drug, controlled substance or medical device that is not approved by the federal food and drug administration;

**33-24-116. Qualifications of applicants for licensure as a pharmacist by examination.**

(a) Any person seeking licensure by examination to practice pharmacy in this state may make application in writing to the board. The applicant shall:

(iv) Have graduated and received ~~the first a~~ professional undergraduate degree from a college or school of pharmacy that has been approved by the board or have graduated from a foreign college of pharmacy. Graduates from a foreign college of pharmacy shall have completed a transcript verification program, taken and passed a college of pharmacy equivalency exam and completed a communication ability test as provided in board regulations;

**33-24-119. Reexamination fees; no refund of fees; notice of results of examination; application for reexamination.**

(a) All reexamination fees shall be the same as the current fee for the initial examination to be paid to the ~~secretary of the~~ board. Before such examination is had, the fee must be paid, and in no case shall the examination or reexamination fee be refunded.

(b) The applicant shall be informed within a reasonable time if he passed or failed to pass the examination. ~~A notification as aforesaid shall be made by mail to the address furnished therefor by applicant in his application.~~

(c) An applicant who fails in his examination shall have the privilege, if he so desires, of applying to the board for a reexamination. ~~at the next scheduled examination meeting.~~ This application shall be made in writing and shall be accompanied with the proper fee.

**33-24-120. Records as prima facie evidence.**

The board shall keep a record 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~~, shall be prima facie evidence before all the courts of this state of the entries therein contained.

**33-24-121. Renewal license certificate; late fee; expiration upon failure to renew; reinstatement; continuing professional education requirement for renewal; reduction or exception determined by board.**

(a) On or before December 31 of each year, any pharmacist licensed to practice pharmacy in this state shall transmit to the ~~secretary of the board~~ his signature, registration number and address together with proof of compliance with subsection (d) of this section, the annual fee determined by the board and the relevant information pertaining to criminal, substance abuse, professional liability and licensure history. Upon receipt and compliance with all requirements, the ~~secretary-board~~ shall issue a renewal license certificate.

(c) If the licensee fails to secure the renewal certificate before December 31, the license to practice expires ten (10) days after mailing of written notice to renew sent to the holder by certified mail, ~~return receipt requested~~, to the address last recorded for the licensee with the ~~secretary-board~~. An expired license may be restored by the board upon compliance with this section not later than March 31 following expiration of the license.

(d) The board may require that any person applying for renewal in accordance with subsection (a) of this section shall satisfactorily complete not less than six (6) nor more than fifteen (15) contact hours or not less than three-fifths (3/5) of one (1) continuing education unit nor more than one and one-half (1 1/2) continuing education units of approved continuing pharmaceutical education courses each year. For purposes of this subsection, one (1) continuing education unit is equivalent to ten (10) contact hours. No hours or units used for one (1) year shall apply to any other year. ~~The board may allow hours completed in one (1) year to be credited to another year.~~ The board shall promulgate rules and regulations necessary to administer this subsection and may reduce or make exception to the requirements of this subsection for the initial year of application and for emergency or hardship cases. The board may require a person licensed as an inactive pharmacist, who seeks to be licensed as an active pharmacist, to:

**33-24-122. Revocation or suspension of license and registration; letter of admonition; summary suspension; administrative penalties; probation; grounds.**

(a) The license and registration of any pharmacist may be revoked or suspended by the board of pharmacy or the board may issue a letter of admoni-

tion, refuse to issue or renew any license or require successful completion of a rehabilitation program or issue a summary suspension for any of the following causes:

(viii) If the person's registration or license to practice has been refused, ~~or~~ lapsed for cause, or expired for cause, or revoked for cause, or suspended for cause in this or any other jurisdiction or if the person has otherwise been disciplined by a board of pharmacy in this or any other jurisdiction;

**33-24-133. Association with boards of pharmacy of other jurisdictions.**

In order to be informed and to determine the status of boards of pharmacy of other jurisdictions which desire to effect arrangements for reciprocal registration of pharmacists, and in order to also be advised regarding fitness of applicants, and of the progress and changes in pharmacy throughout the country, the board may annually select at least one (1) of its members to meet with like representatives from other jurisdictions, and may join in creating and maintaining an association for such mutual ends, and in its discretion the board may contribute such information as it possesses which is useful to such aims and objects. Additionally, the board may subscribe for and secure the services of associations engaged in the compilation of pharmaceutical information, knowledge and progress, specially adapted to secure excellence and efficiency in the work of the board.

**33-24-134. Reciprocity.**

(a) The board, in its sole discretion, may license as a pharmacist in this state without examination, any person who proposes to practice pharmacy in this state who is duly licensed by examination in some other state. An applicant for a license pursuant to this section shall:

(i) Submit ~~a written~~ an application in the form and containing information as prescribed by the board;

**33-24-141. Use of letters "RPh" or word "pharmacist".**

Whenever any person shall append the letters "~~R. Ph.~~ RPh" or word "pharmacist" or such similar designation to his name in any way, for advertising, or upon any card, stationery, door or sign, or occasion either of the same to be done, the same shall be prima facie evidence that ~~such~~ the person is ~~engaged in the practice of pharmacy~~ and subject to the regulations and convictions and penalties of this act.

**33-24-149. Drug substitution procedures.**

(a) A pharmacist who receives a prescription for a brand name ~~dangerous~~ prescription drug may dispense any generically equivalent drug of the brand name ~~dangerous~~ prescription drug prescribed, unless the prescribing practitioner has clearly indicated substitution is not permitted, ~~if the drug to be dispensed has a lower, regular and customary retail price than the brand name~~

~~dangerous drug prescribed, as provided in W.S. 33-24-148.~~

(b) If a ~~physician practitioner~~ prescribes a ~~dangerous prescription~~ drug by its generic name, the pharmacist shall ~~may~~ dispense the ~~lowest retail cost brand in stock which is generically equivalent~~ drug as defined in this act.

(d) The national drug code number or the name of the manufacturer or distributor of the generic drug dispensed shall be noted on the prescription ~~memorandum record~~ by the pharmacist.

(e) A prescription dispensed by a pharmacist shall bear upon the label the name of the medication in the container except if the prescriber ~~writes orders~~ "do not label", or words of similar import, on the prescription ~~memorandum~~ or so designates in an oral or electronic transmission of the prescription.

**33-24-152. Nonresident pharmacy registration; requirements for registration; fees; renewal; denial, letter of admonition, administrative penalty, revocation or suspension; advertising.**

(a) Any pharmacy located outside this state which ships, mails or delivers, in any manner, controlled substances or ~~dangerous prescription~~ drugs or devices into this state pursuant to a prescription or provides pharmaceutical care to a resident of this state shall be considered a nonresident pharmacy, shall obtain a license from the board, and shall:

(e) The board may deny, suspend, revoke or refuse to renew a license issued under this section, may issue a letter of admonition to a nonresident pharmacy licensee and may assess an administrative penalty, not to exceed two thousand dollars (\$2,000.00) per violation, against a nonresident pharmacy licensee on any of the following grounds:

(v) Suspension or revocation of a pharmacy license or any other disciplinary action by a board of pharmacy against the licensee in any other state;

(vii) Purchase or receipt of a ~~dangerous prescription~~ drug, controlled substance or medical device from a source other than a manufacturer, wholesaler or pharmacy licensed by the regulatory authority in the state where the pharmacy is located;

(viii) Purchase or receipt of a ~~dangerous prescription~~ drug, controlled substance or medical device that is not approved by the federal food and drug administration;

**33-24-153. Manufacturer or wholesaler registration; requirements for registration; bonds or other security; fees; renewal; denial, revocation or suspension; record keeping; summary orders; administrative penalties; definitions.**

(b) Applications for a drug distributor's license under this section shall be made on a form furnished by the board. ~~By January 1, 2009, current license holders and~~ Applicants for licensure under this section shall provide the board

with fingerprints, necessary fees and other information required to perform a criminal history record background check as provided for by W.S. 7-19-201 for the designated representative for each wholesale drug distributor site.

(j) The board shall require each person engaged in wholesale distribution of prescription drugs to establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of the drugs. ~~The records shall include pedigrees for all prescription drugs that are or ever have been distributed outside the normal distribution channel as established by board regulations.~~

(k) The board shall issue an order to cease distribution of a prescription drug if the board finds that there is probable cause that:

(i) A drug distributor has:

(B) ~~Falsified a pedigree or Sold~~, distributed, transferred, manufactured, repackaged, handled or held a counterfeit prescription drug intended for human or animal use.

**Section 2.** W.S. 33-24-132 and 33-24-153(n)(iii) and (r)(ii) are repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 170

### UNMANNED AIRCRAFT

Original Senate File No. 170

AN ACT relating to aeronautics; authorizing the Wyoming aeronautics commission to promulgate rules related to unmanned aircraft; amending powers and duties of the commission; amending provisions related to investigations and hearings; amending provisions related to low or dangerous flight and unauthorized landings; authorizing the Wyoming department of transportation to seek federal and other funding assistance related to unmanned aircraft; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 10-1-101(a) by creating new paragraphs (ix) and (x) and by renumbering (ix) as (xi), 10-3-201(e) and by creating a new subsection (j), 10-3-301 and 10-4-303(a)(intro), (b) and by creating a new subsection (c) are amended to read:

#### **10-1-101. Definitions.**

(a) As used in this act:

(ix) "Operator" means a person operating or flying an unmanned aircraft;

(x) "Unmanned aircraft" means as defined in 14 C.F.R. 1.1, but excludes "small unmanned aircraft" as defined in 14 C.F.R. 1.1;

~~(ix)~~(xi) "This act" means W.S. 10-1-101 through 10-6-104.

**10-3-201. Powers and duties generally.**

(e) The commission shall assist communities in coordinating efforts, facilitating, recruiting and attracting and promoting the development, improvement and retention of commercial air service and accommodating military air service in the state. The assistance may include studying airline, ~~and aircraft~~ and unmanned aircraft profitability, route analysis, air fare monitoring and recommendations for legislative changes to enhance air services in the state.

(j) The commission shall promulgate reasonable rules governing where unmanned aircraft may take off and land, giving consideration to public health and safety, aesthetics and the general welfare. Unless otherwise prohibited by or previously provided for in federal law, the commission may also promulgate reasonable rules governing the operation of unmanned aircraft. In promulgating any rules governing unmanned aircraft, the commission shall coordinate with the unmanned aircraft industry in Wyoming and political subdivisions of the state. The commission shall not have the power to regulate unmanned aircraft operation in navigable airspace.

**10-3-301. Conducting investigations and hearings; accidents to be reported.**

The commission may conduct investigations, inquiries and hearings concerning the laws of this state relating to aeronautics and accidents or injuries incident to the operation of aircraft, including unmanned aircraft, occurring within this state. Members of the commission may administer oaths and affirmations, certify to all official acts, issue subpoenas and compel the attendance and testimony of witnesses and the production of papers, books and documents. All accidents or injuries incident to the operation of aircraft occurring within this state shall be immediately reported to the commission.

**10-4-303. Low or dangerous flight; landing on land or water of another.**

(a) Flight ~~in of~~ aircraft, including unmanned aircraft, over the lands and waters of this state is lawful unless it is:

(b) The landing of an aircraft, including an unmanned aircraft, on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner, operator or lessee of the aircraft or the airman shall be liable for actual damage caused by the forced landing.

(c) Except as provided in subsection (a) of this section, nothing in this chapter shall be construed to prevent an operator or pilot from operating an aircraft, including an unmanned aircraft, over his own property.

**Section 2.** The Wyoming department of transportation may seek any federal or other funding assistance related to unmanned aircraft.

**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, 2017.

## Chapter 171

### EDUCATION-HATHAWAY SCHOLARSHIP PROGRAM-2

Original Senate File No. 37

AN ACT relating to the Hathaway scholarship program; modifying success curriculum requirements; specifying applicability; requiring rulemaking; requiring a study; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1301(a)(xii) and (xvi) and 21-16-1307(b)(intro), (iii)(intro) and (f)(i) are amended to read:

**21-16-1301. Definitions.**

(a) As used in this article:

(xii) “Grade point average” or “GPA” means the numbered grade average calculated using a 4.0 scale and, beginning school year 2018-2019 and each school year thereafter, for determining initial scholarship eligibility only, shall include a measure to account for academic rigor of courses in accordance with rule and regulation of the department;

(xvi) “Semester hour” means each nonremedial semester hour attempted for credit toward a postsecondary degree or certificate; ~~excluding any semester hour attempted before earning a high school diploma or a high school equivalency certificate;~~

**21-16-1307. Success curriculum; test standards.**

(b) The success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the ~~2010-2011~~ 2018-2019 school year and each school year thereafter shall be as follows:

(iii) Science – four (4) years of science in grades nine (9) through twelve (12) to include at least three (3) years of those courses specified in subparagraphs (A) through (J) of this paragraph and a fourth year from any of those courses specified in subparagraphs (A) through (K) of this paragraph:

(f) The courses set forth as success curricula requirements under this article shall be aligned with the student content and performance standards established pursuant to W.S. 21-2-304(a)(iii). The department shall by rule and regulation:



(i) Provide for each school district to submit, and the department to verify, a list of courses provided in the district which satisfy the success curriculum requirements specified in this section. The rules shall include a process to authorize and verify functional equivalents of courses specified in this section, including but not limited to review of career technical education, arts and music and honor courses, college level courses offered to high school students and courses offered pursuant to W.S. 21-20-201. The verification process shall be completed in sufficient time for students registering for the subsequent school year to be apprised of the courses which meet the success curriculum requirements;

### **Section 2.**

(a) The department of education shall study options to further incentivize completion of the Hathaway scholarship success curriculum. The study shall include consideration of scholarship or other financial incentives, academic recognition or other incentives for teachers and students involved in courses that result in college credit prior to high school graduation, including but not limited to dual and concurrent college courses, honor courses, international baccalaureate and advanced placement courses and courses provided under W.S. 21-20-101 through 21-20-111 and 21-20-201.

(b) Not later than August 1, 2017, the department of education shall submit a report documenting recommendations as a result of the study required by subsection (a) of this section to the joint education interim committee.

**Section 3.** The success curriculum required to qualify for honor or performance scholarship eligibility under W.S. 21-16-1301 et seq. for students graduating from high school in the 2017-2018 school year shall be the success curriculum as provided in W.S. 21-16-1307(b) prior to its amendment by this act.

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

Approved March 6, 2017.

## **Chapter 172**

### **REVISOR'S BILL**

Original Senate File No. 28

AN ACT relating to the revision of errors in legislation; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; specifying applicability; and providing for an effective date.

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



**Section 1.** W.S. 1-1-125(a)(iii), 5-3-206(a)(x), 6-2-510(c), 6-2-511(c), 9-3-426(c)(intro), 14-2-501(b)(v), 14-6-102 Article VI(b), 15-5-202(d), 15-5-419(b), 21-13-309(m)(vi)(intro), 21-16-703(b)(iii), 26-19-307(j)(vii), 31-2-107(d), 31-2-218(a), 31-7-404(c)(iii), 33-30-211(b), 35-1-105(a)(i), (v) and (vii), 35-25-102(a)(v), 35-25-104, 35-25-105(c), 35-25-106(a), 35-25-108(a)(i) and 42-2-401(a)(ii) are amended to read:

**1-1-125. Immunity for volunteers; volunteer firefighters.**

(a) As used in this section:

(iii) "Volunteer" means an officer, director, trustee or other person who performs services for a nonprofit organization but does not receive compensation, either directly or indirectly, for those services, or a volunteer firefighter who performs services for a volunteer fire department under W.S. ~~35-9-601(h)~~ 35-9-616(a)(ix) whether or not he receives compensation or a pension.

**5-3-206. Fees.**

(a) For all civil matters filed or commenced, the clerk of each district court shall charge the following fees:

(x) For docketing and in payment of clerk's fee after docketing incident to any appeal or bill of exception from a ~~justice's circuit~~ court, forty dollars (\$40.00), and for docketing any transcript of judgment from ~~justice's circuit~~ court upon the judgment and execution dockets, thirty dollars (\$30.00), which amount shall be paid by appellant, or by judgment holder to the clerk at time of docketing. Ten dollars (\$10.00) of any fee imposed under this paragraph shall be for court automation, ten dollars (\$10.00) shall be for indigent civil legal services and both shall be remitted as provided in W.S. 5-3-205.

**6-2-510. Domestic assault.**

(c) If a person sentenced under paragraph (b)(ii) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum six (6) months imprisonment, provided the term ~~or of~~ probation, including extensions, shall not exceed one (1) year.

**6-2-511. Domestic battery.**

(c) If a person sentenced under paragraph (b)(ii) of this section is placed on probation, the court may, notwithstanding any other provision of law, impose a term of probation exceeding the maximum imprisonment of one (1) year, provided the term ~~or of~~ probation, including extensions, shall not exceed two (2) years.

**9-3-426. Benefits, allowances and contents of account exempt from taxation and not subject to execution or attachment; assignment limited; qualified domestic relations order; system assets.**

(c) The retirement system including the Wyoming state highway patrol,

game and fish warden and criminal investigator retirement program, any paid firemen's pension plan established under the firemen's pension account created by W.S. 15-5-202 and any plan through the volunteer ~~firemen's firefighter and EMT~~ pension ~~fund~~-account established under W.S. ~~35-9-602~~ 35-9-617, shall pay retirement benefits in accordance with any qualified domestic relations order for the payment of a specified percentage of a member's benefits or account to an alternate payee, for a specified number of payments or period of time and from a specified retirement plan. Upon request of the alternate payee, a lump sum refund of the alternate payee's percentage of the member's account shall be paid pursuant to the qualified domestic relations order. Acceptance by the alternate payee of the lump sum refund terminates his right to any further payment or benefit provided by the retirement system. Notwithstanding any other provision of law, the retirement system is exempt from the qualified order unless:

**14-2-501. Establishment of parent-child relationship.**

(b) The father-child relationship is established between a man and a child by:

(v) The man's having consented to assisted reproduction by his wife under article ~~8-9~~ of this act which resulted in the birth of the child.

**14-6-102. Interstate Compact for Juveniles; compact provisions generally.**

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(b) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. The rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or another administrative procedures act, as the interstate commission deems appropriate consistent with due process requirements under the ~~Unites~~ United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

**15-5-202. Pension account; creation; administration; donations; investment; dual participation prohibited.**

(d) No paid fireman shall participate as a member of the firemen's pension account established under this article and as a member of the volunteer ~~firemen's firefighter and EMT~~ pension account established under W.S. ~~35-9-601~~ 35-9-616 through ~~35-9-615~~ 35-9-628 if participation is based upon covered service with the same fire department.

**15-5-419. Dual membership prohibited.**

(b) No paid employee shall participate as a member of the firemen's pension system established under this article and as a member of the volunteer

~~firemen's firefighter and EMT pension fund account~~ established under W.S. 35-9-601-35-9-616 through 35-9-615-35-9-628 if participation is based upon covered service with the same fire department.

**21-13-309. Determination of amount to be included in foundation program for each district.**

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(vi) Except for charter schools established under W.S. 21-3-301 through 21-3-314 and alternative schools approved under subdivision (v)(B)(IV) of this subsection, any alteration of the configuration of grades within a district, school or school facility which differs from the configuration of grades during the immediately preceding school year as reported under paragraph (iv) of this subsection shall be considered a reconfiguration and shall be documented by the district and reported to the state superintendent and the director of the state construction department. Following review and evaluation, the ~~director of the department of education~~ state superintendent and the director of the state construction department shall, each acting independently, approve or deny the reconfiguration for purposes of application to the education resource block grant model and the determination of school facility needs and remedies. The following shall apply:

**21-16-703. Wyoming higher education assistance authority; creation; termination; board of directors; composition; compensation; meetings; surety bonds; personal liability; fiscal control.**

(b) The board of directors of the authority is created and shall consist of nine (9) directors as follows:

(iii) Seven (7) directors appointed by the governor with the advice and consent of the senate, not more than seventy-five percent (75%) of whom shall be of the same political party.

**26-19-307. Small employer carrier reinsurance program.**

(j) A participating carrier may reinsure with the program as provided for in this subsection:

(vii) Premium rates charged for reinsurance by the program to a health maintenance organization which is federally qualified under 42 U.S.C. § 300 e(c)(2)(A) or a similar section subsequently enacted, and as such is subject to requirements that limit the amount of risk that may be ceded to the program that is more restrictive than paragraph ~~(iii)~~-(v) of this subsection, shall be reduced to reflect that portion of the risk above the amount set forth in paragraph ~~(iii)~~-(v) of this subsection that shall not be ceded to the program, if any;

**31-2-107. Titles for damaged vehicles; return of certificate of title and registration for damaged vehicle; replacement title and registration.**

(d) This section shall not apply to motor vehicles with more than eight (8) years of service except any vehicle that was previously issued a title from any state that bore any word or symbol signifying that the vehicle was “salvage”, “unrebuildable”, “parts only”, “scrap”, “junk”, “nonrepairable”, “reconstructed”, “rebuilt” or any other symbol or word of like kind, or that it has been damaged by flood, shall obtain a Wyoming title with the prior brand or any other information concerning the motor vehicle status, carried forward on any subsequent Wyoming title ~~irregardless~~ regardless of years of service.

**31-2-218. Firefighter’s license plates.**

(a) A firefighter employed by a city, county, state or duly created fire protection district, a volunteer firefighter as defined by W.S. ~~35-9-601~~ 35-9-616(a)(x) or a firefighter retired from his department with at least ten (10) years of service may apply for distinctive license plates for any motor vehicle that is not a commercial vehicle or multipurpose vehicle owned or leased by him upon registration of the vehicle. If the firefighter became a member of a bona fide fire department after January 1, 1995, he shall have a minimum of one (1) year service with the fire department and be firefighter one certified or engine boss wildfire certified in order to apply for the license plate. The fire chief or his designated assistant shall sign a written statement that the applicant is eligible to obtain the license plate. A written statement of eligibility for a retired firefighter shall be signed only by the fire chief. License plates issued under this section shall be displayed upon the vehicle for which they are issued. The license plates shall bear a distinctive symbol and letters identifying the registrant as a firefighter.

**31-7-404. Driving without interlock device.**

(c) A person holding a restricted license under this article who violates subsection (a) or (b) of this section is guilty of a misdemeanor and shall:

(iii) ~~Shall~~ Be considered to have been convicted under W.S. 31-5-233 for the purposes of the ignition interlock device requirements of W.S. 31-5-233(f)(ii) through (v).

**33-30-211. Expiration and renewal of licenses; fees; veterinarians on active duty with armed services; duplicate licenses; continuing education.**

(b) Any person who shall practice veterinary medicine after the expiration of his license and ~~wilfully~~ willfully or by neglect fail to renew such license shall be practicing in violation of this act. The board may, by rule establish a grace period for license renewal not to exceed sixty (60) days and establish a late fee for license renewal which shall not exceed the annual renewal fee. At the discretion of the board, any person not practicing in the state may renew an expired license within five (5) years of the date of its expiration by making written application for renewal and paying the current renewal fee plus a late fee and all delinquent renewal fees. After five (5) years have elapsed since the

date of the expiration, a license may not be renewed, but the holder must make application for a new license.

**35-1-105. Prohibited acts; penalty for violations.**

(a) No person, corporation or other organization nor representative thereof shall:

(i) ~~Wilfully~~ Willfully violate, disobey or disregard the provisions of the public health laws of Wyoming or the terms of any lawful notice, order, rule or regulation issued pursuant thereto;

(v) ~~Wilfully~~ Willfully and falsely make or alter any certificate or certified copy thereof issued pursuant to public health laws of Wyoming;

(vii) Being the owner or occupant of private property upon which there shall exist a nuisance, source of filth or cause of sickness, ~~wilfully~~ willfully fail to remove the same at his own expense within forty-eight (48) hours after being ordered to do so by health authorities.

