

**SESSION
LAWS
OF
WYOMING**

**2019
General Session**

**SESSION LAWS
OF THE
STATE OF WYOMING
PASSED BY THE
SIXTY-FIFTH LEGISLATURE
2019 GENERAL SESSION**

**CONVENED AT CHEYENNE, January 8, 2019
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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 Note however that if a section is both repealed and amended by operation of more than one chapter, the repealer is controlling and the section is repealed.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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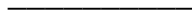
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OTHER SUBJECTS

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LAWS
PASSED BY THE
SIXTY-FIFTH
WYOMING LEGISLATURE
2019 GENERAL SESSION

Chapter 1

CAMPAIGN FINANCE REVISIONS

Original Senate File No. 18

AN ACT relating to elections; modifying restriction on contribution of funds to political candidates for the general election as specified; modifying requirements for filing campaign reports as specified; requiring the filing of campaign reports relating to electioneering communications; amending campaign advertising provisions; repealing provisions relating to political speech by certain organizations; repealing archaic language; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 22-25-101 by creating a new subsection (c), 22-25-102(c)(i)(B), (ii)(B) and (k)(i), 22-25-105(a), 22-25-106(a)(intro), (i), (iv), (b)(intro), (i), (c) through (e), (h)(intro), (i), (ii) and by creating new paragraphs (iv) through (vi), 22-25-107(a)(intro), (vii), (b), (c)(intro), (i) and (e), 22-25-110(a) and (b) and 22-29-501(f) are amended to read:

22-25-101. Definitions; statement of formation.

(c) As used in this chapter:

(i) "Electioneering communication" means, except as otherwise provided by paragraph (ii) of this subsection, any communication, including an advertisement, which is publicly distributed as a billboard, brochure, email, mailing, magazine, pamphlet or periodical, as the component of an internet website or newspaper or by the facilities of a cable television system, electronic communication network, internet streaming service, radio station, telephone or cellular system, television station or satellite system and which:

(A) Refers to or depicts a clearly identified candidate for nomination or election to public office or a clearly identified ballot proposition and which does not expressly advocate the nomination, election or defeat of the candidate or the adoption or defeat of the ballot proposition;

(B) Can only be reasonably interpreted as an appeal to vote for or against the candidate or ballot proposition;

(C) Is made within thirty (30) calendar days of a primary election, sixty (60) calendar days of a general election or twenty-one (21) calendar days of any special election during which the candidate or ballot proposition will appear on the ballot; and

(D) Is targeted to the electors in the geographic area:

(I) The candidate would represent if elected; or

(II) Affected by the ballot proposition.

(ii) “Electioneering communication” does not mean:

(A) A communication made by an entity as a component of a newsletter or other internal communication of the entity which is distributed only to members or employees of the entity;

(B) A communication consisting of a news report, commentary or editorial or a similar communication, protected by the first amendment to the United States constitution and article 1, section 20 of the Wyoming constitution, which is distributed as a component of an email, internet website, magazine, newspaper or periodical or by the facilities of a cable television system, electronic communication network, internet streaming service, radio station, television station or satellite system;

(C) A communication made as part of a public debate or forum that invites at least two (2) opposing candidates for public office or one (1) advocate and one (1) opponent of a ballot proposition or a communication that promotes the debate or forum and is made by or on behalf of the person sponsoring or hosting the debate or forum;

(D) The act of producing or distributing an electioneering communication.

(iii) “Independent expenditure” means an expenditure that is made without consultation or coordination with a candidate, candidate’s campaign committee or the agent of a candidate or candidate’s campaign committee and which expressly advocates the:

(A) Nomination, election or defeat of a candidate; or

(B) Adoption or defeat of a ballot proposition.

22-25-102. Contribution of funds or election assistance restricted; limitation on contributions; right to communicate; civil penalty.

(c) Except as otherwise provided in this section, no individual other than the candidate, or the candidate’s immediate family shall contribute directly or indirectly:

(i) To any candidate for statewide political office, or to any candidate for statewide political office's candidate's campaign committee:

(B) Except as otherwise provided in this subparagraph, no contribution for the general election may be given prior to the date for the primary election. This subparagraph shall not apply to any candidate unopposed in the primary election or nominated in accordance with W.S. 22-4-303 or 22-5-301.

(ii) To any candidate for nonstatewide political office, or to any candidate for nonstatewide political office's candidate's campaign committee:

(B) Except as otherwise provided in this subparagraph, no contribution for the general election may be given prior to the date for the primary election. This subparagraph shall not apply to any candidate unopposed in the primary election or nominated in accordance with W.S. 22-4-303 or 22-5-301.

(k) The prohibitions in this section shall not be construed to prohibit any organization of any kind including a corporation, partnership, trade union, professional association or civic, fraternal or religious group or other profit or nonprofit entity from:

(i) ~~Exercising its first amendment rights to make cause electioneering communications or independent expenditures for speech expressly advocating the election or defeat of a candidate. For purposes of this subsection, "independent expenditure" means an expenditure that is made without consultation or coordination with a candidate or an agent of a candidate whose nomination or election the expenditure supports or whose opponent's nomination or election the expenditure opposes to be made;~~

22-25-105. Campaign reporting forms; instructions and warning.

(a) The secretary of state shall prescribe the forms for reporting contributions and expenditures for primary, general and special election campaigns, together with written instructions for completing the form and a warning that violators are subject to criminal charges and ~~that a vacancy will exist~~ civil penalties if the forms are not completed and filed pursuant to law. ~~Until January 1, 2010; The forms along with instructions and warning shall be distributed to the county clerk and shall be given~~ made available, whether in electronic or paper form, by the county clerk to each person filing an application for nomination in his office and to each political action committee and candidate's campaign committee required to file with the county clerk. ~~Until January 1, 2010, the county clerk shall also distribute the reporting forms to the chairmen of the county party central committees.~~

22-25-106. Filing of campaign reports.

(a) Except as otherwise provided in subsections (g) and (j) of this section and in addition to other ~~statements~~ reports required by this subsection:

(i) Every candidate, whether successful or not, shall file a ~~fully an~~

itemized statement of contributions and expenditures at least seven (7) days but not more than fourteen (14) days before any primary, general or special election, with information required by this subsection current to any day from the eighth day up to the fourteenth day before Any contribution received or expenditure made after the statement has been filed, through the day of the election, whether a primary, general or special election, shall be filed as an amendment to the statement within ten (10) days after the election;

(iv) ~~Statements~~ Reports under this subsection shall set forth the full and complete record of contributions including cash, goods or services and ~~except for statements of contributions required under paragraph (i) of this subsection;~~ ~~of~~ actual and promised expenditures, including all identifiable expenses as set forth in W.S. 22-25-103. For purposes of this section, a contribution is reportable when it is known and in the possession of, or the service has been furnished to, the person or organization required to submit a statement of ~~contributions or a statement of contributions and expenditures.~~ The date of each contribution of ~~twenty-five dollars (\$25.00) one hundred dollars (\$100.00)~~ or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All contributions under ~~twenty-five dollars (\$25.00) one hundred dollars (\$100.00)~~ shall be reported but need not be itemized. Should the accumulation of contributions from ~~an individual a person~~ exceed the ~~twenty-five dollar (\$25.00) one hundred dollar (\$100.00)~~ threshold, all contributions from that ~~individual person~~ shall be itemized. Contributions, expenditures and obligations itemized in a statement filed by a political action committee, a candidate's campaign committee or by a political party central committee need not be itemized in a candidate's statement; ~~except by total with a reference to the statement;~~

(b) Reports of itemized statements of ~~contributions and statements of~~ contributions and expenditures, and statements of termination shall be made with the appropriate filing officers specified under W.S. 22-25-107 and in accordance with the following:

(i) Except as otherwise provided in this section, any political action committee; and candidate's campaign committee, or any political action committee formed under the law of another state that contributes to a Wyoming political action committee or to a candidate's campaign committee, ~~any organization making an independent expenditure under W.S. 22-25-102(k); and any other organization supporting or opposing any ballot proposition which expends any funds in any primary, general or special election shall file an itemized statement of contributions at least seven (7) days before the election current to any day from the eighth day up to the fourteenth day before the election and shall also file a statement of contributions and expenditures within ten (10) days after a primary, general or special~~ and expenditures at least seven (7) days but not more than fourteen (14) days before any primary,

general or special election. Any contribution received or expenditure made after the statement has been filed, through the day of the election, whether a primary, general or special election, shall be filed as an amendment to the statement within ten (10) days after the election;

(c) ~~All statements-reports~~ required by subsection (b) of this section shall be signed by both the chairman and treasurer. ~~The statements-reports shall set forth the full and complete record of contributions including cash, goods or services and except for statements of contributions required under paragraph (i) of this subsection, of actual and promised expenditures. The date of each contribution of twenty-five dollars (\$25.00) one hundred dollars (\$100.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. Nothing in this subsection shall be construed to require the disclosure of the names of individuals paid to circulate an initiative or referendum petition. All contributions under twenty-five dollars (\$25.00) one hundred dollars (\$100.00) shall be reported but need not be itemized. Should the accumulation of contributions from an individual a person exceed the twenty-five dollar (\$25.00) one hundred dollar (\$100.00) threshold, all contributions from that individual-person shall be itemized. If the contributions, expenditures or obligations were for more than one (1) candidate, the amounts attributable to each shall be itemized separately.~~

(d) The chairman of each political party central committee for the state or county, or an officer of the party designated by him, shall file an itemized statement of contributions of ~~twenty-five dollars (\$25.00) one hundred dollars (\$100.00)~~ or more, and any expenditures and obligations. The statement shall be filed within ten (10) days after a general or special election. The statement shall report all contributions, expenditures and obligations relating to campaign expenses, including normal operating expenses. All contributions under ~~twenty-five dollars (\$25.00) one hundred dollars (\$100.00)~~ shall be reported but need not be itemized. Should the accumulation of contributions from ~~an individual a person~~ exceed the ~~twenty-five dollar (\$25.00) one hundred dollar (\$100.00)~~ threshold, all contributions from that ~~individual-person~~ shall be itemized. It shall attribute all campaign contributions, expenses and obligations to a specific candidate only if the campaign contributions, expenses and obligations can be specifically identified to that specific candidate to the exclusion of other candidates on the ticket. A copy of the statement shall be furnished to each candidate identified in the statement within ten (10) days after the general or special election.