**35-25-102. Definitions.**

(a) As used in this act:

(v) "State plan" means the state plan required by ~~Public Law 105-33-42~~ U.S.C. 1397aa et seq. to be submitted by the state to the United States secretary of health and human services to receive federal funding for a child health insurance program;

**35-25-104. Private insurance program benefits.**

A child eligible for services under this act shall receive benefits developed by the health benefits committee established under W.S. 35-25-105 that include cost sharing factors, not to exceed the maximum allowable under ~~Public Law 105-33-42~~ U.S.C. 1397aa et seq., exclusions and limitations. The benefit package shall include, at a minimum, inpatient and outpatient hospital services, physician services, laboratory and x-ray services, well-baby and well-child care including age appropriate immunizations and the additional services of prescription drug coverage, vision coverage and dental coverage which will include preventive and basic services developed by the health benefits committee.

**35-25-105. Health benefits plan committee.**

(c) The committee shall develop a package of benefits as allowed by ~~section 2103(a)(4) of Public Law 105-33-42~~ U.S.C. 1397cc(a)(4), including cost sharing factors, exclusions and limitations.

**35-25-106. Private health insurance plan request for proposals.**

(a) The department shall publish notice of a request for proposals from qualified insurers to provide a health insurance plan for children insured under W.S. 35-25-103 of this act. The department shall award the contract for this service to an insurer based on price, the provision of benchmark services determined

pursuant to W.S. 35-25-105(c), and other factors listed in the department's request. The contract for health insurance awarded under this section shall contain provisions with respect to exclusions from coverage for preexisting conditions that are no more restrictive than those described in ~~section 2102 (b)(1) (B)(ii) of Public Law 105-33-42~~ U.S.C. 1397bb(b)(1)(B)(ii). The contract shall include provisions for changes in terms and conditions and for rebidding in case major changes are needed. The department shall have the right to rebid the contract after two (2) years.

**35-25-108. Implementation; duties; restrictions on the department of health.**

(a) The department shall:

(i) Administer this act within the fiscal constraints of ~~Public Law 105-33-42~~ U.S.C. 1397aa et seq. and subsequent federal enactments governing this program and the state budget as enacted by the legislature;

**42-2-401. Definitions.**

(a) For purposes of this article:

(ii) "Income" means "income" as defined under ~~42 U.S.C. 1396p(e)(2)~~ 42 U.S.C. 1396p(h)(2);

**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 July 1, 2017.

Approved March 6, 2017

## Chapter 173

### LEGISLATIVE EMPLOYEES

Original Senate File No. 29

AN ACT relating to the legislature; specifying authority of the legislature to employ staff; specifying conditions of employment; and providing for an effective date.

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

**Section 1.** W.S. 28-1-103, 28-3-103 and 28-4-103 are amended to read:

**28-1-103. Additional employees.**

At any time during the session of the legislature when the employment of additional persons may be necessary for the efficient performance of the duties imposed upon the legislature, the senate and house of representatives are hereby authorized to employ such additional employees. All persons employed by

either house shall at all times serve at the will of the presiding officer of that house.

**28-3-103. Employees generally.**

(a) At the beginning of each session of the legislature, the senate thereof shall engage such employee personnel for said session, upon respective compensation bases, as decided by it.

(b) The senate may authorize personnel to be employed beyond the adjournment of the session in order to complete recordkeeping of each session and prepare for each session of the legislature. The president of the senate, subject to legislative appropriation, shall establish the compensation of any staff so employed whose duties shall be performed under the direction of the president.

**28-4-103. Employees generally.**

(a) At the beginning of each session of the legislature, the house of representatives thereof shall engage such employee personnel for said session, upon respective compensation bases, as decided by it.

(b) The house may authorize personnel to be employed beyond the adjournment of the session in order to complete recordkeeping of each session and prepare for each session of the legislature. The speaker of the house, subject to legislative appropriation, shall establish the compensation of any staff so employed whose duties shall be performed under the direction of the speaker.

**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 6, 2017.

## Chapter 174

### CRASH REPORT CONFIDENTIALITY

Original Senate File No. 64

AN ACT relating to motor vehicle crashes; eliminating confidentiality of crash reports; and providing for an effective date.

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

**Section 1.** W.S. 31-5-1110(b) and (c) and 31-5-1111(a)(intro) are amended to read:

**31-5-1110. Confidentiality of supplemental information to reports; use of reports as evidence; exceptions.**

(b) ~~All accident reports and Supplemental information to a crash report~~ filed in connection with the administration of the laws of this state relating to the



deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, ~~nor shall copying of lists of the reports be permitted except~~ The reports and supplemental information may be examined by any person named therein or by his representative designated in writing.

(c) No written reports forwarded under this section shall be used as evidence in any trial, civil or criminal, arising out of ~~an accident a crash~~ except for prosecutions for filing false reports and, except that the highway department shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified ~~accident crash~~ report has or has not been made to the highway department in compliance with law, and, if a report has been made, the date, time and location of the ~~accident crash~~, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers.

**31-5-1111. Reports required by municipalities.**

(a) Any municipality may by ordinance require that the driver of a vehicle involved in ~~an accident a crash~~, or the owner of the vehicle, shall file with a designated city department a report of the ~~accident crash~~ or a copy of any report herein required to be filed with the highway department. All reports shall be ~~for the confidential use of the city department and~~ subject to W.S. 31-5-1110. Any ~~accident crash~~ report required of persons involved in ~~accidents crashes~~ shall be without prejudice to the individual so reporting, ~~and shall be for the confidential use of the municipality for accident prevention purposes, except that:~~

**Section 2.** W.S. 31-5-1111(a)(i) and (ii) is repealed.

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

Approved March 6, 2017.

## Chapter 175

### CIRCUIT COURT JUDGE SALARIES

Original Senate File No. 81

AN ACT relating to the judicial branch; increasing salaries of circuit court 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. 5-1-110(a)(iii) is amended to read:

**5-1-110. Salaries of judges.**



(a) Subject to constitutional and statutory provisions concerning when salaries can become effective, judges of the supreme court, district courts and circuit courts shall receive the following annual salaries which shall be paid in equal monthly installments on the last working day of the month:

(iii) Circuit court judges shall receive an annual salary of ~~one hundred two thousand eight hundred dollars (\$102,800.00) commencing July 1, 2009 and one hundred nineteen thousand dollars (\$119,000.00) commencing July 1, 2012~~ and one hundred twenty-five thousand dollars (\$125,000.00) commencing July 1, 2017.

**Section 2.** There is appropriated one hundred eighty-eight thousand dollars (\$188,000.00) from the general fund to the supreme court. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2018. This appropriation shall only be expended for the purpose of implementing the judicial salary increase 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, 2018.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 176

### ENERGY SCIENCE STIPENDS AND FELLOWSHIPS

Original Senate File No. 136

AN ACT relating to abandoned mine land funds; reappropriating funds for energy science graduate stipends and fellowships; and providing for an effective date.

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

#### **Section 1.**

(a) Up to two million eight hundred thirty-three thousand seventy-three dollars (\$2,833,073.00) or as much thereof as is available from the appropriation under 2011 Wyoming Session Laws, Chapter 88, Section 346(d)(ii) shall not revert on June 30, 2018 as provided by 2011 Wyoming Session Laws, Chapter 88, Section 346(g)(iii) and is hereby reappropriated to the University of Wyoming for energy science graduate stipends and fellowships, subject to the conditions specified in this section. Notwithstanding any other provision of law, funds reappropriated in this section shall not revert until June 30, 2020. Expenditures under this section are subject to the following:

(i) The University of Wyoming shall not supplant any existing graduate stipend or fellowship funding with these funds;

(ii) The University of Wyoming shall not expend more than one million dollars (\$1,000,000.00) per year from these funds;

(iii) The University of Wyoming shall establish minimum grade point average and graduate record examination score thresholds for qualifying students to ensure that only highly qualified candidates are awarded energy science graduate stipends or fellowship opportunities;

(iv) Each year, at least fifty percent (50%) of all funds awarded for energy science graduate stipends and fellowships shall be awarded to qualifying students who have demonstrated Wyoming residency as determined by the University of Wyoming or who are graduates of the University of Wyoming; and

(v) The University of Wyoming shall provide an annual report to the joint appropriations committee, the joint minerals, business and economic development interim committee and the governor by November 1 of each year that this appropriation is in effect. The report shall detail the number of energy science graduate stipends and fellowships awarded with funding from this appropriation. The report shall also include information demonstrating that the University of Wyoming has complied with subparagraphs (ii) and (iv) of this section.

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

Approved March 6, 2017.

## Chapter 177

### COMMUNITY AND RURAL HEALTH CLINIC GRANTS-SUNSET DATE

Original Senate File No. 99

AN ACT relating to community health centers and rural health clinics; amending the sunset date for provisions related to grants for capital construction and startup costs for community health centers and rural health clinics; and providing for an effective date.

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

**Section 1.** W.S. 9-2-127(g) is amended to read:

**9-2-127. Community health centers and rural health clinics; process for grants facilitating capital construction and startup costs; account established; grant criteria.**

(g) This section is repealed effective June 30, ~~2017~~2021.

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

Approved March 6, 2017.

## Chapter 178

### FRANCHISE BUSINESS RELATIONSHIPS

Original Senate File No. 94

AN ACT relating to employment; clarifying the business relationships between franchisors and franchisees and between franchisors and employees of franchisees; and providing for an effective date.

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

**Section 1.** W.S. 27-1-116 is created to read:

**27-1-116. Business relationship between franchisors and franchisees; business relationship between franchisors and employees of franchisees.**

(a) Neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purpose under this title, unless otherwise agreed to in writing by the franchisor and the franchisee.

(b) This section shall not apply to a voluntary agreement entered into between the United States department of labor and a franchisee.

(c) As used in this section, "franchisee" and "franchisor" have the same definitions as set out in 16 C.F.R. 436.1.

**Section 2.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 179

### OBSOLETE REPORTING REQUIREMENTS-REPEAL AND MODIFICATION

Original Senate File No. 106

AN ACT relating to government record keeping and reporting; amending and repealing local child protection agency reporting and record keeping obligations; amending and repealing department of family services reporting and record keeping obligations; amending the governor's obligation to require annual program plans from human service agencies; amending state agency plan reporting requirements; and providing for an effective date.

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

**Section 1.** W.S. 9-1-204(b)(intro), 28-1-115(a)(ii)(intro) and (C) and

42-2-109(a)(intro) are amended to read:

**9-1-204. Human services agencies.**

(b) In order to coordinate policy planning for all state human services agencies, the governor ~~shall~~may require:

**28-1-115. Submission of state agency plans to legislature; contents; purposes.**

(a) To assist the legislature in its deliberations, every state agency shall:

(ii) ~~On or before September 1 of each odd numbered year, following an opportunity for public review, submit to and have approved by the governor a four (4) year plan covering the period beginning July 1 of the following year and ending June 30 in the fourth succeeding year. As required by the governor or by the legislature in a budget bill or other enactment, develop a multi-year plan to accomplish and further the goals and objectives defined in W.S. 28-1-116(a). The plan development shall include an opportunity for public review and comment. The plan shall be submitted to the governor for his approval. The plan shall:~~

(C) Be developed with a ~~four (4) year~~multi-year prospective and provide the strategic approach within which the agency's budget request is developed;

**42-2-109. Review of assistance and services; termination or modification; notice to department of change in assets.**

(a) Public assistance and social services provided under this article shall be reviewed at least once each year, except for recipients enrolled in an approved educational program which shall be reviewed once every six (6) months. An approved educational program under this section shall be limited to educational courses not to exceed the baccalaureate degree level. After review, the department may continue, modify or terminate public assistance and social services in accordance with the circumstances of the recipient and the provisions of this article. ~~The department shall provide a report to the joint labor, health and social services interim committee no later than October 1, 2005, and annually thereafter, with respect to the number of new individuals enrolled in an approved education program under this section and how long each new student has been a Wyoming resident at the time of enrollment. Review of recipients in an approved educational program pursuant to this subsection shall require that recipients:~~

**Section 2.** W.S. 14-3-204(a)(i), 20-6-103(c), 42-2-103(b)(i) and 42-2-203(a)(iv) are repealed.

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

Approved March 6, 2017.

**Chapter 180****HOMELESS MINORS**

Original House Bill No. 159

AN ACT relating to children; authorizing a minor who is unemancipated and homeless to obtain birth certificates and enter into binding contracts as specified; requiring affidavits; providing that contracts are binding if accepted in good faith reliance on affidavits; specifying that the fact a minor is homeless is not sufficient basis for reporting abuse or neglect; specifying applicability; and providing for an effective date.

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

**Section 1.** W.S. 14-1-102 is created to read:

**14-1-102. Right to contract.**

(a) An unemancipated minor may obtain a birth certificate from the department of health and may enter into a legally binding contract for housing, employment, purchase of a motor vehicle, receipt of a student loan, admission to postsecondary school, establishing a bank account, admission to a domestic violence or homeless shelter and receipt of services as a homeless youth or victim of domestic violence or sexual abuse, provided that the minor:

(i) Meets all of the following:

(A) At least sixteen (16) years of age;

(B) Willingly living separate and apart from his parents who consent to or acquiesce in the separate living arrangement;

(C) Homeless;

(D) Managing his own financial affairs.

(ii) Submits a notarized affidavit in accordance with subsection (b) of this section.

(b) A notarized affidavit required under this section shall be:

(i) Signed and sworn to by the minor which includes all of the following:

(A) The minor's full name;

(B) The minor's birth date;

(C) A statement by the minor verifying the conditions listed in paragraph (a)(i) of this section;

(D) A statement by the minor declaring that the information provided is true and correct under penalty of perjury.

(ii) Witnessed by two (2) or more adults. The acknowledgment by each adult witnessing the affidavit shall include a declaration that he is an attorney, health care provider, rabbi, priest, minister, clergy or other religious counselor or a college or school administrator or counselor and that to the best of his knowledge the minor signed the affidavit willingly and understands the nature

and legal implications of the contract, if applicable. The affidavit shall require a rabbi, priest, minister, clergy or other religious counselor who witnesses an affidavit to verify under penalty of false swearing under W.S. 6-5-303 that the witness has not been convicted of a felony in this state or another jurisdiction. An adult witnessing an affidavit pursuant to this paragraph shall not assume any legal responsibility or liability under a contract entered into pursuant to this section.

(c) A person that in good faith accepts an affidavit purportedly signed and sworn to in accordance with this section and who is without actual knowledge that the affidavit is fraudulent or otherwise invalid may rely upon the affidavit as if it were genuine and may enter into a contract that is legally binding upon the minor as provided under subsection (a) of this section.

(d) For purposes of this section, "homeless" means as that term is defined in 42 U.S.C. section 11434a(2).

**Section 2.** W.S. 14-3-205(a) is amended to read:

**14-3-205. Child abuse or neglect; persons required to report.**

(a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made. The fact a child, who is at least sixteen (16) years of age, is homeless as defined in W.S. 14-1-102(d) shall not, in and of itself, constitute a sufficient basis for reporting neglect.

**Section 3.** This act is effective July 1, 2017.

Approved March 6, 2017.

## Chapter 181

### MANUFACTURING MACHINERY EXEMPTION SUNSET DATE

Original Senate File No. 70

AN ACT relating to taxation; extending the sunset date for the manufacturing machinery exemption as specified; and providing for an effective date.

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

**Section 1.** W.S. 39-15-105(a)(viii)(O)(intro) and 39-16-105(a)(viii)(D)(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:

(O) Until December 31, ~~2017~~2027, the sale or lease of machinery to be used in this state directly and predominantly in manufacturing tangible personal property, if the sale or lease:

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

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

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

(D) Until December 31, ~~2017~~2027, the purchase or lease of machinery to be used in this state directly and predominantly in manufacturing tangible personal property, if the sale or lease:

**Section 2.** This act is effective July 1, 2017.

Approved March 9, 2017.

## Chapter 182

### AMERICAN INDIAN EDUCATION PROGRAM

Original House Bill No. 76

AN ACT relating to public education; providing that the heritage, history and contributions of American Indian tribes be addressed through education; imposing requirements on the state board of education and the department of education; and providing for an effective date.

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

**Section 1.** W.S. 21-4-602 is created to read:

#### ARTICLE 6

#### AMERICAN INDIAN EDUCATION PROGRAMS

**21-4-602. American Indian educational program.**

(a) The state board through the department of education shall, in cooperation with tribes of the region including the Eastern Shoshone and Northern Arapaho Indian tribes, evaluate and review existing state social studies content and performance standards to ensure the cultural heritage, history and contemporary contributions of American Indians are addressed in the Wyoming social studies content and performance standards.

(b) The department shall, in consultation with tribes of the region including the Eastern Shoshone and Northern Arapaho Indian tribes, make available materials and resources on the department's official web site to assist school districts in meeting social studies benchmarks within Wyoming social studies

content and performance standards relating to the study of American Indian tribes.

**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, 2017.

## Chapter 183

### STATE GOVERNMENT EFFICIENCIES

Original Senate File No. 156

AN ACT relating to administration of government; creating the Wyoming spending and government efficiency commission; requiring reports; providing appropriations; and providing for an effective date.

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

#### **Section 1.**

(a) The Wyoming spending and government efficiency commission is created to review issues related to efficiencies in Wyoming state government. The commission shall consist of not more than six (6) members. Three (3) members shall be appointed by the management council of the legislature of whom one (1) shall be from the private sector and one (1) each from the senate and house of representatives. Two (2) members shall be appointed by the governor, of whom one (1) shall be from the private sector. One (1) member shall be appointed by the chief justice of the Wyoming supreme court but shall be a nonvoting member. No voting member of the commission shall be a full-time state employee. The commission shall elect a chairman from among its two (2) legislative members.

(b) Members who are not legislators shall receive per diem and travel expenses in the same manner and amount provided under W.S. 28-5-101.

(c) The commission shall meet at the call of the chairman or the governor as necessary to complete the duties specified by this section.

(d) The commission shall:

(i) Review the current configuration of the Wyoming state government and the duties and responsibilities of state agencies including identifying any potential areas of overlap and any programs that have accomplished their original objective or have otherwise become obsolete;

(ii) Identify current opportunities for increasing efficiency and reducing costs through executive action or legislation;

(iii) Identify areas for further study, including a recommendation of spe-



cific areas with a high likelihood for potential savings;

(iv) Consider development and implementation of a program to incentivize the identification of potential efficiencies by state employees;

(v) Review the plans provided under W.S. 28-1-115(a)(ii) for any state agency expending more than twenty million dollars (\$20,000,000.00) in a biennium;

(vi) Examine the opportunities for savings in the Medicaid program subject to the following:

(A) The examination shall determine the error rates in Medicaid enrollment through the Medicaid eligibility system, error rates in continuing enrollment in Medicaid and the costs of these error rates;

(B) The commission is authorized to cause an audit of a sample of Medicaid enrollees to determine the error rates in enrollment and continued enrollment and the potential savings from correcting the error rates. The audit may be done by state personnel or through a contract with a private firm, or both;

(C) The examination shall include a review of the Medicaid system to detect and correct errors in billing for Medicaid services;

(D) The examination shall include an inquiry concerning how the Medicaid program could reduce expenditures by reducing unneeded utilization of Medicaid services.

(e) The commission shall report the results of the review under this section and any recommendations to the governor, the management council of the legislature and the joint appropriations committee not later than November 30, 2017. Recommendations under this subsection may include:

(i) Legislation necessary to implement current opportunities for increasing efficiency and reducing costs in state government;

(ii) Recommendations to continue the commission for additional review of issues related to efficiencies in Wyoming state government or to assign review to another group;

(iii) Opportunities related to the use of consulting services to assess the operations of state government in order to increase savings, provide operational efficiencies and maximize state revenues including identifying the amount of annual savings that could be achieved.

(f) The governor, in consultation with the commission, may contract with such experts as necessary to fulfill the commission's duties under this act. Prior to entering into any contract pursuant to this section, the commission shall report to the joint appropriations committee on the following:

(i) An estimation of the amount of cost savings and operational efficiencies that could be achieved in areas identified in the report required by this

section by contracting with the entity.

(g) The commission shall exist until December 31, 2017.

**Section 2.** The members of the commission shall be appointed not less than thirty (30) days after the effective date of this act.

**Section 3.**

(a) There is appropriated seven thousand eight hundred dollars (\$7,800.00) from the legislative stabilization reserve account to the legislative service office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2018. This appropriation shall only be expended for the purpose of providing reimbursement for members of the Wyoming spending and government efficiency commission appointed by the management council. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2018.

(b) There is appropriated three thousand two hundred dollars (\$3,200.00) from the legislative stabilization reserve account to the governor's office. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2018. This appropriation shall only be expended for the purpose of providing reimbursement for members of the Wyoming spending and government efficiency commission appointed by the governor. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2018.

(c) There is appropriated up to three hundred thousand dollars (\$300,000.00) from the legislative stabilization reserve account to the governor's office for purposes of this act. This appropriation may be expended by the governor to secure contracting to implement and realize cost savings and efficiencies in areas identified in the report by the commission under section 1 of this act. Any contract entered into pursuant to this subsection shall be solicited through a competitive process and subject to standard procurement procedures.

**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, 2017

**Chapter 184****STUDY ON EVALUATION REQUIREMENTS FOR SMALL CITIES  
AND TOWNS**

Original House Bill No. 266

AN ACT relating to the department of audit; requiring a report on evaluation requirements for small cities and towns as specified; and providing for an effective date.

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

**Section 1.**

(a) The department of audit shall provide a report on the audit requirements for small cities and towns and the current application of W.S. 9-1-507(a) to those cities and towns. The report shall include:

(i) Information on how often small cities and towns are evaluated under W.S. 9-1-507(a), either by the department of audit or a certified public accountant, including specific dates for the most recent audits of cities and towns with a population of less than four thousand (4,000) inhabitants;

(ii) Consideration of and recommendations related to requiring regular audits or other fiscal review for small cities and towns and the method and frequency of those audits;

(iii) A determination of the fiscal impacts that would occur for small cities and towns and for the department of audit if a regular audit or review schedule was implemented;

(iv) Consideration of and recommendations related to reviews and procedures which enhance internal control over financial operations for small cities and towns;

(v) Recommendations for standardizing or improving bookkeeping and financial reporting methods for small cities and towns including training municipal employees in proper accounting methods under W.S. 9-1-507(a)(iv);

(vi) Recommendations for cost effective ways to independently analyze and report on financial information on a systematic basis in conjunction with W.S. 9-1-507(a)(v).

(b) In preparing the report required under subsection (a) of this section, the department shall consult with representatives of small cities and towns that may be impacted by the implementation of revised audit requirements. The department shall provide an opportunity for public comment on current audit requirements and on implementation of regularly scheduled audits or other financial review for small cities and towns.

(c) The department shall provide the report required under subsection (a) of this section, including any recommendations for legislation, to the joint corpo-

rations, elections and political subdivisions interim committee not later than October 1, 2017. The joint corporations, elections and political subdivisions interim committee shall consider the report and develop any legislation it deems appropriate for consideration by the legislature.

**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, 2017.

## Chapter 185

### FIREARM POSSESSION-ALLOW FELONS ANTIQUE FIREARMS

Original House Bill No. 231

AN ACT relating to firearms; allowing those having previously pled guilty or been convicted of a felony to possess antique firearms; and providing for an effective date.

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

**Section 1.** W.S. 6-8-102, 6-8-403(a) by creating a new paragraph (viii) and 6-8-404(c)(i) and (d)(ii) are amended to read:

**6-8-102. Use or possession of firearm by person convicted of certain felony offenses; penalties; exception.**

(a) Any person who has previously pleaded guilty to or been convicted of committing or attempting to commit a violent felony or a felony under W.S. 6-5-204(b), and has not been pardoned and who uses or knowingly possesses any firearm 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.

(b) As used in this section "firearm" does not include an "antique firearm" as defined in W.S. 6-8-403(a)(viii).