(e) ~~Amendments to the statements required by this section may be filed at any time. If inaccuracies are found in the statements a statement filed in accordance with this section or additional contributions or expenditures occur or become known after the statements are filed filing an amendment as required by paragraph (a)(i), (b)(i) or (h)(ii) of this section, amendments to the~~

original statements or additional statements shall be filed within a reasonable time not to exceed ~~ninety (90)~~thirty (30) days from the time the inaccuracies or additional contributions or expenditures became known. For purposes of this subsection, any net change less than fifty dollars (\$50.00) two hundred dollars (\$200.00) need not be reported.

(h) In addition to any other report required by this section, An organization required by W.S. 22-25-110(c) to report expenditures shall report as follows that expends in excess of five hundred dollars (\$500.00) in any primary, general or special election to cause an independent expenditure or electioneering communication to be made shall file an itemized statement of contributions and expenditures with the appropriate filing office under W.S. 22-25-107. The statement shall:

(i) The report shall Identify the organization making causing the electioneering communication or independent expenditure to be made and the individual acting on behalf of the organization in making causing the communication or expenditure to be made, if applicable;

(ii) The report shall Be filed at least seven (7) days before the next but not more than fourteen (14) days before any primary, general or special election, with information current to any day from the eighth day up to the fourteenth day before Any contribution received or expenditure made after the statement has been filed, through the day of the election, whether a primary, general or special election, shall be filed as an amendment to the statement within ten (10) days after the election;

(iv) Only list those expenditures and contributions which relate to an independent expenditure or electioneering communication;

(v) Set forth the full and complete record of contributions which relate to an independent expenditure or electioneering communication, including cash, goods or services and actual and promised expenditures. The date of each contribution of one hundred dollars (\$100.00) or more, any expenditure or obligation, the name of the person from whom received or to whom paid and the purpose of each expenditure or obligation shall be listed. All contributions under one hundred dollars (\$100.00) shall be reported but need not be itemized. Should the accumulation of contributions from a person exceed the one hundred dollar (\$100.00) threshold, all contributions from that person shall be itemized;

(vi) Be signed by both the chairman and treasurer of the organization, if those positions are present in the organization, or by the person who caused the independent expenditure or electioneering communication to be made.

22-25-107. Where reports to be filed.

(a) All statements reports required under this chapter shall be filed as follows:

(vii) Any political action committee or organization supporting or opposing any statewide initiative or referendum petition drive, any statewide ballot proposition or any candidate for statewide office and any organization ~~making~~ causing an electioneering communication or an independent expenditure under W.S. 22-25-102(k) to be made and filing pursuant to W.S. 22-25-106(b)(i) or (h) shall file ~~statements~~ reports required by this section with the secretary of state.

(b) ~~Statements~~ Reports required to be filed at least seven (7) days before any primary, general or special election ~~and statements required to be filed after any primary, general or special election~~ shall be filed electronically.

(c) Any ~~statement~~ reports required under this chapter to be filed with:

(i) The secretary of state, shall be filed electronically as provided under W.S. 9-2-2501; ~~if the secretary of state has adopted rules which allow for the electronic filing;~~

(e) ~~After December 31, 2009,~~ The secretary of state shall maintain a searchable database of reports filed pursuant to this chapter available to the public on or through the Internet, the World Wide Web or a similar proprietary or common carrier electronic system as defined in W.S. 9-2-1035(a)(iii). The secretary of state shall be responsible for the provision of training and instruction for filers on how to access and use the campaign finance electronic filing system. The training shall be for the purpose of educating filers about use of the system, and is not intended to assist filers with filing their reports.

22-25-110. Campaign advertising in communications media.

(a) It is unlawful for a candidate, political action committee, organization, including organizations ~~making expenditures pursuant to W.S. 22-25-102(k) causing an electioneering communication or an independent expenditure to be made,~~ candidate's campaign committee, or any political party central committee to pay for campaign literature or campaign advertising ~~in any communication medium without printing or announcing the candidate, organization or committee sponsoring the campaign advertising or campaign literature. The communications media in using the campaign advertising shall print or announce the name of the candidate, organization or committee paying for the advertising, without conspicuously displaying or speaking the following disclosure: "paid for by (name of candidate, organization or committee sponsoring the campaign literature or campaign advertising)". The disclosure set forth in this subsection shall be required in the following forms of campaign literature or campaign advertising:~~

(i) Printed campaign literature or campaign advertising including mailers, pamphlets, brochures, periodicals or billboards;

(ii) Campaign advertising appearing on the radio or distributed through a telephone or cellular system or other solely auditory medium;

(iii) Campaign advertising appearing on television;

(iv) Paid placement of campaign advertising on the internet or other electronic communication network. This paragraph shall not apply when including the disclosure is impracticable due to size and text limitations in electronic campaign advertising, provided that the campaign advertising shall include a hyperlink to an internet website containing the disclosure.

(b) For purposes of this section, “campaign literature or campaign advertising” does not include small campaign items such as tickets, bumper stickers, pens, pencils, buttons, rulers, nail files, balloons and yard signs displaying the name of the candidate or office sought and any other items specified by rule of the secretary of state.

22-29-501. Political action committees.