**6-8-403. Definitions.**

(a) As used in this act:

(viii) "Antique firearm" means:

(A) Any muzzleloading firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898;

(B) Any replica of any firearm described in subparagraph (A) if such replica is not designed or redesigned for using rimfire or conventional center-fire fixed ammunition; or

(C) Any muzzleloading rifle, muzzleloading shotgun or muzzleloading pistol, which is designed to use black powder, or a black powder substitute, and

which cannot use fixed ammunition. For purposes of this paragraph, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzleloading weapon or any muzzleloading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

**6-8-404. Regulation by state of firearms, firearms accessories, ammunition and antique firearms manufactured in Wyoming; exceptions.**

(c) To possess a firearm covered by this section a person shall:

(i) Not have been convicted of any felony in any state, territory or other jurisdiction of the United States. This paragraph shall not apply to antique firearms;

(d) To purchase a firearm covered by this section a person shall:

(ii) Not have been convicted of any felony in any state, territory or other jurisdiction of the United States. This paragraph shall not apply to antique firearms;

**Section 2.** This act is effective July 1, 2017.

Approved March 9, 2017

## Chapter 186

### ABORTION AMENDMENTS

Original House Bill No. 116

AN ACT relating to abortions; prohibiting the sale or transfer of any aborted child or cells or tissue from an aborted child for experimentation; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 35-6-115 is amended to read:

**35-6-115. Penalty for giving away an aborted child for experimentation; exemptions.**

(a) Except as provided in subsection (b) of this section, whoever sells, transfers, distributes or gives away any live or viable aborted child or any tissue or cells from an aborted child for any form of experimentation is guilty of a felony punishable by a fine of not less than ten thousand dollars (\$10,000.00) and by imprisonment in the penitentiary for not less than one (1) year nor more than fourteen (14) years. Any person consenting, aiding or abetting such sale, transfer, distribution or other unlawful disposition of an aborted child or any tissue or cells from an aborted child is guilty of a felony punishable by a fine of not less than ten thousand dollars (\$10,000.00) and by imprisonment in the penitentiary for not less than one (1) year nor more than fourteen (14) years or

both, and shall also be subject to prosecution for violation of any other criminal statute.

(b) Subsection (a) of this section shall not be construed to apply to:

(i) Any legal organ or tissue donations made by a parent;

(ii) A child or any tissues or cells from a miscarriage or produced by any medical procedure following a miscarriage, or any other medical condition which is not an abortion;

(iii) The use or transfer of tissue or cells from an aborted child, embryo or fetus for medical examination and testing to:

(A) Identify, confirm or deny any medical condition which lead to or influenced the decision to terminate the pregnancy;

(B) Obtain information relating to future medical treatment or counseling of parents, siblings or other blood relatives of the aborted child, embryo or fetus; or

(C) Comply with hospital quality control regulations.

**Section 2.** This act is effective July 1, 2017.

Approved March 9, 2017.

## Chapter 187

### ABORTION-ULTRASOUND INFORMATION

Original House Bill No. 182

AN ACT relating to public health and safety; requiring physicians to provide patients with specified information before certain nonemergency abortion procedures; providing exceptions; providing and amending definitions; and providing for an effective date.

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

**Section 1.** W.S. 35-6-119 is created to read:

**35-6-119. Information provided to patient; exceptions; penalty.**

(a) Except in the case of a medical emergency, the physician performing the abortion on the patient, the referring physician or a person designated by either physician shall inform the patient of the opportunity to view an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The active ultrasound image and auscultation of fetal heart tone shall be of a quality consistent with standard medical practice in the community.

(b) This section shall not apply to a procedure performed with the intent to:

(i) Save the life of the patient;

- (ii) Ameliorate a serious risk of causing the patient substantial and irreversible impairment of a major bodily function;
- (iii) Preserve the health of the unborn child;
- (iv) Remove a dead unborn child; or
- (v) Remove an ectopic pregnancy.

**Section 2.** W.S. 35-6-101(a)(xii) is amended to read:

**35-6-101. Definitions.**

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

- (xii) "This act" means W.S. 35-6-101 through ~~35-6-118~~ 35-6-119.

**Section 3.** This act is effective July 1, 2017.

Approved March 9, 2017.

## Chapter 188

### PARENTAL RIGHTS

Original House Bill No. 153

AN ACT relating to parents; providing for a parental right to the care, custody and control of a child; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 14-2-206 is created to read:

**14-2-206. Protection of parental rights.**

(a) The liberty of a parent to the care, custody and control of their child is a fundamental right that resides first in the parent.

(b) The state, or any agency or political subdivision of the state, shall not infringe the parental right as provided under this section without demonstrating that the interest of the government as applied to the parent or child is a compelling state interest addressed by the least restrictive means.

**Section 2.** This act is effective July 1, 2017.

Approved March 9, 2017.

**Chapter 189****AUTOMATIC RESTORATION OF THE RIGHT TO VOTE**

Original House Bill No. 75

AN ACT relating to criminal procedure; amending requirements for restoration of voting rights to persons convicted of nonviolent felonies; repealing certain eligibility requirements for certificates of restoration of rights; 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), (c)(i), (ii) and (d) is 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 automatically issue a person convicted of a nonviolent felony or nonviolent felonies arising out of the same occurrence or related course of events a certificate of restoration of voting rights if:

(c) 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 who completed their sentence before January 1, 2010, the department shall require an application for restoration before issuing a certificate to eligible persons who receipt of a written request on a form prescribed by the department and issue each eligible person a certificate of restoration of voting rights following a determination that the person has completed their his sentence, before January 1, 2016 including probation and parole. The department shall not require an application for restoration before issuing a certificate to eligible persons who complete their sentence on and after January 1, ~~2016~~ 2010;

(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~~ issue each eligible person a certificate of restoration of voting rights upon receipt of a written request on a form prescribed by the department and following a determination that the person has completed his sentence, including probation and parole.

(d) ~~The department's denial of department of correction's determination that a person is ineligible for~~ 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 of corrections 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.

**Section 2.** W.S. 7-13-105(b)(iii) is repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 9, 2017.

## Chapter 190

### NUDE IMAGE OF A MINOR DISSEMINATED OR POSSESSED BY A MINOR

Original House Bill No. 238

AN ACT relating to crimes and offenses; creating offenses for the dissemination or possession of a nude image of a minor by a minor; specifying elements of the offenses; providing definitions; providing penalties; and providing for an effective date.

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

**Section 1.** W.S. 6-4-305 is created to read:

**6-4-305. Dissemination or possession of a nude image of a minor by a minor; definitions; penalties.**

(a) As used in this section:

(i) "Disseminate" means to sell, distribute, deliver, provide, publish, transmit, text, email, exhibit or otherwise make available to another person but does not include any action taken to notify a person in a position of authority of the existence of a nude image of a minor;

(ii) "Juvenile detention facility" means as defined in W.S. 7-1-107(b)(i);

(iii) "Minor" means an individual who is under the age of eighteen (18) years;

(iv) "Nude image" means a photograph or video depicting a person's genitalia, perineum, anus or pubic area or the breast of a female. The term does not include a depiction of explicit sexual conduct as defined in W.S. 6-4-303(a)(iii).

(b) A minor is guilty of dissemination or possession of a nude image of a minor in the third degree if he knowingly:

(i) Disseminates a nude image of himself; or

(ii) Possesses a nude image of another minor who is at least eleven (11) years of age unless the minor inadvertently came into possession of the image and took reasonable steps to destroy the image or notify a person in a position of authority of its existence.

(c) A minor is guilty of dissemination of a nude image of a minor in the second degree if he knowingly disseminates a nude image of another minor who is at least eleven (11) years of age.

(d) A minor is guilty of dissemination or possession of a nude image of a minor in the first degree if, with the intent to coerce, intimidate, torment, harass or otherwise cause emotional distress to another minor, the minor:

(i) Disseminates or threatens to disseminate a nude image of another minor who is at least eleven (11) years of age; or

(ii) Captures a nude image of another minor who is at least eleven (11) years of age without the knowledge of the depicted minor.

(e) A minor convicted of violating subsection (b) of this section is guilty of a status offense as defined in W.S. 7-1-107(b)(iii) and may be fined not more than two hundred fifty dollars (\$250.00).

(f) A minor convicted of violating subsection (c) or (d) of this section is guilty of a misdemeanor punishable by:

(i) For a violation of subsection (c) of this section, a fine of not more than five hundred dollars (\$500.00), imprisonment in a juvenile detention facility for not more than three (3) months, or both;

(ii) For a violation of subsection (d) of this section, a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment in a juvenile detention facility for not more than six (6) months, or both.

**Section 2.** This act is effective July 1, 2017.

Approved March 9, 2017.

## Chapter 191

### DISPARITY IN WAGES AND BENEFITS BETWEEN MEN AND WOMEN

Original House Bill No. 209

AN ACT relating to employment; providing for a study and a report on wage and benefit disparities; and providing for an effective date.

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

#### **Section 1.**

(a) Pursuant to W.S. 9-2-2604(b) the department of workforce services shall

update and expand upon the 2003 study and resulting report entitled, "A Study of the Disparity in Wages and Benefits Between Men and Women in Wyoming" authorized in 2002 Wyoming Session Laws, Chapter 85.

(b) On or before October 1, 2018, the department of workforce services shall present a report to the joint labor, health and social services interim committee and the joint minerals, business and economic development interim committee. The study and report shall focus on:

- (i) If and where disparities exist, including:
  - (A) Data and analysis according to county;
  - (B) Data and analysis according to occupation;
  - (C) Comparative state data with other state and federal information.
- (ii) The causes of any wage and benefit disparities;
- (iii) The impacts of any wage and benefit disparities on Wyoming's economy;
- (iv) Possible solutions and workforce development programs to reduce or eliminate any wage and benefit disparities;
- (v) Benefits and costs of eliminating or reducing any wage and benefit disparities.

**Section 2.** This act is effective July 1, 2017.

Approved March 9, 2017.

## Chapter 192

### SKI SAFETY ACT

Original House Bill No. 32

AN ACT relating to skiing; imposing duties on skiers and ski area operators; providing for skier safety and liability as specified; establishing assumption of risk for skiers; removing skiing in ski areas from the listing of activities which constitute a sport or recreational opportunity under the Recreation Safety Act; and providing for an effective date.

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

**Section 1.** W.S. 1-1-123.1 through 1-1-123.5 are created to read:

**1-1-123.1. Ski Safety Act; short title.**

This act shall be known and may be cited as the "Ski Safety Act."

**1-1-123.2. Definitions.**

- (a) As used in this act:
  - (i) "Freestyle terrain" includes terrain parks and terrain features such as

jumps, rails, half pipes and other constructed and natural features found in terrain parks;

(ii) "Inherent risk" with regard to skiing in a ski area means those dangers or conditions which are part of the sport of skiing, including:

(A) Changing weather conditions;

(B) Falling or surface snow conditions, whether natural or man-made, as they exist or change;

(C) Surface or subsurface conditions including bare spots, forest growth, rocks, stumps, streambeds, cliffs, extreme terrain, trees or other natural objects;

(D) Collisions or impacts with natural objects such as the objects specified in subparagraph (C) of this paragraph including encounters with wildlife;

(E) Impact with ski lift towers, signs, posts, fences or enclosures, hydrants, water pipes or other man-made structures and their components subject to W.S. 1-1-123.3(k);

(F) Variations in steepness or terrain, whether natural or as a result of ski trail or feature design, or snowmaking or grooming operations such as roads, freestyle terrain, jumps and catwalks or other terrain modifications; and

(G) Collisions with other skiers.

(iii) "Ski area" means the ski trails and other places within the boundary of a ski area under the control of a ski area operator and administered as a single enterprise within the state;

(iv) "Ski area operator" means a person having the responsibility for the operations of a ski area and the owners, partners and members, managers, employees, agents, volunteers, board members, representatives, affiliates and assigns of the person. "Ski area operator" includes an agency of the state or a political subdivision thereof;

(v) "Ski area vehicle" means a vehicle used in the operation and maintenance of a ski area which is owned by or under the direction and control of the ski area operator such as a snowmobile, all-terrain vehicle, snow grooming vehicle, sled and other similar vehicle;

(vi) "Ski lift" means a chairlift, gondola, tramway, cable car or other aerial lift and any rope tow, conveyor, t-bar, j-bar, handle tow or other surface lift used by a ski area operator to transport skiers;

(vii) "Ski trail" means a trail, slope, run, freestyle terrain, competition terrain, tree skiing area, tubing park area or other area at or near a ski area designated by the ski area operator to be used by skiers for the purpose of skiing;

(viii) "Skier" means a person who is using a ski area for the purpose of skiing;

(ix) "Skiing" includes sliding downhill or jumping on snow or ice on skis or a toboggan, sled, tube, snowbike, snowboard or other device;

(x) "This act" means W.S. 1-1-123.1 through 1-1-123.5.

**1-1-123.3. Duties of ski area operators; signs for trails; notices to skiers; duties of skiers.**

(a) A ski area operator shall post and maintain a sign visible to skiers at or near the beginning of a trail that depicts and explains the degree of difficulty of the trail relative to each individual ski area.

(b) A ski area operator shall post and maintain a sign at or near the loading area of a ski lift that states the relative degree of difficulty of the trails serviced by the lift.

(c) A ski area operator shall print a warning notice on all ski lift tickets and season passes and shall post and maintain a warning sign at or near the ski area's ticket sales building that is no smaller than six (6) square feet in size and states the following:

WARNING. Under Wyoming law, a skier assumes the inherent risks of skiing and is legally responsible for damage, injury or death to person or property that results from the inherent risks of skiing.

(d) A ski area operator shall post and maintain a warning sign at the ski area's ticket sales building that is no smaller than six (6) square feet in size and that notifies the skier of the duties imposed on the skier by this act and the limitations on liability provided in this act.

(e) A ski area operator shall:

(i) Mark or identify on trail maps the ski area boundaries;

(ii) Post a sign notifying the public if a trail or portion thereof is closed at the identified entrance of the trail or portion thereof. A trail without an identified entrance may be closed with ropes or fences.

(f) A ski area operator shall have no duty arising out of the operator's status as a ski area operator to a skier skiing beyond a ski area boundary marked or identified as required by subsection (e) of this section or skiing in an area posted as closed or otherwise fenced or roped off in accordance with subsection (e) of this section.

(g) A ski area operator shall post signs in the ski area or on trail maps warning skiers of encounters with ski area vehicles.

(h) A ski area operator shall equip ski area vehicles with a light and a fluorescent flag mounted at least five (5) feet above the bottom of the vehicle's tracks visible at any time the vehicle is moving on or in the vicinity of a ski trail.

(j) A ski area operator shall annually inspect, operate and maintain ski lifts in accordance with the most current version of the American National Standards

Institute B-77.1 aerial tramway standards. Notwithstanding any other provision of law, a ski lift shall not be deemed a common carrier.

(k) A ski area operator shall mark hydrants, water pipes and all other man-made structures on slopes and trails which are not visible to skiers under conditions of ordinary visibility from a distance of one hundred (100) feet and shall cover the structures with a shock-absorbent material typically used by ski area operators for the purpose. Any type of marker shall be sufficient under this subsection including but not limited to wooden poles, flags or signs if the marker is visible from a distance of one hundred (100) feet and if the marker itself does not constitute a serious hazard to skiers. As used in this subsection "man-made structures" shall not include variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including but not limited to roads, catwalks and other terrain modifications.

(m) A skier shall have the responsibility to observe all posted information and other signs and warnings posted in accordance with this act and shall be presumed to have seen and understood all signs, warnings and other information posted in accordance with this act.

**1-1-123.4. Assumption of risks; limitations on actions.**

(a) A skier expressly accepts and assumes the inherent risks of skiing and is legally responsible for damage, injury or death to himself or other persons or property that results from the inherent risks in skiing.

(b) A skier may not make any claim against or recover from any ski area operator for injury resulting from any inherent risk of skiing.

(c) A skier is not precluded under this act from suing another skier for any damage, injury or death to person or property that results from the other skiers' acts or omissions. Notwithstanding any other provision of law, the risk of collision with other skiers is not an inherent risk nor a risk assumed by a skier in an action by a skier against another skier.

**1-1-123.5. Negligence; civil actions.**

(a) A violation by any person or ski area operator of any provision of this act shall, to the extent the violation causes damage, injury or death to person or property, constitute evidence of negligence on the part of the person or ski area operator violating this act.

(b) Actions based upon negligence of a person or ski area operator wherein the damage, injury or death is not the result of an inherent risk of skiing shall be preserved pursuant to W.S. 1-1-109.

**Section 2.** W.S. 1-1-122(a)(iii) and 1-1-123 by creating a new subsection (e) are amended to read:

**1-1-122. Definitions.**

(a) As used in this act:

(iii) “Sport or recreational opportunity” means commonly understood sporting activities including baseball, softball, football, soccer, basketball, swimming, hockey, 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 recreational opportunities and includes the use of private lands for vehicle parking and land access related to the sport or recreational opportunity. “Sport or recreational opportunity” does not include skiing in a ski area as defined by the Ski Safety Act;

**1-1-123. Assumption of risk.**

(e) This act shall not apply to skiing in a ski area as defined by the Ski Safety Act.

**Section 3.** This act is effective July 1, 2017.

Approved March 9, 2017

## Chapter 193

### VIRTUAL EDUCATION

Original Senate File No. 35

AN ACT relating to virtual education provided by public K-12 schools; modifying definitions; modifying requirements for the delivery of virtual education; making conforming amendments; establishing an advisory committee; providing rulemaking authority; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 21-2-202(a)(xxxi), 21-2-204(h)(ii), 21-2-304(a)(v)(H), 21-4-502(c), 21-13-310(a)(ix) and 21-13-330(f)(i), by creating new paragraphs (v) and (vi), (g)(intro), (ii) through (vii), by creating a new subsection (h) and by amending and renumbering (h) as (j) and (j) as (k) 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:

(xxxi) By rule and regulation and in consultation with the state board of education and the Wyoming professional teaching standards board, provide guidance and oversight of distance virtual education by:

(A) Establishing, approving, facilitating and monitoring a state network of distance virtual education courses that meet state standards for course content and delivery by Wyoming certified teachers. The state superintendent shall annually publish a course catalog identifying the courses available and the tu-

ition to be assessed on a per course basis as established by the school district instructing the course;

(B) Providing training and technical assistance to school districts, including professional development for teachers and school administrators, for the delivery of distance-virtual education. In consultation with the professional teaching standards board, the rules shall specify minimum professional development requirements for teachers utilizing virtual education methods to instruct students;

(C) Monitoring the design, content, delivery and the accreditation of distance-virtual education programs provided by school districts under W.S. 21-13-330;

(D) Establishing a centralized learning management system districts may utilize to administer, document, track, report and deliver virtual education courses. The centralized learning management system established pursuant to this subparagraph shall be made available for the use of all public school districts in the state. Districts may choose to establish individual or independent learning management systems. The rules and regulations shall specify criteria and necessary components of individual student distance school district learning plans required by W.S. 21-13-330-management systems;

(E) Implementing a comprehensive reporting process as necessary for federal and state funding requirements and establishing necessary data collection instruments and systems to monitor and improve distance-virtual education programs statewide. Reporting and data collection requirements shall, at a minimum, allow for the disaggregation of assessment data and other measures of academic performance of students attending full-time virtual education programs from students physically attending class in a school facility;

(F) Establishing an advisory committee consisting of not less than seven (7) members. The advisory committee shall have representatives from among Wyoming school districts and other state agencies involved in the delivery of virtual education or providing technological expertise related to virtual education. The advisory committee shall recommend modifications to rules, policies, practices and procedures and serve in an advisory capacity to school districts to improve the delivery of virtual education courses across the state.

**21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.**

(h) Measured performance results obtained and collected pursuant to this section, together with subsequent actions responding to results, shall be combined with other information and measures maintained and acquired under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H), 21-3-110(a)(xxiv) and otherwise by law, to be used as the basis of a statewide system for providing periodic and uniform reporting on the progress of state public education achievement com-



pared to established targets. The statewide accountability system shall include a process for consolidating, coordinating and analyzing existing performance data and reports for purposes of aligning with the requirements of this section and for determinations of student achievement incorporated into the statewide system. In establishing a reporting system under this subsection, the department shall describe the performance of each public school in Wyoming. The performance report shall:

(ii) In a manner to maintain student confidentiality, be disaggregated as appropriate by content level, target level, grade level and appropriate subgroups of students. For purposes of this paragraph, reported subgroups of students shall include at minimum, economically disadvantaged students, English language learners, identified racial and ethnic groups, ~~and students with disabilities~~ and full-time virtual education students;

**21-2-304. Duties of the state board of education.**

(a) The state board of education shall:

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for 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:

(H) Provide a measure of accountability to enhance learning in Wyoming and in combination with other measures and information, assist school districts in determining individual student progress as well as school level achievement, growth and readiness targets. In addition to reporting requirements imposed under W.S. 21-2-204, the assessment results shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner. For schools with students enrolled in full-time virtual education programs, assessment results for students attending full-time virtual education programs shall be reported in aggregate form and separate from students physically attending class in a school facility. Assessment results shall be used in conjunction with each school district's assessments to design educational strategies for improvement and enhancement of student performance required under W.S. 21-2-204. Assessment results shall also be used to guide actions by the state board and the department in providing and directing a progressive multi-tiered system of support, intervention and consequences

to districts in developing school improvement plans in response to student performance to attain target levels measured and established under W.S. 21-2-204. In consultation and coordination with school districts, the board shall subject to W.S. 21-2-204, review and evaluate the assessment system regularly and based upon uniform statewide reports, annually report to the legislature as required under W.S. 21-2-204;

**21-4-502. Attendance in another district when convenient or desirable; admission of pupils resident in other districts; attendance for ADM computations specified.**

(c) Any district within the state may allow ~~nonresident~~ pupils to attend ~~enrolled in another school district in the state~~ to receive a portion of a pupil's education pursuant to an agreement with a ~~resident~~ the district in which the pupil is enrolled. The agreement shall be in writing with a copy kept on file by both districts. The ~~resident~~ district providing for the enrollment of the pupil shall include the pupil within its average daily membership (ADM) for purposes of the foundation program under W.S. 21-13-309. The ~~nonresident~~ district providing a portion of the pupil's education may assess the ~~resident~~ district providing for the enrollment of the pupil tuition for the classes the pupil attends. The tuition shall be equal to or less than the ~~nonresident~~ per ADM amount for the district providing a portion of the pupil's education prorated to reflect the number of classes attended by the pupil. ~~This subsection shall not apply if a pupil enrolls full-time in a nonresident district pursuant to subsections (a) and (b) of this section.~~

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

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

(ix) The amount of tuition paid to the district during the previous school year, including any amount charged under W.S. 21-4-501 and any amount assessed in excess of the costs incurred for adult education programs, summer school programs, programs provided under an agreement for cooperative educational programs under W.S. 21-20-101 through 21-20-111 and any amount assessed for programs and services for children with disabilities, but excluding any tuition assessed by a district for the provision of ~~distance~~ virtual education programs to participating ~~nonresident~~ students pursuant to W.S. 21-13-330, any tuition assessed by a district for the provision of part-time educational programs to participating ~~nonresident~~ students pursuant to W.S. 21-4-502(c), any

revenues received by a district from post secondary education option programs provided under W.S. 21-20-201 or for the provision of educational programs to a nonresident student placed in a juvenile detention facility pursuant to an agreement with the student's resident school district;

**21-13-330. Virtual education; program content; agreements between districts authorized.**

(f) As used in this section:

(i) "Distance-Virtual education" means instruction primarily through technology outside of the physical classroom in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and through a program accredited by the state board under W.S. 21-2-304(a)(ii); whereby the teacher and student, physically separated by time or space, are connected by means of a communications source used to provide synchronous or asynchronous instruction;

(v) "Full-time virtual education" means more than fifty percent (50%) of the required educational program is provided through virtual education by a school district established pursuant to the laws of this state;

(vi) "Part-time virtual education" means fifty percent (50%) or less of the required educational program is provided through virtual education by a school district established pursuant to the laws of this state;

(g) A resident Pursuant to rule and regulation of the department, a school district providing distance full-time virtual education for any student shall:

(ii) Enroll and assign the participating student to a school within the district offering appropriate grade level instruction; if the student is not physically attending a school within the resident district and the district has not entered into an agreement with a nonresident district pursuant to subsection (h) of this section for that student;

(iii) Monitor the participating student's progress as measured by his distance learning plan and in accordance with the district's assessment policies, administer or ensure his participation in required student performance evaluations and assessments at the same intervals required of other students at the participating student's grade level;

(iv) Facilitate necessary instructional support for the student and notify and assist any student not performing satisfactorily; or failing to achieve performance benchmarks established within his distance learning plan;

(v) Maintain the student's records within the district's permanent student data system including his district learning plan; equivalent attendance as specified by his plan department rule and regulation, assessment and other performance evaluation data, immunization and other information required by the district or by rule and regulation of the department;

(vi) Verify the ~~distance-virtual~~ education program received by the participating student complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rule and regulation of the state superintendent under W.S. 21-2-202(a)(xxxi) and that the program otherwise meets district program standards;

(vii) Restrict the student's ~~distance-virtual~~ education to programs approved by the department of education pursuant to W.S. 21-2-202(a)(xxxi) and accredited by the state board.