(f) It is unlawful for a political action committee to pay for campaign literature or campaign advertising in any communication medium without printing or announcing the committee sponsoring the campaign advertising or campaign literature. The communications media in using the campaign advertising shall print or announce the name of the committee paying for the advertising displaying or speaking a disclosure in accordance with W.S. 22-25-110.

Section 2. W.S. 22-25-102(d), 22-25-106(a)(ii), (iii), (b)(iv), (f) and (h)(iii) and 22-25-110(c) are repealed.

Section 3. This act is effective July 1, 2019.

Approved February 13, 2019.

Chapter 2

CERTIFIED PUBLIC ACCOUNTANTS ACT-REVISIONS

Original Senate File No. 15

AN ACT relating to certified public accountants; generally modifying provisions regulating the practice of public accounting; and providing for an effective date.

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

Section 1. W.S. 33-3-102(a)(vi)(C), by creating a new subparagraph (E) and (ix), 33-3-104, 33-3-105, 33-3-107, 33-3-108(a) by creating a new paragraph (vii), 33-3-109(d), (f) and (k)(intro), 33-3-112(b), 33-3-118(b)(xiii)(A), (B) and (xiv)(intro), 33-3-119, 33-3-120(b), 33-3-121(a)(ii), by creating new paragraphs (xii) and (xiii), (c) and by creating a new subsection (d), 33-3-124 and 33-3-132(a)(ii) and (iii) are amended to read:

33-3-102. Definitions.

(a) As used in this act:

(vi) "Attest service" means any of the financial statement services described in the following subparagraphs. The statements on standards specified in the following subparagraphs shall be adopted by reference by the board pursuant to the Wyoming Administrative Procedure Act and shall be those developed for general application by recognized national accountancy organizations such as the American Institute of Certified Public Accountants and the public company accounting oversight board:

(C) Any examination of prospective financial information to be performed in accordance with the statement on standards for attestation engagements;~~or~~

(E) Any examination, review or agreed upon procedures engagement to be performed in accordance with the statement on standards for attestation engagements other than examinations described in subparagraph (C) of this paragraph.

(ix) "Compilation service" means providing a service to be performed in accordance with the statements on standards for accounting and review services that is presented in the form the objective of which is to assist management in the presentation of financial statements; information that is the representation of the client, the client's management or owners and to report on that information without undertaking to express obtain or provide any assurance ~~on that there are no material modifications that should be made to the financial statements in order for them to be in accordance with the applicable financial reporting framework;~~

33-3-104. Board chairman; board secretary; regulations; quorum; seal; records.

The board shall elect annually a chairman and a secretary from its members. The secretary shall receive report to the board regarding revenue receipts and account for review reports of all fees and other money received by the board. A majority of the board shall constitute a quorum for the transaction of business. The board shall have a seal which shall be judicially noticed. The board shall keep records of its proceedings. The board may employ personnel and arrange for any assistance it may require in the performance of its duties.

33-3-105. Register; contents.

The board shall prepare for public distribution, in July of each year, an annual maintain on its website a register which shall contain that contains the names; ~~arranged alphabetically by classifications;~~ of all certified public accountants, the names of the members of the board and other matters deemed proper by the board. ~~Copies of the register shall be made available to each certificate holder who requests a copy.~~

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

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

33-3-108. Rules and regulations; procedure.

(a) The board shall prescribe rules and regulations not inconsistent with the provisions of this act as it deems consistent with, or required by, the public welfare. The rules and regulations shall include:

(vii) Rules establishing miscellaneous fees and fee collection relating to licensing and enforcement operations in accordance with W.S. 33-1-201.

33-3-109. Certified public accountant; qualifications.

(d) There shall be a reasonable annual certificate fee to be established by board rules in accordance with W.S. 33-1-201. All certificates shall expire on the last day of December of each year and may be renewed annually for a period of one (1) year by certificate holders and registrants who meet the requirements specified in subsection (e) of this section and upon payment of the annual fee. ~~If the annual certificate fee is not paid by the first day of November, a late renewal fee as set by board rule in accordance with W.S. 33-1-201 may be added to the renewal fee.~~ In accordance with W.S. 33-1-201 the board may by rule establish a fee in addition to the annual certificate fee to reactivate an expired certificate.

(f) Persons holding a certificate issued under W.S. 33-3-109 or 33-3-116 but who do not practice public accounting in Wyoming and have not lost the right to active status ~~shall~~ may place the certificate on an inactive status. A person ~~classified as with a certificate on~~ inactive status shall pay an annual inactive fee not exceeding one-half (1/2) the annual fee charged to active certificate holders. All inactive status certificates shall expire on the last day of December of each year and may be renewed annually for a period of one (1) year. If the fee is not paid by December 31, a late fee as set by board rule in accordance with W.S. 33-1-201, may be added to the annual fee. A person classified as inactive may assume or use the title or designation "certified public accountant" or the abbreviation "CPA" and shall use the words "inactive" adjacent to the designation "CPA" or "certified public accountant".

(k) The board shall issue a certificate to a holder of a substantially equivalent foreign designation who meets the requirements of paragraphs (a)(i) and (ii) of this section provided that:

33-3-112. Reexamination; waiting period; credit for parts passed in other states.

(b) The board may provide by regulation for granting credit to a candidate for his satisfactory completion of any subject of the examination given by the licensing authority in any state, ~~if when he took the examination in another state he was not a resident of Wyoming or, as an employee, was not regularly employed in Wyoming.~~ The regulations shall include the requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall be at least as thorough as the most recent examination given by the board at the time of the granting of the credit.

33-3-118. Certified public accountant firms.

(b) The board shall grant or renew a permit to a certified public accounting firm demonstrating its qualifications in accordance with this section:

(xiii) Except as otherwise provided in this section, the following shall be required to hold a permit issued under this section:

(A) Any firm with an office in this state performing any attest services as defined in W.S. 33-3-102(a)(vi) or any compensated public accounting services described in W.S. 33-3-109(c) for members of the general public provided by certified public accountants who are subject to the jurisdiction of the board under this act;

(B) Any firm with an office in this state that uses the title “CPA” or “CPA firm”;~~and~~

(xiv) A firm which does not have an office in this state may perform attest services described in W.S. 33-3-102(a)(vi)(B) 33-3-102(a)(vi) or compilation services described in W.S. 33-3-102(a)(ix) for a client having its home office in this state and may use the title “CPA” or “CPA firm” without a permit issued under this section if:

33-3-119. Accounting offices; registration.

An applicant for initial issuance or renewal of a permit to practice under W.S. 33-3-118 shall register ~~each office the firm and~~ provide a list of all offices of the firm within the state ~~with to~~ the board and shall provide evidence that all attest and compilation services rendered in the state are under the charge of a person holding a valid license issued under W.S. 33-3-109 or the corresponding provision of prior law or the laws of some other state. The board shall by regulation prescribe the procedure to be followed in effecting these registrations.

33-3-120. Permits; annual fee; renewal; requirements.

(b) There shall be an annual permit fee to be determined by the board in accordance with W.S. 33-1-201. All permits shall expire on the last day of December of each year and may be renewed annually for a period of one (1) year by registrants who meet the requirements specified in subsection (a) of this section and upon payment of the annual permit fee. ~~If the annual permit~~

fee is not paid by the first day of November, a late renewal fee as set by the board in accordance with W.S. 33-1-201 shall be added to the renewal fee. In accordance with W.S. 33-1-201 the board may by rule establish a fee in addition to the annual permit fee to reactivate an expired firm permit.

33-3-121. Certificates and permits; disciplinary action; grounds.

(a) After notice and hearing, the board may revoke, refuse to renew, reprimand, censure, limit the scope of practice, place on probation with or without terms, conditions or limitations, or may suspend for a period not to exceed two (2) years, any certificate issued under this act or practice privilege or may revoke, suspend, limit the scope of practice, or refuse to renew any permit issued under this act or may censure the holder of a permit for any of the following causes:

(ii) Dishonesty, fraud or gross negligence by a certificate holder or individual granted practice privileges:

(A) In the practice of public accounting; or

(B) In the filing or failure to file the holder's or the individual's own income tax return.

(xii) Making any false or misleading statement or verification in support of an application for a license filed by another;

(xiii) Performance of any fraudulent act while holding a license or privilege issued under this act or prior version of this act.

(c) In lieu of or in addition to any disciplinary action specifically provided in subsection (a) of this section, the board may require a certificate, practice privilege or permit holder to complete such continuing professional education programs as the board may specify or undergo peer review or preissuance review as the board may specify.

(d) The board may recover from a disciplined person any of the following:

(i) Reasonable costs associated with an investigation that leads to disciplinary action including a reasonable hourly rate for the time devoted by board members, expert witnesses or attorneys investigating or prosecuting the matter and all reasonable related travel costs;

(ii) Direct costs to the board of conducting a disciplinary hearing that leads to disciplinary action.

33-3-124. Reinstatement of certificate or permit for good cause shown.

(a) Upon written application and after a hearing attended by the applicant or the applicant's legal representative and for good cause shown, the board may do any of the following:

(i) Issue a new certificate to a certified public accountant the applicant whose certificate has been revoked; or may

(ii) Reissue or modify the suspension of any certificate;

(iii) Restore an applicant's scope of practice, practice privilege or permit which has been revoked or suspended.

(b) If the applicant or the applicant's legal representative fails to appear at the hearing, the board may proceed to hear evidence against the applicant and may enter an appropriate order, which shall be final.

(c) A certificate, practice privilege or permit suspended or restricted under W.S. 33-3-121(b) may be reissued without the hearing required under this section if the department of family services provides notice that the applicant has complied with the terms of the court order that resulted in the suspension or restriction of the certificate, practice privilege or permit.

(d) The applicant shall bear all costs related to a reinstatement hearing before the board.

33-3-132. Practice monitoring program.

(a) As used in this article:

(ii) "Practice monitoring program" means a program consisting of peer reviews which are conducted in conformity with standards promulgated by the peer review committees of the American Institute of Certified Public Accountants or successor organization;

(iii) "Reviewer" means a certified public accountant active in public practice and fulfilling requirements for peer reviewers as established by the American Institute of Certified Public Accountants or successor organization.

Section 2. W.S. 33-3-118(b)(xiii)(C) and 33-3-125(c) and (d) are repealed.

Section 3. This act is effective July 1, 2019.

Approved February 13, 2019.