(h) Pursuant to department rule and regulation, a school district providing part-time virtual education to any student enrolled in another school district shall:

(i) Complete a tuition agreement with the school district in which the student is enrolled. The agreement shall identify the services, classes and the payments to be provided by the respective school districts. The tuition shall be paid on a per course basis and shall be equal to or less than the ADM amount received by the district providing the part-time virtual education prorated to reflect the number of virtual education classes attended by the pupil;

(ii) Monitor the participating student's academic progress in the virtual education courses and provide any necessary academic information to the school district in which the student is enrolled as required by department rule and regulation;

(iii) Facilitate necessary instructional support for the virtual education courses taken by the student and notify and assist any student not performing satisfactorily;

(iv) Maintain the student's record for the virtual education courses taken by the student and, as necessary, share educational information with the district in which the pupil is enrolled;

(v) Verify the virtual education program received by the participating student complies with and fulfills the state education program established by W.S. 21-9-101 and 21-9-102 and rule and regulation of the state superintendent under W.S. 21-2-202(a)(xxxi) and that the program otherwise meets program standards agreed upon by the district in which the student is enrolled and the district providing the part-time virtual education;

(vi) Restrict the student's virtual education to programs approved by the department of education pursuant to W.S. 21-2-202(a)(xxxi) and accredited by the state board.

(h)(j) Each student participating in ~~distance-virtual~~ education offered by the school district of residence shall be included within the average daily membership (ADM) of the ~~resident~~ district in which the student is enrolled as computed under the education resource block grant model pursuant to W.S.

~~21-13-309(m)(iv), regardless of the origination of the district providing the distance education program for the student. The membership for a distance education student shall be prorated at less than one (1.0) ADM if the number of distance education courses in which enrolled are less than the regularly scheduled courses for that school, but the distance~~ The virtual education program membership may be combined with any ~~nondistance education membership classes physically attended by the student at the school~~ to result in a larger fractional ADM of not to exceed one (1.0) ADM as defined by department rule and regulation. A resident district may through agreement provide for a student to participate full time in distance education offered by a nonresident school district whereby the student is counted among the membership of the nonresident district if the nonresident district complies with the requirements specified in subsection (g) of this section and the resident district removes the participating student from its membership for the period of time the student participates full time in the distance education program of the nonresident district.

~~(j)~~(k) The department of education shall by rule and regulation provide a procedure under which a school district may allow a student whose custodial parent or guardian is in active military service and leaves the state of Wyoming, and whose custodial parent or guardian maintains Wyoming residency, to participate in ~~distance~~virtual education programs offered under this section provided the district complies with this section to the extent required by department rule and regulation.

**Section 2.** W.S. 21-13-330(f)(ii) through (iv) and (g)(i) is repealed.

**Section 3.** The department of education, shall by rule and regulation, and in consultation with the virtual education advisory committee established by W.S. 21-2-202(a)(xxx)(F) and the data advisory committee established under W.S. 21-2-203(d), develop a methodology for computing average daily membership for students participating in virtual education programs. The methodology shall not be based upon completion of academic benchmarks, but shall be based upon the portion of the total required statewide education program established by W.S. 21-9-101 and 21-9-102 that is represented by the virtual education program participation.

**Section 4.** This act is effective July 1, 2017.

Approved March 9, 2017.

**Chapter 194****PALLIATIVE CARE**

Original Senate File No. 88

AN ACT relating to public health and safety; creating the advisory council on palliative care; providing definitions; providing for council membership; providing duties for the council; providing duties for the department of health or other entity as specified; requesting a report as specified; providing a sunset date; and providing for an effective date.

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

**Section 1.** W.S. 35-1-1201 through 35-1-1205 are created to read:

**ARTICLE 12****PALLIATIVE CARE ADVISORY COUNCIL****35-1-1201. Definitions.**

(a) As used in this article:

(i) "Council" means the advisory council on palliative care established pursuant to this article;

(ii) "Department" means the department of health, unless the governor establishes the council within a different office or department pursuant to W.S. 35-1-1202, in which case department means the office or department within which the governor establishes the council;

(iii) "Palliative care" means:

(A) Patient and family centered medical care that optimizes quality of life by anticipating, preventing and treating suffering caused by serious illness. Palliative care throughout the continuum of illness involves addressing the physical, emotional, spiritual and social needs of the patient and facilitates patient autonomy, access to information and choice. Palliative care includes, but is not limited to, discussion of the patient's goals for treatment and discussion of appropriate treatment options including hospice care and comprehensive pain and symptom management when appropriate; and

(B) Care for a terminal, potentially terminal or serious chronic illness that is designed to reduce adverse symptoms, reduce pain and suffering and improve quality of life without, by itself, seeking to cure the illness, prevent death or prolong life. Palliative care includes hospice care. Palliative care does not include treatment or procedures that are meant to hasten death.

**35-1-1202. Advisory council on palliative care.**

(a) There is created the advisory council on palliative care. For administrative purposes the council shall be within the department of health unless otherwise specified by the governor. The council shall consist of not less than nine (9) nor more than thirteen (13) members appointed by the governor. The governor shall appoint a chairman for the council and may appoint a vice-chairman as

needed. Membership on the council shall include:

(i) At least two (2) health care professionals with professional experience in palliative or hospice care;

(ii) At least one (1) licensed pharmacist;

(iii) At least one (1) law enforcement professional with experience in illegal drug offenses or the prosecution of illegal drug offenses;

(iv) At least one (1) member with experience counseling seriously ill or dying persons as a member of the clergy or as a mental health professional;

(v) At least one (1) member active in the faith community in Wyoming;

(vi) Other members selected by the governor to reach a council size of at least nine (9) but not more than thirteen (13) members, which may include members having training, experience or special knowledge concerning personal caregiving or palliative care in a variety of settings including home, community outpatient and inpatient settings and with a variety of populations including adults and children.

(b) The initial appointments shall be for staggered terms with three (3) members being appointed for two (2) year terms, three (3) members being appointed for three (3) year terms and the remaining members being appointed to one (1) year terms. Thereafter, members shall be appointed for three (3) year terms. The governor may remove any member of the council as provided in W.S. 9-1-202.

(c) Vacancies on the council shall be filled by appointment for the unexpired term.

(d) The council shall meet not less than two (2) times a year at times and places mutually agreed upon between the chairman of the council and the department.

(e) Members of the council shall not receive compensation for their services. The governor may allow council members to receive per diem and mileage in the same manner and amount as members of the legislature, if the governor determines sufficient funds are available.

(f) Funding for expenses of the council shall come from the budget of the department, unless the governor, within his discretion as permitted by law, transfers funds from a different budget.

(g) The council shall:

(i) As its first priority, seek to maximize the effectiveness of palliative care in Wyoming by making comprehensive and accurate information and education about palliative care available to the public, health care providers and health care facilities;

(ii) Consult with and advise the department of health on matters related



to the establishment, maintenance, operation and outcomes evaluation of palliative care initiatives in Wyoming;

(iii) Be available, as needed, to consult with and advise the department of health on palliative care needs and initiatives for residents of institutions operated by the department of health;

(iv) Advise the governor and legislature on policy and legislative needs to improve palliative care in Wyoming;

(v) Seek opportunities to open a dialogue with law enforcement and regulatory bodies on how to accommodate the legitimate uses of prescription drugs for palliative care with efforts to control the dangerous and illegal uses of those drugs;

(vi) When appropriate, advise the state board of pharmacy, the attorney general, the division of criminal investigation and local law enforcement on the needs of palliative care patients for prescription drugs and how to accommodate those needs consistent with efforts to control the dangerous and illegal uses of those drugs; and

(vii) Under no circumstances shall the scope of this council be construed or expanded to advocate, legitimize or otherwise provide for euthanasia or assisted suicide.

**35-1-1203. Department duties.**

(a) The department shall:

(i) Publish information and resources on its website, including links to external resources, concerning:

(A) Palliative care providers and facilities;

(B) Information about palliative care delivery in the home, community outpatient and inpatient settings;

(C) Best practices for palliative care delivery;

(D) Consumer education materials; and

(E) Referral information for palliative care, including hospices.

(ii) Develop and implement, as appropriate and consistent with existing appropriations, other initiatives regarding palliative care services and education;

(iii) Consult with the council regarding the performance of its duties under this section.

**35-1-1204. Optional report to legislature.**

The department shall provide the legislature and the legislature's joint labor, health and social services interim committee with a report by July 1, 2022 on the success or failure of the council. The report should contain recommendations to abolish, continue or modify the council and any other recommenda-



tions as are appropriate concerning further palliative care initiatives. The department and council shall provide information necessary for the preparation of this report, provided the information requested is reasonable, economical and not otherwise protected by law. Concerned parties may either collaborate for the preparation of the report or provide their own reports. All reports received pursuant to this section shall be treated as public documents by the joint labor, health and social services interim committee and the legislative service office.

**35-1-1205. Sunset.**

W.S. 35-1-1201 through 35-1-1204 are repealed effective July 1, 2023.

**Section 2.** W.S. 35-1-240(a) by creating a new paragraph (xxiii) is amended to read:

**35-1-240. Powers and duties.**

(a) The department of health, through the state health officer, or under his direction and supervision, through the other employees of the department, shall have and exercise the following powers and duties:

(xxiii) If the duty is not assigned to another entity pursuant to W.S. 35-1-1202, develop initiatives and provide information to the public regarding palliative care as provided in W.S. 35-1-1203.

**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, 2017.

## Chapter 195

### VETERANS PREFERENCE

Original Senate File No. 53

AN ACT relating to veterans; specifying the preference in public employment for veterans and surviving spouses of deceased veterans; modifying the residency requirement for the preference; amending archaic language; and providing for an effective date.

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

**Section 1.** W.S. 19-14-102(a), (c) and by creating a new subsection (d) is amended to read:

**19-14-102. Interview preference in public departments; qualifications.**

(a) In every public department ~~and upon all public works in Wyoming;~~ ~~members of the United States military establishment in any war or conflict as defined in section 101, title 38, United States Code, honorably discharged from~~

~~service, and the widows of members during widowhood, veterans or surviving spouses shall be preferred for appointment or employment have a preference prior to the interview process. Age or other physical impairment which does not in fact materially incapacitate shall not disqualify them from receiving preference if they possess the business capacity, competency, education or other qualifications for discharge of the duties required. If the disabilities do not materially interfere with performance of the duties, the disabled veterans or widows shall be given preference over employment of able-bodied veterans, and widows. A veteran or widow who has not been a resident of the state of Wyoming for a period of one (1) year or more immediately preceding date for appointment or employment is not entitled to preference under this section and for municipal or county employment, no preference shall be granted unless the applicant under this section is a resident of the municipality or county in which employment is sought.~~

~~(c) Whenever a veteran of any war or conflict as defined in section 101, title 38, United States Code, takes any examination under the merit system of Wyoming or surviving spouse applies for initial employment with a public department that uses a numerical scoring system prior to its interview process, the veteran or surviving spouse shall be allowed a five (5) point percent (5%) advantage over any nonveteran, competitor for the same position or proposed employment, and if the A veteran that has a service connected disability of ten percent (10%) or more the advantage given shall be given a ten (10) points percent (10%) advantage. This section applies only to bona fide residents of Wyoming at the time of their entry into the armed service of the United States and who are at the time of taking the examination bona fide residents of Wyoming. Whenever a veteran or surviving spouse applies for initial employment with a public department and no numerical scoring system is used prior to the interview process, the veteran or surviving spouse shall be given an advantage over nonveteran candidates that reasonably approximates the advantage given to veterans or surviving spouses applying for initial employment with a public department that uses a numerical scoring system in the interview process pursuant to this subsection. No preference under this section shall be given to a veteran currently employed by a public department.~~

~~(d) As used in this section:~~

~~(i) "Public department" includes the state of Wyoming or any of its branches, agencies, municipalities, counties, school districts, political subdivisions, special districts, community college districts and the University of Wyoming;~~

~~(ii) "Veteran" means a member of the United States military establishment honorably discharged from service who has been a resident of the state of Wyoming for one (1) year or more at any time prior to the date when the veteran applies for employment;~~

(iii) “Surviving spouse” means a person who was married to a veteran at the time of the veteran’s death and who receives survivor benefits from the federal government based on the veteran’s military service.

**Section 2.** This act shall apply to employment or appointment initially advertised on or after July 1, 2017.

**Section 3.** This act is effective July 1, 2017.

Approved March 9, 2017.

## Chapter 196

### EXTERIOR RESIDENTIAL STORM DAMAGE REPAIR CONTRACTS

Original Senate File No. 127

AN ACT relating to consumer protection; providing disclosure requirements for exterior storm damage repair solicitations, proposals and repair contracts; providing for cancellation of exterior storm damage repair contracts and cancellation waiver; providing remedies; and providing for an effective date.

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

**Section 1.** W.S. 40-12-701 through 40-12-706 are created to read:

#### ARTICLE 7

#### EXTERIOR STORM DAMAGE REPAIR CONTRACTS

##### 40-12-701. Definitions.

(a) As used in this article:

(i) “Consumer” means an individual who enters into a transaction primarily for personal, family or household purposes;

(ii) “Contractor” means a person or entity in the business of contracting or offering to contract with an owner or possessor of residential real estate to repair or replace roof, siding or gutter systems;

(iii) “Emergency repairs” includes only those repairs from exterior storm damage reasonably necessary to prevent immediate or imminent harm to a residential building until a consumer and contractor can contract for exterior storm damage repair pursuant to the provisions of this article;

(iv) “Exterior storm damage” means damage caused by wind, hail or another weather-related event to the siding system, gutter system, roof system or window and skylight system of a residential building;

(v) “Residential building” means a single or multiple family dwelling of up to four (4) units and ancillary buildings or structures, including farm and ranch structures, if any;

(vi) “Roof system” includes roof coverings, roof sheathing, roof weather-

proofing, roof framing, roof ventilation and roof insulation.

**40-12-702. Requirements for exterior storm damage repair solicitations and advertisements.**

(a) An individual or other entity contacting a consumer for the purposes of soliciting exterior storm damage repair services, including general advertisements for these services, shall disclose the following information to the consumer:

(i) The business name;

(ii) Whether the contractor has general liability insurance and any licensure required by the authority having jurisdiction.

(b) Beginning July 1, 2017, the contractor license or registration number for the jurisdiction in which an individual or other entity holds a contractor's license, if the authority having jurisdiction requires such a license, shall appear in all contracts, bids and advertisements involving exterior storm damage repair services.

(c) Contractors soliciting exterior storm damage repair services in this state shall not:

(i) Pay, advertise or promise to pay or rebate all or any portion of any insurance deductible. Contractors may pay or rebate any discount available for the use of any goods or services;

(ii) Pay any compensation directly or indirectly to any person associated with the property unless disclosed to the consumer in writing;

(iii) Accept money or any form of compensation in exchange for allowing another contractor to use its business name or contractor's license number for the purpose of misrepresenting a contractor's identity as a licensed contractor;

(iv) Offer to exclusively represent, advertise to exclusively represent or require by contract the right to exclusively represent a consumer with respect to any insurance claim in connection with exterior storm damage repair services; or

(v) Claim to be, or act as, an adjuster as defined in W.S. 26-1-102(a)(i) or an insurance consultant as defined in W.S. 26-9-220, with respect to any insurance claim.

**40-12-703. Disclosure requirements for exterior storm damage repair proposals.**

(a) An individual or other entity who prepares a repair proposal for exterior storm damage repair services in anticipation of entering into an exterior storm damage repair contract shall disclose the following information to the consumer:

(i) A precise description and location of all damage claimed or included

in the repair proposal;

(ii) A detailed description and itemization of any emergency repairs already completed; and

(iii) If damaged areas are excluded from the repair proposal, identification of those areas and any reasons for their exclusion.

(b) The disclosures required under subsection (a) of this section shall be made in writing and shall be included in the repair proposal.

**40-12-704. Disclosure requirements for exterior storm damage repair contracts.**

Any contract for exterior storm damage repairs shall include a copy of a repair proposal that contains the disclosures required under W.S. 40-12-703(a).

**40-12-705. Exterior storm damage repair contracts; right to cancel; waiver.**

(a) A consumer who has entered into a written contract with a contractor to provide exterior storm damage repair goods and services has the right to cancel the contract within three (3) business days of the date on which the contract was entered into or, if the services are to be paid directly by or on behalf of the consumer from the proceeds of a property or casualty insurance policy, within three (3) business days after the consumer has received notice in writing from the insurer that the claim has been denied, in whole or in part, whichever is later. Cancellation is evidenced by the consumer giving written notice of cancellation to the contractor at the address stated in the contract. Notice of cancellation may be in electronic form, effective the date of the electronic transmission or, if given by mail, is effective upon postmark, properly addressed to the contractor and postage prepaid. Written notice also may be given to the contractor by personal delivery. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the consumer not to be bound by the contract.

(b) The consumer may waive the three (3) day cancellation period if the insurer has provided written notice that the claim has been approved. The waiver shall be in writing, signed by the consumer and accompanied by a copy of the insurer's notice of approval.

(c) Before entering a contract referred to in subsection (a) of this section, the contractor shall:

(i) Furnish the consumer with a statement in boldface type of a minimum size of twelve (12) points, in substantially the following form: "You may cancel this contract at any time within three (3) business days of the date on which the contract was entered into or within three (3) business days after you have been notified that your insurer has, in whole or in part, denied your claim to pay for the goods and services to be provided under this contract, whichever is

later. See attached notice of cancellation form for an explanation of this right. You may waive this right if your insurer has provided written notice that your claim has been approved. The waiver must be in writing, signed by you and accompanied by a copy of the insurer’s notice of approval.”; and

(ii) Furnish each consumer a fully completed form captioned, “NOTICE OF CANCELLATION,” which shall be attached to or accompany the contract and which shall contain in boldface type of a minimum size of twelve (12) points the following information and statements:

“NOTICE OF CANCELLATION

You may cancel this contract within three (3) business days from when it is entered into for any reason or, if your insurer in whole or in part denies your claim to pay for goods and services to be provided under this contract, you may cancel the contract by mailing or delivering (including via electronic transmission) a signed and dated copy of this cancellation notice or any other written notice - to (name of contractor) at (address of contractor’s place of business, e-mail address and facsimile number if applicable) at any time within three (3) business days of the date on which the contract was entered into or within three (3) business days after you have been notified that your claim has been denied in whole or in part, whichever is later. Notice of cancelation, if in electronic form, is effective the date of the electronic transmission or, if given by mail, is effective upon postmark, properly addressed to the contractor and postage prepaid. If you cancel, any payments made by you under the contract will be returned within three (3) business days following receipt by the contractor of your cancellation notice.

I HEREBY CANCEL THIS TRANSACTION.

.....

(date)

.....

(Consumer’s signature)”

(d) Within three (3) days after a contract referred to in subsection (a) of this section has been cancelled, the contractor shall tender to the consumer any payments made by the consumer and any note or other evidence of indebtedness. If the contractor has performed any emergency repair, the contractor is entitled to separately bill the consumer for such services if the consumer has received a detailed description and itemization of charges for those services.

**40-12-706. Private remedies.**

Any person who violates this article shall be subject to the remedy provisions relating to unlawful trade practices provided in W.S. 40-12-108 and 40-12-109.

**Section 2.** This act is effective July 1, 2017.

Approved March 9, 2017.

**Chapter 197****LIMITATIONS ON DELEGATES-CONSTITUTION AMENDMENT  
CONVENTIONS**

Original House Bill No. 50

AN ACT relating to a convention for proposing amendments to the United States constitution; specifying limitations on delegates to a United States constitution Article V convention; providing penalties for violation of oath; clarifying state convention refers to a state ratifying convention; modifying provisions relating to county conventions; and providing for an effective date.

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

**Section 1.** W.S. 9-22-101 and 9-22-102 are created to read:

**CHAPTER 22****LIMITATIONS ON DELEGATES TO A CONVENTION FOR PROPOSING  
AMENDMENTS****9-22-101. Definitions.**

(a) As used in this chapter:

(i) "Article V application" means a joint resolution passed by the Wyoming legislature on the same subject or containing the same proposed amendment text as two-thirds (2/3) of the other states requiring the United States congress to call an article V convention;

(ii) "Article V convention" means a convention for proposing amendments as expressly provided in article V of the United States constitution;

(iii) "Delegate" or "alternate" means a legislator selected under W.S. 9-22-102(g) to represent the state of Wyoming at an article V convention;

(iv) "Legislative instructions" means instructions given by the state legislature to delegates and alternates before and during an article V convention;

(v) "Unauthorized amendment" means a proposed amendment that is outside the permitted subject matter contained in the article V application or contrary to legislative instructions.

**9-22-102. Limitations of authority for delegates to an article V convention.**

(a) No delegate shall have authority to vote to allow consideration of, or to approve, an unauthorized amendment for ratification to the United States constitution.

(b) Any delegate shall be directed to vote for procedures and rules mandating that the convention remain a convention of states where each state is represented by one (1) vote.

(c) Any vote made in violation of subsection (a) or (b) of this section shall be null and void, and the delegate making the vote shall be immediately recalled

by an official or executive branch committee authorized by a resolution of the legislature and replaced by an alternate as provided in subsection (g) of this section.

(d) Each delegate or alternate shall be required to take the following oath or affirmation: "I do solemnly swear or affirm that to the best of my abilities I will, as a delegate or alternate to an article V convention, uphold the constitution and laws of the United States of America and Wyoming. I will not vote to allow consideration of or to approve any unauthorized amendment proposed for ratification to the United States constitution. I understand and accept any penalties that Wyoming law may impose on me for violating this oath."

(e) Any delegate who violates the oath contained in subsection (d) of this section shall be guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both. Additionally, any delegate who violates the oath contained in subsection (d) of this section shall be ineligible to serve as a delegate and any certification of the delegate shall be null and void.

(f) The secretary of state shall certify the selection of the delegates in writing to the article V convention and shall provide a copy of the certification to each delegate. No delegate shall have authority to vote or otherwise serve as a delegate at the article V convention without the certification.

(g) The secretary of state shall notify the president of the Wyoming senate and the speaker of the Wyoming house of representatives in writing of the need to assign delegates or alternates to the article V convention. The members of the senate shall elect three (3) members of the senate to serve as delegates, and the members of the house of representatives shall elect three (3) members of the house of representatives to serve as delegates. If a delegate becomes unable or ineligible to serve, the president of the senate or the speaker of the house shall assign an alternate for the delegate who has become unable or ineligible to serve. An alternate delegate assigned under this subsection shall immediately be entitled to represent Wyoming as a delegate in place of the delegate who has become unable or ineligible to serve, and the secretary of state shall immediately provide certification to the new delegate.

(h) The secretary of state shall notify the article V convention and any delegate involved of the revocation of that delegate's certification should the delegate violate his or her oath to act only within the limits of the authority granted by the state of Wyoming.

(j) The Wyoming attorney general shall enforce the provisions of this section.