Chapter 3

COUNTY CLERKS-RECORDS

Original Senate File No. 17

AN ACT relating to county clerks and records; modifying provisions relating to records maintained by county clerks; authorizing electronic indexing of records maintained by county clerks; increasing certain fees for filing records with county clerks; and providing for an effective date.

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

Section 1. W.S. 1-6-109, 18-3-103(c), 18-3-402(a)(i)(C), (ii) through (iv), (vii), (ix), (x)(intro), (A) and (C), (xi)(intro), (A), (B)(intro) and (C), (xii)(A), (xiii), (xvii) and (xviii), 18-3-514, 33-29-906(a), 34-1-130, 34-1-134, 34-3-104, 34-12-105, 34-12-110 and 34-12-114 are amended to read:

1-6-109. Lis pendens; record of notice.

The county clerk upon the filing of such notice shall record the same notice in ~~a book kept for that purpose~~ accordance with W.S. 18-3-402(a)(vi).

18-3-103. Offices and records to be kept within county; exceptions; records open to public inspection; removal for purposes of copying; penalty.

(c) All books, ~~and papers~~ and electronic records required to be in county offices are open to the examination of any person without fee. The officer in charge of any documents may temporarily remove them for lawful reproduction purposes and during the period of removal shall not be subject to any penalty. Any officer or person not complying with the provisions of this subsection shall forfeit five dollars (\$5.00) for each day he fails to comply.

18-3-402. Duties generally.

(a) The county clerk shall:

(i) Act as clerk to the board of county commissioners and as such shall:

~~(C) Record in a book provided for that purpose~~ Keep a record of all proceedings of the board;

(ii) ~~Keep a book in which are entered~~ record of all licenses, except marriage licenses, giving the names of the persons to whom such licenses are issued with the date, amount and purpose for which the license was issued;

(iii) ~~Keep a book of blank county warrants or~~ blank orders ~~with a blank margin~~ which shall be properly filled out before any warrants are delivered. He shall not deliver any warrant until it is properly signed by the chairman of the board of county commissioners, countersigned by the county treasurer and attested by himself with the county seal;

(iv) Keep a seal provided by the board of county commissioners, the impression, ink stamp or digital equivalent of which shall contain the words "The State of Wyoming, County Clerk", together with the name of the county;

(vii) Record any deed containing a metes and bounds description which may be accompanied by a map prepared in compliance with law and delineating the land described in the deed. If a map delineating the land has been previously recorded, the deed may make reference to the recorded map; ~~The county clerk shall charge a fee of five dollars (\$5.00) for recording these maps;~~

(ix) Keep in his office a general index, direct and inverted, in which he shall make correct entries of every instrument recorded or filed under appropriate headings, entering the names of the grantors and grantees in alphabetical order. He shall make correct entries in the index of every instrument required by law to be entered therein. He shall immediately note in the appropriate index; ~~in the proper column and opposite the entry~~ whenever any mortgage, bond or other instrument has been released or discharged from record, whether by

written release or by recording a deed of release;

(x) ~~Keep a receiving book, each page of which is divided into six (6) columns, record~~ specifying the time of reception, the names of the grantors, the names of the grantees, from whom received, to whom delivered and the fees received:

(A) Whenever any instrument is received for recording, immediately endorse upon the instrument his certificate, noting the day, hour and minute of its reception, the ~~book and page~~ reference where recorded, the fees received for recording and date of record;

(C) Whenever any instrument has been filed the county clerk shall immediately make an entry of the same, and after the instrument requiring recording is recorded he shall immediately deliver it to the person authorized to receive it; ~~writing the name of the person to whom it is delivered in the appropriate column;~~

(xi) ~~Keep abstract books provided by the board of county commissioners~~ records in which all transfers and mortgages of real property and all liens upon real estate are briefly entered. All instruments affecting real estate and left for record or filed in the office shall be abstracted against all lands described in the instrument either directly or by reference to another properly recorded instrument as soon as practicable in the order in which received:

(A) The county clerk shall enter in ~~dark colored ink in the abstract book~~ all recorded transfers of real estate and all mortgages, construction liens and judgment liens;

(B) All abstract entries of land shall ~~be made in a well bound properly ruled book which shall in the headlines~~ describe the legal division of land or subdivision, naming section, township and range according to the United States surveys when the same is described in the instrument filed for record. ~~The book abstract entries shall contain ruled parallel columns in which shall be entered include:~~

(C) All abstract entries of town lots shall be made in a similar manner to those of lands ~~but and shall be in a separate book provided by the board of county commissioners and reference~~ the number of the lot and block, ~~shall appear in the headlines.~~

(xii) File or file and record every notice, abstract or statement of any lien or claim or release or discharge thereof in favor of the United States or any department or bureau thereof as provided by the laws of the United States when any such instrument has been prepared in conformity to the laws of the United States and is presented for filing or filing and recording:

(A) The county clerk shall number such notices, abstracts or statements in the order in which they are filed and if they are required to be recorded he shall

record them in a well bound book to be called accordance with subparagraph (xi)(B) of this subsection, with the character of the instrument being called "federal lien"; record. All instruments which require filing or recording shall be indexed alphabetically under the names of the persons named or affected in a well bound book called "index to federal liens";

(xiii) Accept and use as official ~~record books~~ records, when furnished to him without charge, ~~books records~~ containing printed forms of water right contracts, forms for subscription to the stock of corporations or associations whereby water rights are acquired and forms of deeds of water rights from all corporations and water user associations organized for constructing, maintaining or operating ditches, reservoirs or other water works for irrigation, mining, milling or power purposes; ~~The charge for recording such instruments is ten cents (\$.10) per folio of one hundred (100) words actually written in pen and ink or typewritten;~~

(xvii) Permit any person authorized by the board of county commissioners of any new county or of any bonded abstract company, and at the expense of the new county or abstract company, to examine the records of all deeds, mortgages, maps and other instruments which affect any property located within the boundaries of the new county, and to transcribe, ~~or photograph or reproduce~~ the same; ~~in books provided by the new county or abstract company;~~

(A) The county clerk shall compare the transcribed, ~~or photographed or reproduced~~ instruments in his office and shall certify to the county clerk of the new county or the abstract company that they are true and correct copies of the originals. The county clerk certifying the ~~transcripts or photographs instruments~~ shall not receive ~~fifty cents (\$.50) per hour~~ any additional payment for time spent by him in comparing and certifying the ~~transcripts or photographs instruments~~. All expenses shall be paid by the new county;

(B) The county clerk of the new county or the bonded abstract company shall index and abstract ~~in the proper books~~ all transcribed, ~~or photographed or reproduced~~ instruments in accordance with paragraphs (vi) through (xii) of this subsection which shall be received in evidence and have the same effect as if they had been originally filed in the new county.

(xviii) Deliver upon the written demand of the county clerk of any new county all ~~books of record~~ records containing abstracts of lands in townships lying wholly within the boundaries of the new county and all ~~books records~~ containing abstracts of townsites and town lots lying wholly within the boundaries of the new county together with the plats of the townsites or town lots. When the county clerk of the new county has received the ~~books records~~ and abstracts they shall become a part of the records of the new county and no further abstracts of the instruments are required;

18-3-514. County officers to be provided with stationery and supplies.

Each board of county commissioners at the expense of the county shall annually furnish to the county assessor and county treasurer suitable blank books and forms necessary for their respective offices prepared in accordance with law. The board shall also provide suitable books and stationery for each of the county officers together with appropriate cases, equipment and furniture for the safe and convenient keeping of all the officer's books, documents and papers and shall provide official seals when required by law.

33-29-906. Preservation of map records; public inspection.

(a) The county clerk of the county containing the corners, as part of his files, shall have on record maps of each township within the county, the bearings and lengths of the connecting lines to government corners and government corners looked for and not found. These records shall be preserved in hardbound books in numerical order as filed accordance with W.S. 18-3-402(a)(vi).

34-1-130. County clerk to discharge mortgage or deed of trust on record when certificate of release recorded.

Any mortgage or deed of trust shall be discharged upon the record thereof, by the county clerk in whose custody it shall be, or in whose office it is recorded, when there shall be recorded in his office a certificate or deed of release executed by the mortgagee, trustee or beneficiary, his assignee or legally authorized representative, or by a title agent or title insurer acting in accordance with the provisions of W.S. 34-1-145 through 34-1-150, acknowledged or proven and certified as by law prescribed to entitle conveyances to be recorded, specifying that such mortgage or deed of trust has been paid or otherwise satisfied or discharged, and the county clerk shall make a reference to such release upon the margin of in the record, ~~of the mortgage or trust deed.~~

34-1-134. Release; mortgage of bankrupt corporation mortgagee.

It shall be the duty of any county clerk within the state of Wyoming, upon request of any person and the filing in his office of a certified copy of an order of discharge of any receiver or trustee in bankruptcy of any national or state bank, trust company or building and loan association, to cancel of record any unreleased and unassigned mortgage or deed of trust of record in his office in which such national or state bank, trust company, or building and loan association, is mortgagee by releasing the said mortgage or deed of trust on the margin of the book in the record where the same has been placed of record, and said release shall be effective and constitute a discharge of the lien of said mortgage or trust deed upon the real property covered by the same in the same manner and to the same effect as if said release had been made by the mortgagee thereof.

34-3-104. Trustee's sale; form of deed for auctioned realty.

Every deed for real estate sold under a deed of trust may be made in the following form, or to the same effect:

This deed, made the day of between A. B., trustee, of the first part, and C. D., of the second part, whereas the said trustee, by virtue of the authority vested in him by the deed of trust hereinafter mentioned (or by an order of the district court of the county of) made on the day of (as the case may be), did sell as required by law, a certain tract (or lot, as the case may be), of land, situated in the county (or city, town or village, as the case may be), of conveyed by E. F. to the said A. B., trustee (or to G. H., trustee, as the case may be), by deed bearing date the day of, and recorded (if it be recorded), ~~in deed book, on page~~, in the office of the recorder of the county of, and bounded and described therein as follows: (Here insert the description and quantity as set forth in the deed of trust and any other description deemed necessary); at which sale the said C. D. became the purchaser for the sum of ... dollars. Now, therefore, this deed witnesseth that the said trustee hereby conveys and grants to the said C. D. the said real estate hereinbefore described, with all the right, title and interest held by the said E. F. therein, to have and to hold the said real estate and premises unto the said C. D., his heirs and assigns forever.

Witness the following signature and seal.

.....(Seal.)

34-12-105. Townsites; recording fees.