**Section 2.** W.S. 22-20-201 through 22-20-203, 22-20-204(b), 22-20-205, 22-20-208 and 22-20-209 are amended to read:

**22-20-201. Proclamation of governor calling state ratifying convention.**



(a) If the congress of the United States of America ~~enacts any law requiring~~ proposes any question of repealing, amending or altering the constitution of the United States of America, or any part thereof, to be submitted to a ratifying convention of delegates chosen by the qualified electors of the state and does not prescribe the manner and method of calling, holding and conducting the convention and of canvassing the returns of the votes of the delegates thereto and determining, declaring and publishing the result of the vote of the delegates to the ratifying convention on any question voted upon, for which the ratifying convention is called, it is the duty of the governor to make a public proclamation:

- (i) Calling the state ratifying convention;
- (ii) Calling for the election of delegates to the state ratifying convention;
- (iii) Specifying the place where and the time when the ratifying convention shall be held;
- (iv) Specifying the number of delegates (who shall be qualified electors) of which the ratifying convention shall consist; and
- (v) Specifying the method and manner by and in which delegates to the ratifying convention shall be elected.

**22-20-202. Election of delegates to state ratifying convention.**

In each of the ~~election precincts in each of the counties~~ county of this state there shall be held a ~~meeting~~ county convention of the qualified electors of the ~~precinct~~ county at the time fixed by the proclamation. ~~A qualified elector in the precinct shall preside at each precinct meeting, and~~ An election shall be held in which not less than one (1) delegate ~~five (5) delegates~~ from each precinct ~~county~~ and (1) one additional delegate for each ~~six hundred (600)~~ five thousand (5,000) or major portion thereof of the inhabitants of the ~~precinct~~ county shall be elected as delegates to a ~~convention to be held at the county seat of the county. Upon the day fixed by the governor for holding the county convention the delegates thereto shall assemble and elect one (1) delegate for each county, and one (1) delegate for each five thousand (5,000) or major fraction thereof of the inhabitants of the county as delegates to the state~~ ratifying convention specified in W.S. 22-20-201.

**22-20-203. Convening of county convention; presiding officer; certification of results.**

It is the duty of the chairman of the board of county commissioners or some other member of the board in each county to convene the county convention and preside over it until the delegates chosen thereto select a chairman of the convention. It is the duty of the chairman and secretary of the convention to certify, under oath, to the secretary of state and to the state ratifying convention, the names of the delegates to the state ratifying convention chosen by the

county convention.

**22-20-204. Rules of practice for county conventions; convention ballots.**

(b) The vote on the selection of delegates to the ~~county and state conventions~~ ratifying convention shall be by written or printed ballot.

**22-20-205. Determining apportionment of representation at conventions.**

In the apportionment of representation in the county convention and state ~~conventions~~ ratifying convention, the last federal census is the basis upon which the right to representation in the conventions shall be determined.

**22-20-208. Convening of state ratifying convention; costs and expenses; certification of results.**

(a) If the governor issues a proclamation calling a state ratifying convention, it is the duty of the secretary of state to convene the ratifying convention and make all necessary arrangements.

(b) The costs incidental to the holding of the state ratifying convention shall be borne and paid by the state, as appropriated by the legislature.

(c) It is the duty of the officers of the state ratifying convention to certify, under oath, to the secretary of state, the result of the vote cast at the ratifying convention on each question submitted thereto. When the result of the vote of the delegates to the state ratifying convention is certified to the secretary of state, it is then the duty of the secretary of state to certify the result to the president and secretary of state of the United States, and to the president of the senate and the speaker of the house of representatives of the congress of the United States.

**22-20-209. Procedure when congress directs manner of holding ratifying convention.**

(a) If congress, either in the resolution submitting the question or by statute, prescribes the manner in which the ~~conventions~~ ratifying convention shall be constituted, the provisions of this chapter are inoperative, and the ratifying convention shall be constituted and shall operate as the resolution or act of congress directs. All officers of the state who may be authorized or directed by the resolution or statute to take any action to constitute a ratifying convention for this state are authorized and directed to act in accordance therewith and in obedience thereto with the same force and effect as if acting under a statute of this state.

(b) If an article V convention as defined in W.S. 9-22-101 is called, the provisions of this chapter are inoperative to the extent that they conflict with a convention conducted in accordance with W.S. 9-22-102.

**Section 3.** This act is effective July 1, 2017.

Approved March 13, 2017.

## Chapter 198

### GRAY WOLF DAMAGE COMPENSATION ELIGIBILITY

Original House Bill No. 270

AN ACT relating to game and fish; providing for gray wolf damage compensation eligibility; specifying applicability; providing for rulemaking; and providing for an effective date.

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

**Section 1.** W.S. 23-1-901(g) and by creating a new subsection (h) is amended to read:

**23-1-901. Owner of damaged property to report damage; claims for damages; time for filing; determination; appeal; arbitration.**

(g) For purposes of this section, “trophy game animals” eligibility for damage compensation shall include gray wolves located in:

(i) The area described in W.S. ~~23-1-101(a)(xii)(B)(H)~~ 23-1-101(a)(xii)(B)(I) or (II) regardless of the date on which the damage occurs;

(ii) Subject to subsection (h) of this section, an area of land designated by the commission in rule which is adjacent to the area described in W.S. 23-1-101(a)(xii)(B)(I) or (II) regardless of the date on which the damage occurs.

(h) The commission shall establish in rule a process for persons to request that an area of land adjacent to the area described in W.S. 23-1-101(a)(xii)(B)(I) or (II) be designated as an area where property owners are eligible for damage compensation for damage caused by gray wolves. The rules shall provide that:

(i) The adjacent area of land is outside the area described in W.S. 23-1-101(a)(xii)(B)(I) or (II);

(ii) The adjacent area of land is part of a contiguous tract of land a portion of which is currently located within the boundaries described in W.S. 23-1-101(a)(xii)(B)(I) or (II);

(iii) The adjacent area of land is privately owned;

(iv) The private landowner of the adjacent area of land consents to the designation;

(v) The designation of the adjacent area of land shall not subtract from or diminish the area described in W.S. 23-1-101(a)(xii)(B)(I) or (II).

**Section 2.** This act is effective July 1, 2017.

Approved March 13, 2017.

**Chapter 199****SEXUAL ASSAULT-SCHOOL EMPLOYEE**

Original Senate File No. 129

AN ACT relating to crimes and offenses; specifying additional conduct constituting sexual assault in the second or third degree; providing for penalties; and providing for an effective date.

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

**Section 1.** W.S. 6-2-303(a)(vii), (viii) and by creating a new paragraph (ix) and 6-2-304(a)(iii) are amended to read:

**6-2-303. Sexual assault in the second degree.**

(a) Any actor who inflicts sexual intrusion on a victim commits sexual assault in the second degree if, under circumstances not constituting sexual assault in the first degree:

(vii) The actor is an employee, independent contractor or volunteer of a state, county, city or town, or privately operated adult or juvenile correctional system, including but not limited to jails, penal institutions, detention centers, juvenile residential or rehabilitative facilities, adult community correctional facilities or secure treatment facilities and the victim is known or should be known by the actor to be a resident of such facility or under supervision of the correctional system;~~or~~

(viii) The actor inflicts sexual intrusion in treatment or examination of a victim for purposes or in a manner substantially inconsistent with reasonable medical practices;~~or~~

(ix) The actor is an employee or volunteer of an elementary or secondary public or private school who, by virtue of the actor's employment or volunteer relationship with the school, has interaction with the victim who is a student or participant in the activities of the school and is more than four (4) years older than the victim.

(b) A person is guilty of sexual assault in the second degree if he subjects another person to sexual contact and causes serious bodily injury to the victim under any of the circumstances listed in W.S. 6-2-302(a)(i) through (iv) or paragraphs (a)(i) through (vii) and (ix) of this section.

**6-2-304. Sexual assault in the third degree.**

(a) An actor commits sexual assault in the third degree if, under circumstances not constituting sexual assault in the first or second degree:

(iii) The actor subjects a victim to sexual contact under any of the circumstances of W.S. 6-2-302(a)(i) through (iv) or 6-2-303(a)(i) through (vii) and (ix) without inflicting sexual intrusion on the victim and without causing serious bodily injury to the victim.

**Section 2.** This act is effective July 1, 2017.

Approved March 13, 2017.

## Chapter 200

### SCHOOL FACILITIES APPROPRIATIONS

Original House Bill No. 58

AN ACT relating to school facility projects; modifying appropriations for school facility projects for the biennial budget period July 1, 2016 through June 30, 2018; transferring funds; making conforming amendments; requiring reporting; and providing for an effective date.

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

**Section 1.** 2016 Wyoming Session Laws, Chapter 25 Section 1(b)(ii), (c), (d), (f), (g)(ii)(A), (D), (iii) through (vi), by creating paragraphs (vii) through (ix) and Section 2 is amended as follows:

#### **Section 1.**

(b) As used in this section:

(ii) "Condition needs index priority" means the condition needs index priority used by the school facilities commission in developing the remediation schedule for the 2017-2018 biennial budget recommendation and the 2017-2018 supplemental budget request, in accordance with W.S. 21-15-117(a).

(c) The amounts appropriated from the school capital construction account under this section are for the biennial period commencing July 1, 2016 and ending June 30, 2018. ~~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, 2017 and ending June 30, 2018, 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 as contained within the 2017-2018 biennial budget, as modified by the 2017-2018 supplemental budget request, submitted by the commission under W.S. 21-15-119, shall be used by the school facilities-state construction department in guiding 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.



Capacity	<u>Laramie #1</u>	<u>Modular lease</u>	<u>\$ 9,035</u>
Capacity	<u>Laramie #1</u>	<u>Modular lease</u>	<u>\$ 9,035</u>
Capacity	Big Horn #3	Modular lease	<del>\$ 16,800</del>
			<u>\$ 26,550</u>
Capacity	Big Horn #3	Modular lease	<del>\$ 16,800</del>
			<u>\$ 26,550</u>
Capacity	Carbon #1	Elementary School	\$ 657,581
Capacity	Sweetwater #2	Middle School	\$ 200,000**
Capacity	<u>Teton #1</u>	<u>Elementary School</u>	<u>\$29,028,636</u>
77	Converse #1	Modular	\$ 334,176
93	Converse #1	Modular	\$ 334,176
100	Converse #1	Modular	\$ 334,176
332	Park #6	Elementary School	<u>\$ 398,792</u>
Total			<del>\$10,494,694</del>
			<u>\$43,196,426</u>

(D) In addition to the appropriation under subparagraph (A) of this paragraph denoted with two (2) asterisks, six million six hundred ninety-eight thousand seven hundred ninety dollars (\$6,698,790.00) as contained in 2014 Wyoming Session Laws, Chapter 82, Section 1 (e)(iii)(B) for the construction of an elementary school in Sweetwater County School District No. 2, is hereby reappropriated for the purpose of addressing the elementary school capacity issues as identified by the district and the proposed reconfiguration of grade levels as approved by the director of the school facilities-state construction department and the state superintendent pursuant to W.S. 21-13-309(m)(vi). The school facilities commission, through the department, shall provide for a separate accounting of those projects receiving funds under this paragraph, and separately report expenditures of those amounts to the select committee on school facilities and to the joint appropriations committee. In the event the cost of construction of the remedy or remedies identified under this subparagraph exceed the total amount identified, no funds shall be expended as appropriated under this subparagraph and shall only be available for expenditure as specifically authorized by the legislature.

(iii) For land acquisitions, including land leases, up to ~~six hundred fifty-four thousand six hundred dollars (\$654,600.00)~~ six hundred fifty-nine thousand two hundred dollars (\$659,200.00) for land acquisitions approved by the school facilities commission for the facility needs of Laramie County School District No. 1 and Washakie County School District No. 2;



(iv) For unanticipated costs associated with the design and construction of projects funded under this section, up to ~~four hundred fifty-nine thousand one hundred seventy-four dollars (\$459,174.00)~~ one million seven hundred seventy-one thousand seven hundred sixty dollars (\$1,771,760.00). The school facilities commission, through the state construction department, shall provide for a separate accounting of those projects receiving supplemental appropriations under this paragraph, and separately report expenditures of those amounts to the select committee on school facilities and to the joint appropriations committee;

(v) In addition to the allowable expenditures pursuant to law of amounts appropriated for major maintenance expenses under 2016 SF 0001, Section 2, Section 027, a school district may expend up to ten percent (10%) of the amount distributed under the major maintenance program for the period commencing July 1, 2016 and ending July 1, 2018 for safety and security building and facility needs. No expenditure shall be made under this paragraph without the approval of the director of the school facilities-state construction department;

(vi) ~~In addition to allowable expenditures Pursuant to W.S. 21-3-110(a)(x), for leases executed by school districts,~~ for the purposes of charter school leases, up to ~~four hundred thousand dollars (\$400,000.00)~~ seven hundred ninety-nine thousand eight hundred fifty dollars (\$799,850.00) is appropriated to the school facilities-state construction department, to distribute to each school district with a charter school in the district, approved and operating during the 2014-2015 school year in accordance with W.S. 21-3-301 through 21-3-314, which requires a lease for the operation of the charter school's educational program in the applicable school year. The amounts to be distributed under this paragraph shall be reduced to the extent the amounts are duplicative of any costs funded or paid for by alternative mechanisms. The funds appropriated under this paragraph shall be distributed for expenses incurred during school year years 2016-2017 and 2017-2018 to qualifying school districts based upon the proration of the total qualifying costs of all qualifying school districts. The school facilities commission shall evaluate facility options for charter schools receiving funds appropriated under this paragraph and identify potential options of moving these charter schools within existing educational gross square footage of the school district in which the charter school operates. Not later than August 1, 2017, the school facilities commission shall report to the select committee on school facilities and the joint appropriations committee on the options of moving charter schools within existing educational gross square footage of school districts;

(vii) For demolition projects, up to one million forty-two thousand two hundred fifty-eight dollars (\$1,042,258.00) for the demolition needs of Crook County School District No. 1. In the event the cost of demolition



as approved by the commission exceeds the total amount appropriated under this paragraph, no funds shall be expended under this paragraph and funds shall only be available for expenditure as specifically authorized by the legislature;

(viii) For emergency projects, up to one million one hundred thirteen thousand two hundred fifty-four dollars (\$1,113,254.00) to address emergency projects identified and approved by the commission under W.S. 21-15-120 and commission rule and regulation;

(ix) For professional consulting expertise and other administrative costs three hundred thousand dollars (\$300,000.00) to conduct studies as approved by the commission to determine the most cost effective and efficient approach in order to deliver quality educational services and address building and facility needs;

(x) There is appropriated twenty million nine hundred nine thousand nine hundred eight dollars (\$20,909,908.00) from the school capital construction account to the school facilities commission. This amount shall only be expended for component level major maintenance projects recommended by the school facilities commission and approved by the governor. Prior to approval, the recommendations of the commission shall be reported to the select committee on school facilities and the joint appropriations committee;

(xi) There is appropriated twenty million nine hundred nine thousand nine hundred eight dollars (\$20,909,908.00) from the school capital construction account to the school facilities commission. This amount shall only be expended for the construction of a project or projects to address capacity and condition needs recommended by the school facilities commission and approved by the governor. Prior to approval, the recommendations of the commission shall be reported to the select committee on school facilities and the joint appropriations committee. Up to three million dollars (\$3,000,000.00) of this amount may be expended for planning and design of the project following approval under this paragraph.

**Section 2.** In addition to the amounts appropriated under Section 1 of this act, eighty million dollars (\$80,000,000.00) is appropriated. The state auditor shall immediately transfer seventy-eight million three hundred twenty-four thousand seventy-eight dollars (\$78,324,078.00) from the legislative stabilization reserve account to the school facilities commission. This appropriation shall be for the period beginning July 1, 2017 and ending June 30, 2018. This appropriation shall only be available for expenditure as specifically authorized by the legislature. As required under W.S. 21-15-119(a), and not later than September 1, 2016, the school facilities commission shall report proposed expenditures of the amounts appropriated under this section, along with a prioritized list of projects

~~pursuant to W.S. 21-15-117 and the results of the condition needs assessment to be conducted over the 2016 interim by the school facilities department, to the select committee on school facilities and the joint appropriations committee capital construction account.~~

**Section 2.** The school facilities commission, through the state construction department, shall study the allocation of funds for major maintenance under W.S. 21-15-109(c). The study shall include review of the process utilized by school districts in expending major maintenance funding and the process and procedures used by the state construction department to review and approve expenditures under W.S. 21-15-109(e) and (f) allocated for major maintenance, giving full consideration to the proper use and expenditure of other capital construction funding provided by the state in addressing building adequacy in the most efficient and cost effective manner. Not later than August 1, 2017, the school facilities commission shall report to the select committee on school facilities and the joint appropriations committee. The report shall include recommendations for a process to ensure funds generated for major maintenance are expended on the most substantial and necessary aspects of building maintenance and in a way that optimizes the lifecycle of the school buildings across the state. The recommendations shall include any suggested modifications to the formula utilized to generate the funding allocated for major maintenance. The recommendations shall include any enabling legislation necessary to implement the recommendations of the commission.

**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 13, 2017.

## Chapter 201

### PEACE OFFICER RECORDINGS

Original Senate File No. 32

AN ACT relating to public records; limiting inspection of recordings obtained by peace officer cameras or other devices for purposes of public records provisions; providing a definition; and providing for an effective date.

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

**Section 1.** W.S. 16-4-201(a) by creating a new paragraph (xi) and 16-4-203(d) by creating a new paragraph (xviii) are amended to read:

**16-4-201. Definitions.**

(a) As used in this act:

(xi) "Peace officer recording" means any audio or video data recorded by

a peace officer, as defined in W.S. 6-1-104(a)(vi), on a camera or other device which is:

(A) Provided to or used by the peace officer in the course of the officer performing official business; and

(B) Designed to be worn on the peace officer's body or attached to a vehicle, as defined in W.S. 6-1-104(a)(xi), used by the officer.

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xviii) Information obtained through a peace officer recording provided that:

(A) The custodian shall allow the right of inspection to law enforcement personnel or public agencies for the purpose of conducting official business or pursuant to a court order;

(B) The custodian may allow the right of inspection:

(I) To the person in interest;

(II) If the information involves an incident of deadly force or serious bodily injury as defined in W.S. 6-1-104(a)(x);

(III) In response to a complaint against a law enforcement personnel and the custodian of the information determines inspection is not contrary to the public interest;

(IV) In the interest of public safety.

**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 13, 2017.

## Chapter 202

### INVESTMENT FUNDS COMMITTEE

Original Senate File No. 49

AN ACT relating to state investments; creating the investment funds committee; specifying membership; providing for appointment and removal of members; imposing duties on the committee; transferring certain duties from the state loan and investment board to the committee; creating the selection panel for the investment funds committee; providing for appointment and removal of members to the selection panel; providing for staffing of the committee and the panel; amending public meetings, public records and administrative procedures provisions in relation to the investment funds committee; providing an appropriation; requiring a report; and providing for effective dates.

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

**Section 1.** W.S. 9-4-720 and 9-4-721 are created to read:

**9-4-720. Investment funds committee.**

(a) There is created the investment funds committee. The committee consists of six (6) voting members including the state treasurer, a member of the state treasurer's office designated by the state treasurer, the chief investment officer of the Wyoming retirement system and three (3) members appointed by a selection panel in accordance with W.S. 9-4-721. In addition to the voting members, there shall be one (1) ex officio nonvoting member appointed by the governor and one (1) ex officio nonvoting member appointed by the management council.

(b) The ex officio nonvoting member appointed by the governor shall serve for the term of office of the governor but may be removed by the governor. The ex officio nonvoting member appointed by the management council shall serve a two (2) year term but is eligible for reappointment and may be removed by the management council.

(c) The three (3) voting members appointed by a selection panel shall serve a three (3) year term provided that of the initial committee, one (1) member shall be appointed for a one (1) year term, one (1) member for a two (2) year term and one (1) member for a three (3) year term. The three (3) members are eligible for reappointment. Terms of appointment for voting members shall commence on March 1 of the year of appointment. Any appointed voting member of the committee may be removed by the selection panel at any time or may be removed by the governor for malfeasance or misconduct in office. If an appointed voting position on the committee becomes vacant for any reason, the selection panel shall appoint a member in accordance with W.S. 9-4-721 to fill the position for the remainder of the unexpired term. Appointed voting members of the investment funds committee shall be confirmed by the senate. The selection panel may fill any vacancy occurring between sessions of the legislature by temporary appointment.

(d) The state treasurer shall be the chairman of the committee. The committee shall meet at least quarterly and at the call of either the chairman or a majority of the membership.

(e) Staff and support for the committee shall be provided by the office of the state treasurer. Members of the committee who are not employees or elected officials of the state of Wyoming shall receive per diem and travel expense reimbursement in the manner and amount prescribed for legislators under W.S. 28-5-101.

**9-4-721. Investment funds committee; selection panel.**

(a) There is created the selection panel to appoint voting members to the

investment funds committee as provided in W.S. 9-4-720. The panel consists of five (5) members composed of one (1) member appointed by each of the members of the board. Each selection panel member shall possess financial knowledge and experience to qualify them for the position. Once appointed, a selection panel member shall serve for the term of office of the board member who appointed them but may be removed by the appointing board member.

(b) The selection panel shall research and interview candidates for the investment funds committee. Candidates for the investment funds committee may be nominated by the board or may apply directly to the panel.

(c) No candidate shall be appointed by the selection panel to the investment funds committee unless the candidate has all of the following qualifications:

(i) Not less than seven (7) years of institutional investment experience involved in the management of a portfolio in excess of five hundred million dollars (\$500,000,000.00);

(ii) A broad understanding of financial markets;

(iii) Not been convicted of or pleads guilty or nolo contendere to a felony violation or been the subject of any disciplinary action involving moral turpitude;

(iv) No conflicts of interest that would lead to a violation of W.S. 6-5-106, 6-5-118, 16-6-118 or other comparable provision of law.

(d) Staff and support for the selection panel shall be provided by the office of the state treasurer. Members of the panel who are not employees or elected officials of the state of Wyoming shall receive per diem and travel expense reimbursement in the manner and amount prescribed for legislators under W.S. 28-5-101.

**Section 2.** W.S. 9-4-714(a)(vi), 9-4-715(d), 9-4-716(c), 9-4-718(a)(iv), 16-3-101(b)(i), 16-4-203(d) by creating a new paragraph (xviii) and 16-4-402(a)(ii) are amended to read:

**9-4-714. Definitions.**

(a) As used in this act:

(vi) "This act" means W.S. 9-4-714 through ~~9-4-719~~9-4-721.

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

(d) When approving, acquiring, investing, reinvesting, exchanging, retaining, selling and managing investments of the state of Wyoming, the members of the board, the members of the investment funds committee created by this act, the state treasurer, designees of the state treasurer or any other fiduciary appointed by the state treasurer, ~~or the board or the investment funds committee~~ shall exercise the judgment and care of a prudent investor as specified by the Uniform Prudent Investor Act, W.S. 4-10-901 through 4-10-913.

**9-4-716. State investment policy; investment consultant.**

(c) The state treasurer, in consultation with the investment funds committee created by this act, shall develop and submit proposed investment policy statements for each grouping of state funds specified in subsection (a) of this section and may contract for assistance in developing proposals or in making suggestions for modifications to existing investment policy statements. The state treasurer shall report quarterly to the board regarding the performance of investments with respect to each grouping of state funds specified by the board under subsection (a) of this section and such other information as may be required by the board.

**9-4-718. Investment managers.**

(a) The state treasurer may contract with investment managers and pay for investment services and investment advice subject to the following conditions:

(iv) Investment managers shall be selected based upon a competitive process and with consideration given to the historical performance of prospective managers. No investment manager shall be hired unless approved by a majority vote of the board in consultation with the investment funds committee created by this act. The contract with an investment manager may be terminated by a majority vote of the board;

**16-3-101. Short title; definitions.**

(b) As used in this act:

(i) "Agency" means any authority, bureau, board, commission, department, division, officer or employee of the state, a county, city or town or other political subdivision of the state, except the governing body of a city or town, the state legislature, the University of Wyoming, the judiciary, ~~and the consensus revenue estimating group as defined in W.S. 9-2-1002~~ and the investment funds committee created by W.S. 9-4-720;

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xviii) Any records of the investment funds committee, created by W.S. 9-4-720, that disclose information considered by the committee, committee deliberations or tentative decisions of the committee.

**16-4-402. Definitions.**

(a) As used in this act:

(ii) "Agency" means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or

ordinance, other than the state legislature, the judiciary, ~~and~~ the consensus revenue estimating group as defined in W.S. 9-2-1002 and the investment funds committee created by W.S. 9-4-720;

**Section 3.**

(a) Not later than November 1, 2019, the state treasurer shall report to the select committee on capital financing and investments and the joint appropriations committee. The report shall include recommendations, including any proposed legislation, on:

(i) The functions and impact of the investment funds committee created in section 1 of this act;

(ii) Whether the investment funds committee should continue to carry out the duties imposed on it by this act;

(iii) Whether the duty to establish and implement state investment policy under W.S. 9-4-716 should be transferred from the state loan and investment board to the investment funds committee;

(iv) Modifications to the state investment policy;

(v) Improvements to the management of investments or other relevant information;

(vi) Those provisions in sections 1 and 2 of this act which should be changed; and

(vii) Those provisions in Wyoming law which should be created, amended or repealed to achieve the recommendations contained in the report.

**Section 4.** There is appropriated from the general fund forty-five thousand dollars (\$45,000.00) to the office of the state treasurer. This appropriation shall be for the period beginning with the effective date specified in section 5(a) of this act and ending June 30, 2018. This appropriation shall only be expended for payment of authorized compensation, per diem and mileage for investment funds committee members appointed under W.S. 9-4-720 and selection panel members appointed under W.S. 9-4-721 as created 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, 2018. This appropriation shall be included in the office of the state treasurer's 2019-2020 standard biennial budget request funded from special revenue available for external manager payments.

**Section 5.**

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



(b) Section 2 of this act is effective July 1, 2018.

Approved March 13, 2017.

## Chapter 203

### COMMUNITY MENTAL HEALTH CONTRACT PROGRAM

Original Senate File No. 142

AN ACT relating to community mental health and substance use services; authorizing the creation of a contract program for mental health and substance use treatment programs to reduce the demand for involuntary commitments; providing an appropriation; authorizing the expenditure of funds appropriated for involuntary commitments for program operation as specified; authorizing the department of health to enter into contracts for operation of the program as specified; requiring annual reports; amending eligibility provisions concerning department of health contracts with private agencies; prohibiting fees to clients for gatekeeping services as specified; and providing for an effective date.

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

#### Section 1.

(a) The department may develop a contract program to incentivize programs and providers to reduce the need for involuntary commitments to the state hospital and other designated hospitals by encouraging the performance of the following functions:

(i) Performing gatekeeping functions in the involuntary commitment process under title 25, chapter 10 of the Wyoming statutes; and

(ii) Preventing psychiatric hospitalization through diversion.

(b) To implement subsection (a) of this section, the department may contract with programs or providers. The department may require each participating program or provider to provide additional services to its clients equivalent in value to fifty percent (50%) of the funds expended pursuant to subsection (a) of this section.

(c) The department shall make a report by November 1 of each year through 2019 to the joint labor, health and social services interim committee, and to the joint appropriations committee if requested by that committee, regarding the status of the contract program authorized by this section. The 2017 report may include, and subsequent reports shall include, an evaluation of the contract program's impacts on populations served and other systems affected by the contract program.

**Section 2.** W.S. 35-1-624(a)(v) is amended to read:

#### **35-1-624. Contracts with private agencies; eligibility.**

(a) To be eligible to contract with the department, a private agency shall:

(v) Charge clients fees at a rate comparable to the uniform schedule of



fees for services that have been promulgated by the division. Private agencies may charge a reasonable fee for those services not covered in the division's uniform fee schedule. No fees shall be charged for gatekeeping services provided pursuant to title 25, chapter 10, article 1 of the Wyoming statutes.

**Section 3.** There is appropriated five hundred thousand dollars (\$500,000.00) from the tobacco settlement trust income account to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2018. This appropriation shall only be expended for the purpose of implementing the contract program 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, 2018.

**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 13, 2017

## Chapter 204

### CAPITOL OVERSIGHT GROUP MEMBERSHIP

Original Senate File No. 77

AN ACT relating to state property and buildings; providing for additional members to serve on the state capitol building rehabilitation and restoration project oversight group; providing for terms of appointed members; providing for removal of appointed members; providing for mileage and per diem of appointed members; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 9-5-111(a) by creating new paragraphs (v) and (vi), (b) and by creating a new subsection (f) and 9-5-112(f) are amended to read:

**9-5-111. State capitol building rehabilitation and restoration project oversight group; creation; duties.**

(a) There is created a state capitol building rehabilitation and restoration oversight group comprised of:

(v) The state treasurer;

(vi) Two (2) persons appointed by the governor and confirmed by the senate pursuant to W.S. 28-12-101, with experience regarding the project. The governor shall appoint members under this paragraph from a list of four (4) names submitted to him jointly by the president of the senate and the speaker of the house of representatives. Members appointed under this section shall be nonvoting members of the oversight group and shall not be included for pur-

poses of determining a quorum of the oversight group.

(b) A quorum of the oversight group shall consist of the governor and a majority of the ~~legislative members~~ other voting members of the oversight group ~~which consist of the legislator members and the state treasurer.~~ Except for approvals under W.S. 9-5-112(e) and (f), actions of the oversight group may be taken by vote of a ~~majority of the legislative members in attendance or by their proxy vote~~ and the governor ~~and a majority of the other voting members in attendance or by their proxy.~~

(f) Members appointed to the oversight group pursuant to paragraph (a)(vi) of this section shall serve on the oversight group until the project is complete. Appointed members shall receive mileage and per diem in the same manner and amount as state legislators while performing duties of the oversight group. Appointed members to the oversight group may be removed by the governor as provided by W.S. 9-1-202.

**9-5-112. Capitol building rehabilitation and restoration project; components; oversight.**

(f) The department may expend funds appropriated by the legislature for the project to implement the design, renovation, restoration, rehabilitation, construction and other project components which have been included in the final design plans approved under subsection (e) of this section. Any change order to the approved final design plans in excess of one hundred thousand dollars (\$100,000.00) or in a cumulative amount in excess of one million dollars (\$1,000,000.00) shall require the approval of ~~a majority of the legislative members of the oversight group and the governor and a majority of the other voting members of the oversight group which consist of the legislator members and the state treasurer.~~

**Section 2.** 2014 Wyoming Session Laws, Chapter 40, Section 4(e) is amended to read:

**Section 4.**

(e) There is appropriated from the capitol building rehabilitation and restoration account to the legislative service office ninety-five thousand dollars (\$95,000.00) for per diem, salary and mileage of legislators and the per diem and mileage of appointed members serving on the capitol building rehabilitation and restoration oversight group or advisory task force and for mileage and per diem for advisory task force members appointed under W.S. 9-5-109(m)(iv).

**Section 3.**

(a) Nothing in this act shall be construed to:

(i) Impair any contracts entered into by the state of Wyoming on the state

capitol building renovation and restoration project prior to the effective date of this act;

(ii) Require the reconsideration of, or otherwise impact in any way, the actions and approvals of the state capitol building renovation and restoration project oversight group made prior to the effective date of this act.

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

Approved March 13, 2017.

## Chapter 205

### SCHOOL FINANCE-OMNIBUS EDUCATION FUNDING

Original House Bill No. 236

AN ACT relating to school finance; an omnibus bill addressing education funding; revising the existing education funding formula; providing additional revenue for education by transferring existing revenues; providing for moratoria on new alternative schools and purchases and leases of school buses and other restrictions on education expenditures; specifying various dates for determination of funds to be distributed and for other implementation purposes; establishing a joint select committee on education funding; requiring reports; providing appropriations; modifying previous appropriations; repealing certain distributions related to education funding; providing conformance with other laws; providing sunset dates; and providing for effective dates.

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

**Section 1.** W.S. 9-4-219, 21-13-101(a)(i), (xiv) and (xvii), 21-13-309(m)(v)(intro),(B)(IV)(intro),bycreatinganewsubdivision(V)and(C), 21-13-315(b), 21-13-320 by creating new subsections (j) through (m) and 21-15-111(a)(i) are amended to read:

**9-4-219. Legislative stabilization reserve account created; purposes.**

(a) 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.

(b) To the extent funds are available after all other appropriations or transfers from the legislative stabilization reserve account to be made on or prior to June 30 of the applicable fiscal year have been made, an amount necessary to restore the unobligated, unencumbered balance within the public school foundation program account to one hundred million dollars (\$100,000,000.00) on June 30 of each fiscal year shall be transferred from the legislative stabilization reserve account into the public school foundation program account. This subsection is repealed the month immediately following the date that the state auditor and

the state treasurer first certify to the governor and the department of revenue, and the governor certifies the same to the secretary of state, that the unobligated, unencumbered balance in the legislative stabilization reserve account is less than five hundred million dollars (\$500,000,000.00).

**21-13-101. Definitions.**

(a) As used in this chapter:

(i) “Average daily membership” or “ADM” means the aggregate number of pupils present plus the aggregate number of pupils absent, divided by the actual number of days the school is in session for the year. Pupils who attend at least eighty percent (80%) of a full time equivalency basis shall be considered full time. For pupils enrolled in school on less than eighty percent (80%) of a full time equivalency basis, the school district shall calculate the pupil’s contribution to the ADM on a prorated basis with the hours or class periods of enrollment being the numerator and the hours or class periods of full time equivalency being the denominator. Pupils who have withdrawn from school or who have been absent for more than ten (10) consecutive calendar days shall not be counted as members;

(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 modified by the legislature and as referenced in paragraph (xvii) of this subsection, and ~~“Education resource block grant model” or “model” includes model spreadsheets provided by the consultant performing the 2010 cost of education study updated with technical corrections,~~ 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 state superintendent under W.S. 21-2-202(e), and as may be subsequently modified by the legislature prior to future model recalibration required under W.S. 21-13-309(t);

(xvii) “Attachment A” to 2011 House Bill 0127 as amended by 2012 Wyoming Session Laws, Chapter 99 consists of an enumeration of model components as enacted into law, summarizing and executing recommendations contained within the 2010 cost of education study, as modified by the legislature, and is hereby incorporated into this chapter by this reference;

**21-13-309. Determination of amount to be included in foundation program for each district.**

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(v) Based upon ADM computations and identified school configurations within each district pursuant to paragraph (iv) of this subsection, compute the foundation program amount for each district as prescribed by the education resource block grant model adopted by the Wyoming legislature as defined

under W.S. 21-13-101(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 state superintendent pursuant to W.S. 21-2-202(e).~~ The following criteria shall be used by the 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:

(IV) Except as otherwise provided in subdivision (V) of this subparagraph, on and after July 1, 2014, and if not qualifying under subdivision (I) of this subparagraph, be approved by the state superintendent subject to the following:

(V) Not be included for purposes of the block grant model if established on or after March 15, 2017 and before June 30, 2019. No new alternative school shall be approved by the department on and after March 15, 2017 and before July 1, 2019.

(C) Salaries for all school and district level staffing categories, including teachers, principals and assistant principals, central office administrators, secretarial and clerical staff, operations and maintenance staff and aides and media technicians, shall be based upon average statewide salary levels calibrated for school year 2005-2006 under "Attachment A" for each staffing category, adjusted under subsection (o) of this section, including the experience, education and responsibility level as appropriate and as computed for each staffing category. The statewide average for each staffing category shall be adjusted for each district based upon the district experience, education and responsibility level relative to the statewide average for that category. District experience, education and responsibility level by appropriate staffing category shall be updated each year such that district adjustments reflect the prior school year staffing information. The district adjusted average salary for each staffing category shall be further adjusted for regional cost differences as measured by the greater of the hedonic wage index or the Wyoming cost-of-living index computed by the division of economic analysis, department of administration and information, with a minimum of one hundred (100) index value, as prescribed by the education resource block grant model. For purposes of the education resource block grant model, the version of the Wyoming cost-of-living index used by the division shall be based upon the unrecalibrated housing cost index weights unless otherwise determined by the legislature based upon recommendation of the

joint education interim committee. In addition, the version of the Wyoming cost-of-living index applied under this subparagraph for any school year shall be the average of the six (6) consecutive semi-annual index reports completed by January 1 of the immediately preceding school year;

**21-13-315. Costs of court ordered placement of children in private residential treatment facilities, group homes, day treatment programs and juvenile detention facilities.**

(b) Except to the extent costs are covered under subsection (n) of this section, the department of education using federal or foundation funds, or both, shall pay for the allowable education costs of juvenile and district court ordered placements of children residing in private treatment facilities and group homes where a fee is charged, including court ordered placements in programs for children with disabilities provided by a board of cooperative educational services. No district shall receive funds, either directly or indirectly, from any facility or home receiving payment under this section for providing education programs and services to children placed and residing in the facility or home, but the district may count the children among its average daily membership if the district provides education services directly to the children or pays another district to provide education services to the children pursuant to contract. The department of education shall adopt reasonable rules and regulations prescribing standards and allowable costs for educational program services funded under this section. Standards shall be subject to W.S. 21-9-101 and 21-9-102 and rules and regulations of the state board and shall be designed to fit the unique populations of residential centers, group homes, programs and services provided by boards of cooperative educational services and out of state placement facilities.

**21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.**

(j) Effective for the school year 2018-2019 and each school year thereafter the amount computed under this section shall be in accordance with the provisions of this subsection. Each district shall receive:

(i) An amount equal to an average of the amounts the district received for school years 2014-2015, 2015-2016 and 2016-2017 pursuant to paragraphs (i) and (ii) of subsection (b) of this section; plus

(ii) The amount authorized by and computed in accordance with subsection (g) of this section for each school bus purchased or initially leased prior to March 15, 2017; plus

(iii) An amount calculated in accordance with subsection (g) of this section for each school bus purchased or initially leased on or after March 15, 2017, if the school district first applied to the department and the department

determined the purchase or lease was necessary to alleviate an emergency.

(k) For the 2018-2019 school year and each school year thereafter, the provisions of subsections (b), (c) and (f) of this section shall not be used to compute the amount a school district receives pursuant to this section, but the remaining requirements of those subsections shall be effective. As of July 1, 2018, subsection (g) of this section shall be applicable only as necessary to determine an amount under subsection (j) of this section.

(m) No district shall purchase a school bus or enter into a new lease for a school bus on or after March 15, 2017 unless it first applies to the department and the department determines that an emergency exists necessitating the purchase or lease of the bus.

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

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

(i) “Capital construction account” or “school capital construction account” means the account into which revenues are deposited pursuant to W.S. 9-4-305(b); and 9-4-601(a)(vii), (b)(i) and (iv), and 21-13-306(c); into which the proceeds from any revenue bonds are credited under W.S. 21-15-108, and into which any other funds are appropriated to the account for purposes of this act. Funds within the account shall be expended only for purposes of and in the manner prescribed by this act;

**Section 2.** W.S. 9-4-601(a)(xi) and (d)(viii), 9-4-719(r), 21-13-306(c), 21-13-307(a)(iv), 21-13-334, 21-13-335 and 21-15-122 are repealed.

**Section 3.** 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT “A” (b)(vi), (ix), (x), (xxi), (xxiii) through (xxviii), (xxx), (xxxi), (xxxiv) and (xxxv) is amended to read:

#### ATTACHMENT “A”

ATTACHMENT “A” CONTAINS AN ENUMERATION OF EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS FOLLOWS:

(b) Notwithstanding components specified in the 2010 cost of education study accepted by the legislature, the Wyoming education resource block grant model components and the resourcing for those components, as enacted by the legislature, shall be as follows:

(vi) Instructional facilitators:	<del>Computed in accordance with W.S. 21-13-335.</del> <u>(A) 0.81 FTE teacher position for 288 ADM prototypical elementary school for school</u>
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- year 2017-2018. 0.45 FTE teacher position for 288 ADM prototypical elementary school for school year 2018-2019 and each year thereafter;
- (B) 0.81 FTE teacher position for 315 ADM prototypical middle or high school for school year 2017-2018. 0.45 FTE teacher position for 315 ADM prototypical middle or high school for school year 2018-2019 and each year thereafter;
- (C) Resourced at the highest grade prototype using the total school ADM.
- (ix) Extended day and summer school: ~~Computed in accordance with W.S. 21-13-334.~~ (A) 0.15 FTE teacher position for every 30 at-risk students as identified under W.S. 21-13-309(m)(v)(A);
- (B) Minimum of 0.5 FTE teacher position for each district.
- (x) Summer school: ~~Computed in accordance with W.S. 21-13-334~~ paragraph (ix) of this subsection.
- (xxi) ~~Books/Ins. Materials~~ Instructional materials: ~~\$333.43/ elementary and middle school ADM;~~
- ~~\$408.26/~~ \$191.37 per elementary, middle and high school ADM.
- (xxiii) ~~Special education:~~ 100% state reimburse-



- ment of prior year actual expenditures—Computed in accordance with W.S. 21-13-321.
- (xxiv) Gifted: ~~\$29.19~~ \$40.29/ADM.
- (xxv) Vocational education: 0.29 times FTE vocational education ADM;  
~~\$9,027.27~~ \$9,428.77/FTE vocational education teacher for equipment and supplies.
- (xxvi) Student activities: Resource under the following school configurations:  
~~K-5~~—Elementary school: ~~\$24.05~~ \$23.79/ADM;  
~~6-8~~—Middle school: Declining from ~~\$791.02~~ \$782.54/ADM at 1 ADM school to ~~\$204.38~~ \$202.18/ADM for 1,260 ADM school;  
~~9-12~~—High school: Declining from ~~\$2,039.09~~ \$2,017.22/ADM for 1 ADM school to ~~\$601.08~~ \$594.63/ADM for 1,260 ADM school;  
~~Alternative~~—school: ~~\$288.98/ADM~~—Ninth grade ADM in a middle school resourced at the high school amount for the school students would normally attend.
- (xxvii) Professional development: 10 pupil free days as resourced in teacher salary under paragraph (xxxvii) of this subsection;  
 Plus ~~\$116.76~~—\$125.90/

- ADM for trainers.
- (xxviii) Assessment: ~~\$37.70~~—~~\$25.00~~/ADM, which amount is not subject to any adjustment made pursuant to W.S. 21-13-309(o).
- (xxx) Central office nonpersonnel expenses: ~~\$350.28~~ \$365.86/ADM.
- (xxxix) Transportation: ~~100% state reimbursement of prior year actual expenditures~~ Computed in accordance with W.S. 21-13-320.
- (xxxiv) M & O supplies: ~~\$0.64~~ \$0.67 per 110% of gross square feet of authorized education space.
- (xxxv) Utilities: Actual 2009-2010 expenditures by district as adjusted by 2015 Wyoming Session Laws, Chapter 142, Section 2, Section 205 footnote 2(a)(i)(D) and (ii)(D) and further adjusted by negative ten and seven hundred sixty-two thousandths percent (-10.762%). For additional school buildings added to district building inventories after 2009-2010, 100% of 2009-2010 district average utility expenditures per gross square foot for district school buildings multiplied by the additional authorized educational square footage.

**Section 4.** 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT “A” (b)(xxii) as amended by 2012 Wyoming Session Laws, Chapter 99, ATTACHMENT “A” (b)(xxii) is amended to read:

## ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS FOLLOWS:

(b) Notwithstanding components specified in the 2010 cost of education study accepted by the legislature, the Wyoming education resource block grant model components and the resourcing for those components, as enacted by the legislature, shall be as follows:

(xxii) ~~Computers, Technology~~ equipment: ~~\$291.90~~ \$250.00/ADM, which amount is not subject to any adjustment made pursuant to W.S. 21-13-309(o).

**Section 5.** 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 205 is amended to read:

**Section 205. EDUCATION-SCHOOL FINANCE** <sup>2</sup>.

## PROGRAM

School Foundation Program 1.	1,677,514,609	\$5	1,677,514,609
	<u>1,752,865,604</u>	<u>\$5</u>	<u>1,752,865,604</u>
Court Ordered Placements	19,433,639	\$5	19,433,639
Foundation-Specials 1.	<del>79,765,894</del>	\$5	<del>79,765,894</del>
	<u>42,965,798</u>	<u>\$5</u>	<u>42,965,798</u>
Education Reform	9,654,900	\$5	9,654,900
Student Performance Data	<u>6,351,539</u>	\$5	<u>6,351,539</u>
TOTALS	0	0	1,792,720,581
			<u>1,831,271,480</u>

## AUTHORIZED EMPLOYEES

Full Time	3
Part Time	<u>0</u>
TOTAL	3

1. (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 2016-2017 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)], two and one hundred forty-eight thousandths percent (2.148%);

(B) For the "nonprofessional labor" category of model components in-

clusive of those components defined by 2012 Wyoming Session Laws, Chapter 99, Section 3 [Attachment “A”(a)(v)], one and nine hundred forty-seven thousandths percent (1.947%);

(C) 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)], two and four hundred forty-five thousandths percent (2.445%);

(D) 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)], two and one hundred twenty-six thousandths percent (2.126%).

~~(ii) Effective for school year 2017-2018 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 four hundred sixty-two thousandths percent (1.462%);~~

~~(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 three hundred twenty-six thousandths percent (1.326%);~~

~~(C) 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)], one and six hundred sixty-five thousandths percent (1.665%);~~

~~(D) 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 four hundred forty-seven thousandths percent (1.447%);~~

2. Not later than November 1, 2016, pursuant to W.S. 21-13-309(o) and (u), the joint education interim committee and the joint appropriations committee shall review information prepared for the model monitoring process, including school year 2015-2016 average daily membership data, to inform recommendations made to the governor and the legislature pursuant to law to modify the external cost adjustment contained in footnote 1(a)(ii) of this section. Not later than January 1, 2017, the department of education shall provide preliminary student enrollment data for school year 2016-2017 to the joint appropriations committee. The joint appropriations committee shall report any recommendation to revise the external cost adjustment as a result of the review of the preliminary student enrollment data to the governor and the legislature.

## Section 6.

(a) Except as otherwise provided in this section, the amendments to 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 205 enacted pursuant to section 5 of this act shall be given precedence and shall prevail over amendments to 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 205 made by 2017 House Bill 0001 to the extent that 2017 House Bill 0001 is in direct conflict with this act.

(b) Appropriations for court ordered placements in 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 205 as amended by 2017 House Bill 0001 shall be given precedence and shall prevail over the appropriation amount for court ordered placements specified in that provision in section 5 of this act.

(c) The legislative service office shall adjust totals and renumber as necessary the provisions of 2016 Wyoming Session Laws, Chapter 31, Section 2, Section 205 as amended by 2017 House Bill 0001 as enacted into law, and as amended by this act to conform with the requirements of this section. In preparing copy for printing of laws affected by this section the legislative service office shall require the publisher to note the provisions of this section and shall cause the laws to be printed in accordance with the provisions of this section.

#### **Section 7.**

(a) As provided in W.S. 21-13-309(m)(v)(B)(V), no new alternative school shall be approved by any school district or the state superintendent on or after March 15, 2017 through June 30, 2019. If any alternative school is approved under W.S. 21-13-309(m)(v)(B) prior to March 15, 2017 but the school facilities for that alternative school have not been constructed prior to March 15, 2017, no design or construction funds shall be expended by the school facilities division of the state construction department to construct the facilities for that alternative school until July 1, 2019 or thereafter. Nothing in this section shall be deemed to prohibit expenditures related to major maintenance for existing alternative school facilities or to prohibit the completion of existing construction projects if physical construction of the project was commenced prior to March 15, 2017.

(b) The joint education interim committee shall conduct a study related to alternative schools and report the results of the study along with any recommended legislation to the legislature not later than November 30, 2018. The study under this subsection shall include a review of existing alternative schools, other alternative student placement options available to school districts and outcome statistics available for students who are placed in alternative schools.

#### **Section 8.**

(a) The reductions implemented by this act are intended to be temporary, pending a recalibration of the education resource block grant model. The select committee on school finance recalibration is created consisting of the following

members:

(i) 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;

(ii) Five (5) members of the Wyoming house of representatives appointed by the speaker of the house of representatives, of which one (1) member shall be the chairman of the house education committee;

(iii) Not more than four (4) members from each house shall be from the same political 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 review the state educational program under W.S. 21-9-101 and to recalibrate the education resource block grant model as provided 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. If the committee determines an alternative to the education resource block grant model should be reviewed and developed to more efficiently meet the constitutional duties of the legislature in providing K-12 education funding the committee shall not limit its study to a recalibration of the existing cost-based model.

(c) The select committee shall also study and recommend solutions to the projected budget shortfall for funding related to public education in the state of Wyoming. The select committee shall focus on four (4) major issues related to school funding as follows:

(i) Options for use of existing unencumbered, unobligated revenues;

(ii) Consideration of the use of diversions of existing revenue streams and investment income;

(iii) Options to increase revenues;

(iv) Options for budget and expenditure reductions.

(d) The select committee shall be staffed by the legislative service office. 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.

(e) The select committee may, through management council, seek expert opinions and may hire consultants as necessary to complete the study and recommendations required under this section. The legislative service office is authorized, subject to the approval of management council, to contract with consultants for the purposes of this section to complete recalibration of the

education resource block grant model or to develop a new model.

(f) The select committee shall report its recommendations and any associated proposed legislation to the legislature not later than January 31, 2018. The select committee may develop and sponsor legislation as necessary to effectuate the purposes of this section, provided that no legislation shall be sponsored by the committee unless it is approved by a majority of the members of the select committee from each house.

(g) Appointments shall be made under this section not later than March 15, 2017. The select committee shall exist until March 31, 2018. 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.

(h) For the period beginning on the effective date of this section and ending June 30, 2018, there is appropriated from the school foundation program account to the legislative service office eighty thousand dollars (\$80,000.00) 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.

#### **Section 9.**

(a) Except as otherwise provided in subsection (b) of this section, this act is effective July 1, 2017.

(b) W.S. 21-13-309(m)(v)(B) and 21-13-320 as amended by section 1 of this act and sections 5 through 9 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 13, 2017.

### **Chapter 206**

#### **SPENDING POLICY AMENDMENTS-2**

Original House Bill No. 55

AN ACT relating to public funds; amending the spending policy rates for the permanent Wyoming mineral trust fund, the common school account within the permanent land fund and the excellence in higher education endowment fund; amending the percentage of funds in the permanent Wyoming mineral trust fund reserve account, the common school permanent fund reserve account, and the excellence in higher education endowment reserve account transferred respectively to the permanent Wyoming mineral trust fund and common school permanent fund annually; repealing certain distributions to the school foundation program reserve account; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 9-4-719(b), (d)(v) and by creating new paragraphs (vi) and

(vii), (f), (h)(v), by creating new paragraphs (vi) and (vii), (k), (n) and (o) and 21-16-1201(c)(intro) are amended to read:

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

(b) There is created the permanent Wyoming mineral trust fund reserve account. Beginning July 1, 2016 for fiscal year 2017 and each fiscal year thereafter, the state treasurer shall transfer unobligated funds from this account to the general fund as necessary to ensure that an amount equal to two and one-half percent (2.5%) of the previous five (5) year average market value of the permanent Wyoming mineral trust fund, calculated on the first day of the fiscal year, is available for expenditure annually during each fiscal year. As soon as possible after the end of each of the fiscal years beginning on and after July 1, ~~2000-2017~~, revenues in this account in excess of ~~ninety percent (90%)~~ one hundred fifty percent (150%) of the spending policy amount in subsection (d) of this section shall be credited to the permanent Wyoming mineral trust fund.

(d) The annual spending policy for the permanent Wyoming mineral trust fund is as follows for each fiscal year (FY):

(v) ~~FY 2004 and each fiscal year thereafter~~ FY 2018, 2019 and 2020 - an amount equal to five percent (5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year;

(vi) FY 2021 - an amount equal to four and three-fourths percent (4.75%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year;

(vii) FY 2022 and each fiscal year thereafter - an amount equal to four and one-half percent (4.5%) of the previous five (5) year average market value of the trust fund, calculated from the first day of the fiscal year.

(f) There is created the common school permanent fund reserve account. Beginning July 1, ~~2015-2017~~ for fiscal year ~~2016-2018~~ 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~~ the spending policy amount established in subsection (h) of this section 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, ~~2000-2017~~, revenues in this account in excess of ~~ninety percent (90%)~~ one hundred fifty percent (150%) of the spending policy amount shall be credited to the common school account within the permanent land fund.

(h) The annual spending policy for the common school account within the permanent land fund is as follows for each fiscal year (FY):



(v) ~~FY 2004 and each fiscal year thereafter~~ FY 2018, 2019 and 2020 - an amount equal to five percent (5%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year;

(vi) FY 2021 - an amount equal to four and three-fourths percent (4.75%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year;

(vii) FY 2022 and each fiscal year thereafter - an amount equal to four and one-half percent (4.5%) of the previous five (5) year average market value of the account, calculated from the first day of the fiscal year.

(k) There is created the excellence in higher education endowment reserve account. Interest and other earnings on funds within the account shall be credited to the account. As soon as possible after the end of each of the fiscal years beginning on and after July 1, ~~2006-2017~~, revenues in this account in excess of ~~seventy-five percent (75%)~~ one hundred fifty percent (150%) of the spending policy amount in subsection (o) of this section shall be credited to the excellence in higher education endowment fund created by W.S. 9-4-204(u)(vi).

(n) To the extent the spending policy amount established in subsection (o) of this section exceeds earnings from the excellence in higher education endowment fund for the prior fiscal year, the state treasurer shall distribute from the excellence in higher education reserve account an amount equal to one-half (1/2) the difference, and such amounts are continuously appropriated from the reserve account for that purpose. Any funds distributed pursuant to this subsection shall be distributed no later than ninety (90) days after the end of the fiscal year and shall be distributed and expended as provided in W.S. 21-16-1201 through 21-16-1203 for earnings from the excellence in higher education endowment fund. The state treasurer in consultation with the University of Wyoming and community college commission, shall report to the governor, joint appropriations interim committee, joint education interim committee and select committee on capital financing and investments no later than November 1, of any year in which funds have been or are anticipated to be distributed from the reserve account under this subsection.

(o) The annual spending policy amount for the excellence in higher education endowment ~~fund shall be~~ is as follows for each fiscal year (FY):

(i) FY 2018 - an amount equal to five percent (5%) of the previous five (5) year average market value of the excellence in higher education endowment fund, as calculated from the first day of the fiscal year; ~~For the fiscal years 2007 through 2010, the state treasurer shall calculate the annual spending policy by using the average market value of the fund in each of those fiscal years, calculated from the first day of the fiscal year.~~

(ii) FY 2019 and each fiscal year thereafter - an amount equal to four and three-fourths percent (4.75%) of the previous five (5) year average market

value of the excellence in higher education endowment fund, calculated from the first day of the fiscal year.

**21-16-1201. Excellence in higher education endowment fund; Hathaway student scholarship endowment fund; distributions by state treasurer; legislative restrictions.**

(c) The state treasurer shall place earnings from the investment of monies in the excellence in higher education endowment fund in an income account for subsequent disbursement as provided in this subsection. Earnings for any fiscal year which are in excess of the spending policy amount established pursuant to W.S. 9-4-719(o) shall be distributed as provided by W.S. 9-4-719(m). The institutions receiving distributions of earnings within the spending policy amount pursuant to this subsection shall only expend ninety percent (90%) of the distribution in fiscal years in which the spending policy amount specified in W.S. 9-4-719(o) is reached or exceeded. In any fiscal year in which the spending policy amount specified in W.S. 9-4-719(o) is not reached, the shortfall in distributions an institution would have received if the spending policy amount had been reached shall be made up in equal parts by an authorization for the institution to expend funds saved under this subsection when the spending policy amount is reached or exceeded and an equal amount appropriated from the excellence in higher education endowment reserve account as provided in W.S. 9-4-719(n). Earnings within the spending policy amount shall be distributed on a quarterly basis as follows:

**Section 2.** W.S. 9-4-601(a)(xi) and (d)(viii) and 9-4-719(r) are repealed.

**Section 3.** This act is effective July 1, 2017.

Approved March 13, 2017.

## Chapter 207

### MIGRATORY BIRD REFUGE

Original Senate File No. 169

AN ACT relating to game and fish; limiting the acreage authorized for a migratory bird refuge in Lincoln county; providing applicability; and providing for an effective date.

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

**Section 1.** W.S. 23-1-106(a) and by creating a new subsection (f) is amended to read:

#### **23-1-106. Migratory bird refuge in Bear river area.**

(a) Subject to acceptance by the United States fish and wildlife service of the provisions contained in this section, the state consents to the acquisition by the United States by purchase, gift, devise or lease of land or land covered by water

in the amount of twenty-seven thousand (27,000) acres along the Bear river or in the Bear river area in Lincoln county as provided in subsection (f) of this section. The acquisition shall be as the United States may deem necessary for the establishment and maintenance of migratory bird refuges in accordance with and for the purposes of the act of congress approved February 18, 1929 entitled "Migratory Bird Conservation Act", 16 U.S.C. §§ 715 through 715s, P.L. 70-770, the act of congress approved March 16, 1934 entitled "Migratory Bird Hunting Stamp Act", 16 U.S.C. §§ 718 through 718k, and the act of congress approved September 3, 1964 entitled "Land and Water Conservation Fund Act of 1965", 16 U.S.C. §§ 4601-4-4601-11, P.L. 88-578, as these acts are amended as of January 1, 1989. Wyoming reserves full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection and control of the areas by the United States under the acts of congress specified in this subsection except as provided in subsection (d) of this section.

(f) The consent provided in subsection (a) of this section is limited to lands acquired by the United States prior to January 1, 2017 consisting of approximately seven thousand (7,000) acres.

**Section 2.** This act shall not impair or restrict any land transfer or acquisition agreement entered into on or before the effective date of this act.

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

Approved March 13, 2017.

## Chapter 208

### MOTOR VEHICLE FRANCHISES-EXCEPTION

Original Senate File No. 57

AN ACT relating to motor vehicles; authorizing a motor vehicle manufacturer without dealerships within the state to sell motor vehicles directly to consumers; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 31-16-101(a)(xiii) and by creating a new paragraph (xxxii), 31-16-102, 31-16-103(a) by creating a new paragraph (viii), (b)(intro), (c)(intro) and (f), 31-16-104(a) by creating a new paragraph (ix), 31-16-108(j), 31-16-112(a), 31-16-125 by creating a new subsection (k) and 31-16-126(c)(intro) are amended to read:

**31-16-101. Definitions.**

(a) As used in this act:

(xiii) “Manufacturer” means a person engaged in the business of constructing or assembling vehicles which are subject to registration in this state and, except where otherwise provided, “manufacturer” means a distributor, a factory branch, distributor branch or other representative thereof, but excludes any person whose principal business is wholesale and retail financing. The term includes direct sale manufacturers;

(xxxi) A “direct sale manufacturer” means a person licensed under W.S. 31-16-104(a)(ix) who is engaged in the business of manufacturing, constructing or assembling new and unused vehicles and who sells and services, at a facility physically located in the state, vehicles of that manufacturer’s line make to the general public. A direct sale manufacturer shall not include an affiliate or wholly owned subsidiary of a manufacturer’s line make that is presently sold or has previously been sold in this state through a new vehicle dealer.

### **31-16-102. Unlicensed vehicle dealers and manufacturers prohibited.**

No person shall hold himself out as being in the business of a retail seller of vehicles, or act as a retail vehicle dealer, direct sale manufacturer or Wyoming based manufacturer without a valid license issued by the department under this act. No person shall act as a vehicle dealer of a new vehicle without a valid license as a new vehicle dealer for new vehicles of the same line make issued by the department under this act. No person other than a licensed vehicle dealer shall display a vehicle for sale unless the title is in the name of the displayer. No person shall solicit sales of vehicles without a vehicle dealer’s license, unless the title is in the name of the person soliciting sales.

### **31-16-103. Licenses; applications; issuance, suspension and revocation; change in ownership; rulemaking.**

(a) An applicant for a license required under this act shall, before commencing business and annually thereafter submit an application to the department in a form prescribed by the department containing the following:

(viii) For a direct sale manufacturer’s license, a description of the location of each established place of business in this state, the number of manufacturer license plates requested, a statement of the need for the plates including, but not limited to, the number of employees, annual sales, and such other information as required by the department.

(b) Pending determination by the department that the applicant has met the requirements under this act, it may issue a temporary license to any applicant. A temporary license shall not exceed a period of ninety (90) days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license. The temporary license terminates when the applicant’s license has been issued or refused. When the department determines the applicant has complied with all licensing requirements, the department shall issue a license or renewal to an applicant upon

submission of a complete application to the department indicating the applicant is qualified and will operate from a principal place of business if a dealer or a direct sale manufacturer or from an established place of business if a Wyoming based manufacturer, and upon filing of a bond and payment of a license fee of twenty-five dollars (\$25.00) for dealers selling fewer than twelve (12) vehicles in any twelve (12) consecutive month period and one hundred dollars (\$100.00) for dealers selling twelve (12) or more vehicles in any twelve (12) consecutive month period as follows:

(c) The department may deny, suspend, revoke or refuse to renew a license or temporary permit issued under this act if it finds the person, applicant, vehicle dealer, salesperson, agent, direct sale manufacturer or Wyoming based manufacturer:

(f) Sixty (60) days after transfer of ownership of a dealership or the business of a Wyoming based manufacturer or direct sale manufacturer, except as a result of transfer of shares of stock in a corporate dealership or Wyoming based manufacturer duly incorporated in Wyoming, the dealer license, Wyoming based manufacturer license, demo plates, full use plates, manufacturer plates and temporary permits are void and shall immediately be delivered to the department. The new owner shall apply for a new dealer license, demo plates, full use plates, manufacturer plates and temporary permits immediately upon transfer of ownership. Upon transfer of ownership or termination of business the former dealer, direct sale manufacturer or Wyoming based manufacturer shall notify the department and, if not a transfer of ownership, immediately deliver the dealer license, direct sale manufacturer license, Wyoming based manufacturer license, demo plates, full use plates, manufacturer plates and temporary permits to the department.

#### **31-16-104. Classes of licenses and permits; expiration.**

(a) Licenses issued under this act shall be the following classes:

(ix) Direct sale manufacturer's license which permits the licensee to sell new and unused vehicles or new and used vehicles of the same line make to the general public. A direct sale manufacturer's license shall be granted only to a person who seeks to sell or exchange vehicles of that manufacturer's line make that no other new vehicle dealer in the state sells or exchanges.

#### **31-16-108. Unlawful acts.**

(j) No motor vehicle manufacturer or distributor licensed under this act, directly or indirectly, shall offer to sell or sell new motor vehicles to a consumer except through a new vehicle dealer who holds a valid sales and service agreement, franchise, or contract granted by the manufacturer, distributor or wholesaler for the sale of its motor vehicles. This subsection shall not apply to a licensed direct sale manufacturer, sales to affiliates of the manufacturer, distributor or wholesaler, sales to the federal government, charitable organiza-

tions or sales to employees of the manufacturer, distributor or wholesaler.

**31-16-112. Penalty.**

(a) Any person, Wyoming based manufacturer, direct sale manufacturer, vehicle dealer, salesperson or agent who violates this act or any rule or regulation promulgated under this act is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

**31-16-125. Demo, full use, and manufacturer license plates.**

(k) Licensed direct sale manufacturers may apply to the department for one (1) or more manufacturer license plates. After presentation of a current direct sale manufacturer license and payment of fees, the department shall assign to the direct sale manufacturer the number of license plates approved by the department for use in the usual and customary conduct of the manufacturer's business including, demonstrating, testing, transporting or selling a vehicle.

**31-16-126. Use of demo, full use plates; temporary permits.**

(c) A vehicle dealer may not use a demo, full use or manufacturer license plate on any vehicle type the dealer is not licensed to sell, as indicated on the dealer's application for a dealer license. No demo, full use, direct sale manufacturer or Wyoming based manufacturer license plate shall be used upon any vehicle rented, or leased by a dealer, direct sale manufacturer or Wyoming based manufacturer or upon a wrecker or delivery truck used by a dealer, direct sale manufacturer or Wyoming based manufacturer, except that a demo, full use or Wyoming based manufacturer license plate may be used on a vehicle lawfully being repossessed by a dealer, direct sale manufacturer or Wyoming based manufacturer. A demo, full use or manufacturer license plate for trailers may be used on a trailer being used by a dealer or Wyoming based manufacturer to transport a boat if the boat:

**Section 2.** This act is effective July 1, 2017.

Approved March 14, 2017.

## Chapter 209

### SCHOOL SAFETY AND SECURITY

Original House Bill No. 194

AN ACT relating to school safety and security; allowing possession of firearms by school district employees on school property; providing rulemaking authority to school districts; specifying confidentiality of records; making conforming amendments; and providing for an effective date.

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

**Section 1.** W.S. 21-3-132 is created to read:

**21-3-132. Possession of firearms on school property.**

(a) The board of trustees in each school district may adopt rules and regulations, in consultation with local law enforcement, to allow the possession of firearms by employees possessing a valid concealed carry permit under W.S. 6-8-104 on or in any property or facility owned or leased by the school district. Employees of a school district who hold a valid concealed carry permit issued under W.S. 6-8-104 may carry a concealed firearm on or into school facilities or other areas designated by the board of trustees, provided the employing school district has adopted rules and regulations that allow possession of firearms on school property and the employee has received approval by the board of trustees as required by this section.

(b) For purposes of this section, "employee" means any person employed under contract with the board of trustees of a school district, including but not limited to, superintendents, assistant superintendents, principals, assistant principals, teachers, guidance counselors, librarians, teacher's aids, coaches, business managers, secretaries or administrative assistants, janitors, bus drivers, volunteers or other employees on contract with a school district.

(c) The rules required by subsection (a) of this section shall at a minimum:

(i) Establish an application and approval process for employees possessing a valid concealed carry permit under W.S. 6-8-104 to carry a firearm on school property;

(ii) Require any person carrying a firearm pursuant to this section to maintain the firearm on his person at all times or in a concealed biometric container or lock box within the direct control of the individual at all times;

(iii) Establish ongoing training requirements, curricula and instructor qualifications, subject to approval by local law enforcement, including:

(A) An initial course of training comprised of not less than sixteen (16) hours of live fire handgun training, and eight (8) hours of scenario based training using nonlethal training, firearms and ammunition; and

(B) Annual firearm qualification and documented recurrent training of not less than twelve (12) hours with an approved instructor.

(iv) Provide a process for the revocation or suspension of the authorization under this section for an employee to carry a firearm on school property.

(d) The board of trustees in any school district may waive all or part of the training requirements of subsection (c) of this section for isolated rural schools and employees in those schools.

(e) The superintendent of the district shall notify the parents and guardians of students attending school in the district of the ability of employees to carry firearms and the rules and regulations governing possession.



(f) The superintendent of the district shall notify all law enforcement agencies with jurisdiction over the area of the location and names of all employees who receive permission to carry firearms from the district's board of trustees. The identities of the employees who receive permission to carry firearms from the district's board of trustees shall be confidential and are not public records for purposes of W.S. 16-4-201 through 16-4-205.

(g) Nothing in this section shall authorize an employee to carry a firearm, concealed or otherwise, on or into any facility or other school district property without the express approval of the board of trustees and notification of parties as required by this section.

(h) Nothing in this section shall authorize a student of a school district to carry a firearm, concealed or otherwise, on or into any facility of a school district.

(j) Any rules and regulations adopted under this section shall only apply to persons who are employees, as defined in subsection (b) of this section.

**Section 2.** W.S. 6-8-104(t)(vi) and (ix) and 6-8-401(c) are amended to read:

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

(t) No person authorized to carry a concealed weapon pursuant to paragraphs (a)(ii) through (iv) of this section shall carry a concealed firearm into:

(vi) Any school, college or professional athletic event not related to firearms, except as provided in W.S. 21-3-132;

(ix) Any elementary or secondary school facility, except as provided in W.S. 21-3-132;

**6-8-401. Firearm, weapon and ammunition regulation and prohibition by state.**

(c) The sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use and possession of firearms, weapons and ammunition shall be authorized, regulated and prohibited by the state, and regulation thereof is preempted by the state. Except as authorized by W.S. 15-1-103(a)(xviii) and 21-3-132, no city, town, county, political subdivision or any other entity shall authorize, regulate or prohibit the sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use, carrying or possession of firearms, weapons, accessories, components or ammunition except as specifically provided by this chapter. This section shall not affect zoning or other ordinances which encompass firearms businesses along with other businesses. Zoning and other ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this section and are prohibited.



**Section 3.** This act is effective July 1, 2017.

Approved March 14, 2017.

## Chapter 210

### MOTOR VEHICLES-REGISTRATION FEES

Original House Bill No. 218

AN ACT relating to motor vehicle registration; increasing vehicle registration fees and a related tax as specified; and providing for an effective date.

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

**Section 1.** W.S. 31-3-101(a)(ii)(A), (B), (D) and (E)(I) through (VI) and 31-18-401(a)(ii)(A) and (iii) are amended to read:

#### **31-3-101. Registration fees; exemptions.**

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a vehicle:

(ii) A state registration fee computed as follows:

(A) Passenger cars.....	<del>\$15.00</del> <u>30.00</u>
(B) School buses.....	<del>\$10.00</del> <u>25.00</u>
(D) Motorcycles and multipurpose vehicles .....	<del>\$12.00</del> <u>25.00</u>
(E) House trailers and other noncommercial vehicles based on unladen weight, which for purposes of this subparagraph only, shall be by the manufacturer's published weight, if available:	
(I) 1,000 pounds or less .....	<del>\$ 2.00</del> <u>5.00</u>
(II) 1,001 to 3,500 pounds .....	<del>\$15.00</del> <u>30.00</u>
(III) 3,501 to 4,500 pounds .....	<del>\$20.00</del> <u>40.00</u>
(IV) 4,501 to 5,500 pounds .....	<del>\$30.00</del> <u>50.00</u>
(V) 5,501 to 6,000 pounds .....	<del>\$40.00</del> <u>70.00</u>
(VI) 6,001 pounds or more .....	<del>\$60.00</del> <u>90.00</u>

#### **31-18-401. Registration fees.**

(a) Except as otherwise provided, the following fees shall accompany each application for the registration of a commercial vehicle:

(ii) A state registration fee computed as follows:

(A) Commercial vehicles except passenger cars, school buses, house trailers and motorcycles for which the fees shall be computed as provided by W.S. 31-3-101(a)(ii) based on gross vehicle weight pursuant to the following table:

GROSS VEHICLE OR GROSS COMBINATION VEHICLE WEIGHT IN POUNDS	FEE
26,000 - or less	<del>\$180.00</del> <u>198.00</u>
26,001 - 28,000	<del>195.00</del> <u>214.50</u>
28,001 - 30,000	<del>210.00</del> <u>231.00</u>
30,001 - 32,000	<del>225.00</del> <u>247.50</u>
32,001 - 34,000	<del>250.00</del> <u>275.00</u>
34,001 - 36,000	<del>275.00</del> <u>302.50</u>
36,001 - 38,000	<del>300.00</del> <u>330.00</u>
38,001 - 40,000	<del>325.00</del> <u>357.50</u>
40,001 - 42,000	<del>350.00</del> <u>385.00</u>
42,001 - 44,000	<del>375.00</del> <u>412.50</u>
44,001 - 46,000	<del>400.00</del> <u>440.00</u>
46,001 - 48,000	<del>425.00</del> <u>467.50</u>
48,001 - 50,000	<del>450.00</del> <u>495.00</u>
50,001 - 52,000	<del>475.00</del> <u>522.50</u>
52,001 - 54,000	<del>500.00</del> <u>550.00</u>
54,001 - 55,000	<del>512.50</del> <u>563.75</u>
55,001 - 56,000	<del>525.00</del> <u>577.50</u>
56,001 - 58,000	<del>550.00</del> <u>605.00</u>
58,001 - 60,000	<del>575.00</del> <u>632.50</u>
60,001 - 62,000	<del>600.00</del> <u>660.00</u>
62,001 - 64,000	<del>625.00</del> <u>687.50</u>
64,001 - 66,000	<del>650.00</del> <u>715.00</u>
66,001 - 68,000	<del>675.00</del> <u>742.50</u>
68,001 - 70,000	<del>700.00</del> <u>770.00</u>
70,001 - 72,000	<del>725.00</del> <u>797.50</u>
72,001 - 74,000	<del>750.00</del> <u>825.00</u>
74,001 - 76,000	<del>775.00</del> <u>852.50</u>
76,001 - 78,000	<del>800.00</del> <u>880.00</u>
78,001 - 80,000	<del>825.00</del> <u>907.50</u>

For weights over eighty thousand (80,000) pounds, the fee shall be ~~eight hundred twenty-five dollars (\$825.00)~~ nine hundred forty-eight dollars and seventy-five cents (\$948.75) plus twenty-five dollars (\$25.00) for each additional two thousand (2,000) pounds or fraction thereof.

(iii) Except as otherwise provided in W.S. 31-18-201(d)(iii), an equalized highway use tax collected by the department in lieu of the county registration fee imposed by paragraph (a)(i) of this section for commercial vehicles or fleets proportionally registered under W.S. 31-18-201(b)(i) and described in W.S. 31-18-201(d)(ii) pursuant to the following table:

VEHICLE OR COMBINATION GROSS VEHICLE WEIGHT	EQUALIZED
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IN POUNDS	HIGHWAY USE TAX
26,000-or less	\$ <del>80.00</del> - <del>88.00</del>
26,001-28,000	<del>100.00</del> - <del>110.00</del>
28,001-30,000	<del>150.00</del> - <del>165.00</del>
30,001-32,000	<del>200.00</del> - <del>220.00</del>
32,001-34,000	<del>250.00</del> - <del>275.00</del>
34,001-36,000	<del>300.00</del> - <del>330.00</del>
36,001-38,000	<del>350.00</del> - <del>385.00</del>
38,001-40,000	<del>400.00</del> - <del>440.00</del>
40,001-42,000	<del>450.00</del> - <del>495.00</del>
42,001-44,000	<del>500.00</del> - <del>550.00</del>
44,001-46,000	<del>550.00</del> - <del>605.00</del>
46,001-48,000	<del>600.00</del> - <del>660.00</del>
48,001-50,000	<del>650.00</del> - <del>715.00</del>
50,001-52,000	<del>700.00</del> - <del>770.00</del>
52,001-54,000	<del>750.00</del> - <del>825.00</del>
54,001-56,000	<del>800.00</del> - <del>880.00</del>
56,001-58,000	<del>850.00</del> - <del>935.00</del>
58,001-60,000	<del>900.00</del> - <del>990.00</del>
60,001-62,000	<del>950.00</del> - <del>1,045.00</del>
62,001-64,000	<del>1,000.00</del> - <del>1,100.00</del>
64,001-66,000	<del>1,050.00</del> - <del>1,155.00</del>
66,001-68,000	<del>1,100.00</del> - <del>1,210.00</del>
68,001-70,000	<del>1,150.00</del> - <del>1,265.00</del>
70,001-72,000	<del>1,200.00</del> - <del>1,320.00</del>
72,001-74,000	<del>1,250.00</del> - <del>1,375.00</del>
74,001-76,000	<del>1,300.00</del> - <del>1,430.00</del>
76,001-78,000	<del>1,350.00</del> - <del>1,485.00</del>
78,001-80,000	<del>1,400.00</del> - <del>1,540.00</del>

For weights over eighty thousand (80,000) pounds, the tax under this paragraph shall be ~~one thousand four hundred dollars (\$1,400.00)~~ one thousand six hundred ten dollars (\$1,610.00) plus fifty dollars (\$50.00) for each additional two thousand (2,000) pounds or fraction thereof.

**Section 2.** This act is effective July 1, 2017.

Became law without signature March 17, 2017.

## Chapter 211

### DRIVER'S LICENSES-FEES

Original House Bill No. 219

AN ACT relating to motor vehicles; increasing driver's license fees as specified; and providing for an effective date.

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

**Section 1.** W.S. 31-7-113(a)(i) through (xi) and (d) is amended to read:

**31-7-113. Fees.**

(a) The following fees are imposed:

- (i) Driver’s license.....~~\$20.00~~40.00
- (ii) Instruction permit.....~~\$20.00~~40.00
- (iii) Restricted license under W.S. 31-7-117(c) .....~~\$10.00~~20.00
- (iv) Duplicate or renewal.....~~\$15.00~~30.00
- (v) Extension or renewal.....~~\$15.00~~30.00
- (vi) Commercial driver’s license.....~~\$25.00~~50.00
- (vii) Commercial learner’s permit .....~~\$20.00~~40.00
- (viii) Commercial license renewal or duplicate .....~~\$20.00~~40.00
- (ix) Commercial driver’s license skills test conducted by the department.  
.....~~\$40.00~~80.00
- (x) Initial or renewal of class “M” designation .....~~\$ 3.00~~6.00
- (xi) Intermediate permit.....~~\$15.00~~30.00

(d) If a driver’s license with limited driving privileges is granted pursuant to W.S. 31-7-105(f), the fee shall be ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00).

**Section 2.** This act is effective July 1, 2017.

Became law without signature March 17, 2017.

**Chapter 212**

**HEMP FARMING**

Original House Bill No. 230

AN ACT relating to food and drugs; authorizing industrial hemp farming as specified; providing for hemp farming for research purposes; providing licensure requirements; authorizing enforcement and penalties; creating a misdemeanor; providing rulemaking authority; providing an affirmative defense for marihuana prosecutions as specified; and providing for effective dates.

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

**Section 1.** W.S. 35-7-2101 through 35-7-2109 are created to read:

ARTICLE 21  
INDUSTRIAL HEMP

**35-7-2101. Definitions.**

(a) As used in this article:

(i) "Department" means the department of agriculture;

(ii) "Industrial hemp" means all parts and varieties of the plant *cannabis sativa* L. containing a total of no more than three-tenths of one percent (0.3%) of any combination of tetrahydrocannabinols;

(iii) "Marihuana" means as defined by W.S. 35-7-1002(a)(xiv), but does not include industrial hemp;

(iv) "This act" means W.S. 35-7-2101 through 35-7-2109.

**35-7-2102. Industrial hemp authorized as agricultural crop.**

Industrial hemp is considered an agricultural crop in this state. Upon meeting the requirements of W.S. 35-7-2103, a person in this state may plant, grow, harvest, possess, process or sell industrial hemp and industrial hemp seeds.

**35-7-2103. Industrial hemp licensing.**

(a) No person shall grow industrial hemp unless the person has obtained a license from the department.

(b) The application for a license shall include the name and address of the applicant, the legal description of the land area to be used for the production of industrial hemp and other information required by the department.

(c) The department shall require each first-time applicant for a license to submit a fingerprint card, prepared by a law enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history check with the division of criminal investigation for state processing and with the federal bureau of investigation for federal processing. All costs associated with the criminal history check are the responsibility of the applicant. Criminal history records provided to the department under this section are confidential.

(d) If the applicant has met the requirements of this section and paid any fee required by this article, the department shall issue the license, which is valid until December 31 of that year. An individual licensed under this section is presumed to be growing industrial hemp for commercial purposes.

(e) The university of Wyoming or the department may grow industrial hemp for research purposes as provided in the Agricultural act of 2014, Public Law 113-79. The licensing requirements of this article shall not apply to industrial hemp grown under this subsection.

**35-7-2104. Industrial hemp seed certification; power of department to examine seeds; purchase of samples; authority to make rules; fees and disposition thereof.**

(a) All industrial hemp seed sold in this state shall be certified by the department before sale.

(b) The department shall certify varieties of seeds shall promulgate rules and regulations necessary to ensure the production of certified seed of high quality that complies with the requirements of this act. The department may charge reasonable fees for certification and shall use the funds received to defray the cost of conducting the certification program.

(c) The department shall have free access at all reasonable hours upon and into any premises or structures where seed is stored or offered for sale to examine any seeds and, upon tendering payment therefor at the current value, may take from any person a sample of the seeds.

**35-7-2105. Industrial hemp production reporting requirements.**

(a) Each person licensed under this article shall provide to the department:

(i) Documentation showing that all seeds planted by the person are of a type and variety certified by the department to yield industrial hemp with no more than three-tenths of one percent (0.3%) tetrahydrocannabinol; and

(ii) A copy of any contract to grow, produce or sell industrial hemp.

(b) Each person licensed under this article shall notify the department of the sale or distribution of any industrial hemp grown by the person, including the name and address of the person receiving the industrial hemp.

**35-7-2106. Enforcement; compliance; penalties.**

(a) The department shall perform sampling and examination of industrial hemp or hemp seeds grown under this article for the purpose of determining whether a license holder is complying with the requirements of this article. Notwithstanding W.S. 40-27-101 and 6-3-414, the department is authorized, upon presentation of proper identification, to enter any license holder's property, during reasonable times, to have access to an industrial hemp crop or hemp seeds at any stage, for sampling, resource data collection, examination and supervision. The department may communicate with law enforcement regarding facts and circumstances involving the department's sampling, examination and supervision, which law enforcement may use in obtaining a search warrant.

(b) If the department is denied access to any land where access is sought for purposes set forth in this article, the department may apply to any court of competent jurisdiction for a search warrant authorizing access to the lands for the stated purposes.

(c) Any person who violates any provisions of this article or any regulation promulgated pursuant to this article is subject to a civil penalty not to exceed seven hundred fifty dollars (\$750.00) for each violation for each day during which the violation continues.

(d) Any person who intentionally violates any provision of this article or any regulation promulgated pursuant to this article is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00),

imprisonment for not more than six (6) months, or both.

(e) No person shall be entitled to the recovery of damages from administrative action taken pursuant to this article if a court of competent jurisdiction finds that there was probable cause for the action.

**35-7-2107. Rulemaking authority.**

(a) The department shall adopt rules necessary to implement the provisions of this article including:

(i) Requirements for testing hemp seeds and industrial hemp during growth or harvest to determine tetrahydrocannabinol levels;

(ii) Supervision of industrial hemp during its growth and harvest by an inspector who is trained to recognize a nonindustrial hemp plant, which may include law enforcement;

(iii) Assessment of a fee that is commensurate with the costs of the department's activities in licensing, testing and supervising industrial hemp production; and

(iv) Any other procedures necessary to carry out this article.

**35-7-2108. Disposition of fees.**

All fees assessed as provided in W.S. 35-7-2104(b) and 35-7-2107(a)(iii) shall be deposited with the state treasurer in a separate account which is continuously appropriated for the use of the department to administer and enforce this article.

**35-7-2109. Affirmative defense for possession or cultivation of marijuana.**

It is an affirmative defense to a prosecution by the state of Wyoming for the possession or cultivation of marijuana that the defendant was licensed to grow industrial hemp pursuant to this article and that the hemp grown by the defendant contained no more than three-tenths of one percent (0.3%) tetrahydrocannabinol.

**Section 2.** W.S. 35-7-1063(a) by creating a new paragraph (iii) is amended to read:

**35-7-1063. Exceptions to provisions.**

(a) The provisions and penalties of this chapter shall not apply to:

(iii) Industrial hemp farming in accordance with the provisions of W.S. 35-7-2101 through 35-7-2109, or industrial hemp grown for research purposes by the university or the department of agriculture.

**Section 3.**

(a) The department of agriculture shall operate the provisions of W.S. 35-7-2101 through 35-7-2109 as an agricultural pilot program in accordance with the Agricultural act of 2014, Public Law 113-79, section 7606. In adopting

rules under W.S. 35-7-2104 and 35-7-2107, the department shall include rules necessary to comply with the Agricultural Act of 2014 in order to operate the program as an agricultural pilot program.

(b) The department of agriculture shall, to the extent possible, obtain a registration with the United States drug enforcement administration to import viable cannabis seeds. Seeds imported under a registration obtained under this subsection shall be limited to industrial hemp seeds which would produce plants containing no more than three-tenths of one percent (0.3%) tetrahydrocannabinol and shall be used to grow industrial hemp in accordance with the provisions of W.S. 35-7-2101 through 35-7-2109.

(c) For enforcement and compliance, the department of agriculture may contract with testing laboratories to test industrial hemp and industrial hemp seed to test for tetrahydrocannabinol content in accordance with this act.

#### **Section 4.**

(a) Section 3 of this act and the rulemaking requirements of W.S. 35-7-2104 and 35-7-2107 in Section 1 of this act are effective July 1, 2017.

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

Became law without signature March 17, 2017.

### **Chapter 213**

#### **GAME BIRD FARMS-GREATER SAGE GROUSE**

Original House Bill No. 271

AN ACT relating to game and fish; modifying game bird farm license provisions relating to release of game birds; providing a limitation on game and fish commission regulation of the release of game birds by licensees; providing for certification of game bird farms to allow breeding, propagation, handling, taking, rearing and release of greater sage grouse; authorizing gathering of greater sage grouse eggs by certified game bird farms as specified; specifying requirements for certification; requiring rulemaking; providing a time limitation on certification and for disposition of greater sage grouse held at the expiration or revocation of certification; and providing for an effective date.

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

**Section 1.** W.S. 23-5-111 is created to read:

**23-5-111. Game bird farm-certification to raise greater sage grouse; authorization; requirements; limitations.**

(a) No person shall possess live greater sage grouse or propagate, breed, sell, raise or release greater sage grouse unless licensed as a game bird farm and certified to be in compliance with the requirements of this section.

(b) The commission shall promulgate rules and regulations for the administration of this section. The rules and regulations shall establish a system to



certify game bird farm licensees to possess, propagate, breed, raise, sell, gather eggs of and release greater sage grouse and to take greater sage grouse within the boundaries of the game bird farm. A licensee shall be issued an annual certificate of compliance under this section by providing evidence to the department that:

(i) The licensee has successfully raised from eggs or chicks at least two (2) other species of game bird in accordance with this act for not less than three (3) consecutive years;

(ii) An adequate enclosure exists at the game bird farm to confine and handle greater sage grouse physically separated from other game birds;

(iii) The enclosures for greater sage grouse include vegetation consistent with the needs of the grouse;

(iv) The facility is disease free; and

(v) The licensee demonstrates the capacity to meet requirements specified in this section and commission rule for continuing operation as a certified greater sage grouse facility.

(c) To maintain certification under this section the licensee shall:

(i) Submit an annual national poultry improvement plan certificate and annual avian influenza free certification by a licensed Wyoming veterinarian to the department;

(ii) Report within the time period established by rule the detection of any disease at the game bird farm to the department and undertake and report to the department remedial acts taken to mitigate the effects of any disease.

(d) Before release, greater sage grouse shall be banded for identification in accordance with rules and regulations of the commission and held in a holding pen separate from any sage grouse not being released and separate from any other game bird species for at least thirty (30) consecutive days immediately prior to release. Any greater sage grouse that dies within the release holding pen during this period shall be reported to the department within the time period and in accordance with the procedures established by rule shall be sent to the Wyoming state veterinary laboratory for necropsy at the expense of the licensee. Any release of greater sage grouse within the state and not within the boundaries of the game bird farm shall be in coordination with the department. Commission rules may restrict areas of release as necessary to protect existing wild populations of greater sage grouse.

(e) A game bird farm licensee holding a current certification under this section may collect greater sage grouse eggs for the purpose of establishing a captive breeding population, subject to the following restrictions:

(i) All collections shall be conducted by the licensee or his agent under the supervision of a professional wildlife biologist and in coordination with the

department;

(ii) No more than two hundred fifty (250) eggs may be collected by any game bird farm licensee in any calendar year;

(iii) No more than forty (40) nest sites in a single collection area may be disturbed by the game bird farm licensee in any calendar year; and

(iv) Eggs may only be collected in April and May;

(v) Rules shall establish:

(A) Time of day and restrictions on methods of collection of eggs;

(B) The number of licensees authorized to collect eggs;

(C) The areas approved for collection of eggs; and

(D) Other limitations on egg collections, including the complete suspension of egg collections as determined by the commission to be beneficial to prevent the listing of or facilitate the removal of greater sage grouse as a candidate species under the Endangered Species Act.

(f) The department may suspend, revoke or not renew any certification issued to a licensee under this section if, after notice and opportunity for a hearing, the department finds:

(i) The licensee has violated any provision of this act or any rule promulgated under this act which relates to the licensee's game bird farm operations;

(ii) The licensee's facilities no longer provide secure holding facilities to contain and separate game bird species as required under this section;

(iii) The licensee's facility has not remained disease free and the department reasonably believes the native greater sage grouse population of this state may be harmed thereby.

(g) The requirements of this section for game bird farm certification for greater sage grouse are in addition to all other licensing requirements of this article.

(h) A licensee whose certification under this section has been revoked may not reapply for a new certification within eighteen (18) months of the date of revocation.

(j) Commission rules may provide for the forfeiture to the state or for other disposition of greater sage grouse at any facility whose certification under this section has been revoked. Certifications under this section shall expire as of December 31, 2022. Commission rules shall provide for disposition of all greater sage grouse held by a licensee pursuant to this section as of that date. No licensee shall be entitled to any reimbursement from or other claim against the state for any greater sage grouse owned by the licensee at the expiration or revocation of a certification and all certifications issued pursuant to this section

shall so provide.

**Section 2.** W.S. 23-3-108(a), 23-3-116, 23-5-102, 23-5-104(c) and 23-5-106 are amended to read:

**23-3-108. Destruction of bird nests or eggs.**

(a) No person shall take or intentionally destroy the nest or eggs of any non-predacious bird, except as authorized under W.S. 23-5-111. The nest or eggs of any predacious bird may be taken or destroyed.

**23-3-116. Ownership of game bird; taking of privately owned game birds.**

Any person who wishes to acquire game birds from any private source shall apply for and receive a permit from the department prior to acquiring, possessing or transporting the game birds. Upon receipt of the game birds, the permittee shall notify the department to establish proof of ownership and to allow the game birds to be marked with a leg or wing band. Whenever game birds are purchased outside the state, the permittee shall furnish adequate evidence that the game birds are disease free. Upon compliance with this section, the permittee is entitled to take his privately owned game birds without a game bird or turkey license. Live greater sage grouse or the eggs thereof shall only be acquired, possessed, bred, propagated, raised, sold, transported, taken and released by a game bird farm licensee holding a current certification under W.S. 23-5-111.

**23-5-102. Department to issue licenses.**

The department shall issue licenses for game bird farms, and for the propagation, breeding, possession, use, releasing, killing, hunting, and sale of licensed birds therefrom. No license shall authorize any of the acts specified in this section for greater sage grouse unless the licensee has been certified under W.S. 23-5-111.

**23-5-104. Investigation of applicant; issuance of license; purchase or replacement of birds; marking of birds.**

(c) When a license has been granted, the licensee becomes the owner of all offspring of the game birds actually produced and remaining thereon. No person shall entice game birds into the licensed premises by baiting, artificial feeding or by any other means. All adult game birds released on the licensed premises shall be marked by identifying leg or wing bands. After three (3) years of continuous operation and licensure for the same location, the licensee shall not be required to mark adult game birds with identifying leg or wing bands. To be qualified as a licensee under this act, each licensee shall release a minimum of one hundred (100) game birds each year on the licensed premises, which number may be a combination of any species of game birds. Failure to release the minimum number of birds is cause for revocation of the license. The commission shall not limit by rule and regulation or policy the number or spe-

cies of game birds a licensee may raise, possess, confine, transport or dispose of in accordance with the provisions of this chapter.

**23-5-106. Rights of licensee generally.**

The game bird farm license is prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successor or assigns, for the term of license, to establish and operate a game bird farm upon the premises, and entitles the licensee therein named or his successors or assigns, to the exclusive right for and during the term to breed, propagate, hunt, kill, and sell the licensed game birds thereon. For game bird species other than greater sage grouse, the licensee shall not shoot or kill over ninety-six percent (96%) of the birds reared or released on his premises. No licensee shall undertake any of the acts specified in this section for greater sage grouse unless the licensee holds a current certification under W.S. 23-5-111, and the acts are taken in accordance with W.S. 23-5-111 and rules adopted pursuant thereto.

**Section 3.** Rules required by this act shall be adopted as final rules by the game and fish commission not later than September 1, 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.

Became law without signature March 17, 2017.

**Original Senate Resolution No. 2**

A JOINT RESOLUTION requesting Congress to enact legislation requiring revenues received by the federal government from wind and solar energy developments on lands of the United States be shared equally with the state in which those developments are located.

WHEREAS, wind energy development has occurred in Wyoming in recent years and important new wind energy projects are anticipated to be located, in whole or in part, on federal land in the state; and

WHEREAS, the federal government receives rents and fees in connection with the rights-of-way it grants for wind and solar energy developments on federal land and those rents and fees are retained by the federal government and not shared with the states; and

WHEREAS, fifty percent (50%) of royalties and rents the federal government receives in connection with the production of certain fossil fuels and geothermal energy on federal land are currently shared with the states pursuant to 30 U.S.C. § 191; and

WHEREAS, sharing rents and fees the federal government receives in connection with wind and solar energy developments on federal land with the states

in which those developments are located would be consistent with existing law regarding the disposition of royalties and fees received in connection with the production of certain fossil fuels and geothermal energy on federal land and would serve the same public purposes.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That Congress speedily enact legislation providing for the payment of fifty percent (50%) of all rents and fees received by the federal government in connection with wind and solar energy developments on federal land to the state in which those developments are located, consistent with existing law regarding the disposition of royalties and fees received in connection with the production of certain fossil fuels and geothermal energy on federal land.

**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

Approved March 1, 2017.

### **Original House Resolution No. 8**

A JOINT RESOLUTION requesting Congress to uphold the federal trust responsibility to provide for the health care needs of American Indians.

WHEREAS, the United States Constitution gives Congress the power to regulate commerce with American Indians; and

WHEREAS, treaties, court decisions and federal laws obligate the federal government to provide for the health care needs of American Indians; and

WHEREAS, Congress has determined that the current health of the American Indian population is below that of the general population of the United States; and

WHEREAS, the Federal Medicaid Assistance Percentage (FMAP) reimburses one hundred percent (100%) of medical services for American Indians while requiring a substantial match by the state for other citizens in Wyoming; and

WHEREAS, FMAP has recently resulted in additional annual federal revenue averaging three million dollars (\$3,000,000.00) to the state of Wyoming for the health care of American Indian citizens living in Wyoming; and

WHEREAS, proposals regarding the Medicaid program are being considered in Congress that would place the federal trust responsibility and millions of dollars for health care for American Indians in Wyoming at risk.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** The Wyoming State Legislature urges Congress to ensure that the federal government upholds the federal trust responsibility to provide for the health care needs of American Indians by continuing access to adequate Medicaid resources with one hundred percent (100%) federal coverage.

**Section 2.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

Approved March 1, 2017.

### **Original House Resolution No. 2**

A JOINT RESOLUTION petitioning Congress to call a convention to propose amendments to the Constitution of the United States to require a balanced federal budget.

WHEREAS, the legislature of the State of Wyoming is petitioning the Congress of the United States to call a convention to propose amendments to the Constitution of the United States to require a balanced federal budget.

*NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:*

**Section 1.** That pursuant to Article V of the Constitution of the United States, the legislature of the State of Wyoming petitions the Congress of the United States of America, at its session, to call a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency, including, but not limited to, an attack by a foreign nation or terrorist organization within the United States of America, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

**Section 2.** That this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah and West Virginia. This application shall be aggregated with those applications for the purpose of attaining the two-thirds (2/3) of states necessary to require Congress to call a convention for proposing a balanced budget amendment,

but shall not be aggregated with any applications on any other subject.

**Section 3.** That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds (2/3) of the several states have made applications on the same subject. This application supersedes all previous applications by this legislature on the same subject.

**Section 4.** That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Wyoming Congressional Delegation and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Approved March 3, 2017.

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(Catch Title)

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