When any person, company or corporation, shall file a townsite plat, or an addition to a townsite, it must be accompanied by ~~a the fee of twenty-five dollars (\$25.00) listed in W.S. 18-3-402(a)(xvi)(O)~~ for the purpose of ~~purchasing an abstract book in which the lots and blocks must be described, this fee to include the filing and recording of said plat. The record of the plat shall include a description of the lots and blocks.~~

34-12-110. Vacation; duty of county clerk.

The county clerk, in whose office the plats aforesaid are recorded, shall write in plain, legible letters across that part of ~~said the~~ plat so vacated, the word "vacated", and ~~also make a reference on the same to the volume and page in which the said identify where the~~ instrument of vacation is recorded.

34-12-114. Warranty of accurate description; notice if inaccurate description; proceedings upon repeal.

Every conveyance of land in this state shall be deemed to be a warranty that the description therein contained is sufficiently definite and accurate, to enable the county clerk to ~~enter the same on the plat book~~ make entries as required by law to be kept; and when there is presented, ~~to be entered on the transfer book, for entry~~ any conveyance in which the description is not, in the opinion of the county clerk, sufficiently definite and accurate, he shall note said fact on said deed with that of the entry for transfer, and shall notify the person presenting the same, that the land therein not sufficiently described, must be platted within thirty (30) days thereafter. Any person aggrieved by the opinion

of the county clerk may, within said thirty (30) days, appeal therefrom to the county commissioners, by claiming said appeal in writing, and thereupon, no further proceedings shall be taken by the county clerk; and at their next session the county commissioners shall determine said question, and direct whether or not said plat shall be executed and filed, and within what time, and if the grantor in such conveyance shall neglect for thirty (30) days thereafter to file for record a plat of said land, and of the appropriate congressional subdivision in which the same is found, duly executed and acknowledged as required by the county clerk, or, in case of appeal, as directed by the county commissioners, then the county clerk shall proceed, as is provided in W.S. 34-12-112, and cause such plat to be made and recorded, and thereupon the same proceedings shall be had, and rights shall accrue, and remedies had as are in said section provided. Such plat shall describe said tract of land, and any other subdivision of the smallest congressional subdivision of which the same is a part, numbering them by progressive numbers, setting forth the courses and distances, and numbers of acres, and such other memoranda as are usual and proper; and descriptions of such lots or subdivisions according to the number and designation thereof on said plat, shall be deemed good and sufficient for all purposes of conveyancing and taxation.

Section 2. W.S. 18-3-402(a)(xi)(B)(VIII) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 13, 2019.

Chapter 4

ELECTION FORMS

Original Senate File No. 21

AN ACT relating to elections; requiring election forms for nomination or election for office to contain residences as specified; and providing for an effective date.

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

Section 1. W.S. 22-5-204(b) and 22-5-301(a) are amended to read:

22-5-204. Application for nomination or election; party registration; form.

(b) An eligible person seeking nomination or election for a partisan office shall:

(i) Meet all applicable qualifications to be elected to office which are set forth in the United States and Wyoming constitutions;

(ii) Be registered in the party whose nomination he seeks; and ~~shall~~

(iii) File an application in substantially the following form:

(Residence)

(Date)

1.

2.

Dated the day of,(year).

..... (Signature)

The eligible, registered electors supporting my nomination, and numbering not less than the number required under W.S. 22-5-304, are as follows:

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

1.

2.

VERIFICATION BY CIRCULATORS

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

..... (Signature)

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, 2019.

Chapter 5

BUDGET SUBMISSION DEADLINE

Original Senate File No. 11

AN ACT relating to the state budget; revising the date by which the governor submits the state budget to the legislature; conforming other reporting dates; and providing for an effective date.

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

Section 1. W.S. 9-2-1013(a)(intro), 9-2-1014.1(d) and 28-1-115(c) are amended to read:

9-2-1013. State budget; distribution of copies to legislators; copies and reports of authorizations; interfund loans.

(a) On or before ~~December 1~~ the third Monday in November of the year preceding the year the legislature convenes in budget session, the governor shall distribute to each legislator electronic, or upon request printed, copies of the state budget, covering the next biennial budget period beginning on

July 1 of the ensuing year, containing the itemized requests of the agencies for appropriations or other funds, estimated revenues and receipts to the state, and his recommendations and conclusions. The state budget shall include:

9-2-1014.1. State budget; requests by recipients of certain earmarked funds for additional funding from the budget reserve account.

(d) The governor shall include his recommendations for additional funding for state agencies and for local governments from the budget reserve account in his ~~December~~ budget recommendation submitted under W.S. 9-2-1013 to the legislature. His total recommendations under this section shall not exceed the total amount determined under subsection (b) of this section.

28-1-115. Submission of state agency plans to legislature; contents; purposes.

(c) Each agency shall submit by ~~December 1~~ the third Monday in November of each year an annual performance report to the governor with copies to the legislative service office to provide a basis for evaluation of attainment of agency goals and objectives in the agency's plan developed under subsection (a) of this section. The report shall be included as part of the annual report required by W.S. 9-2-1014(a).

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, 2019.

Chapter 6

PUBLIC UTILITIES-CERTIFICATES OF CONVENIENCE AND NECESSITY

Original Senate File No. 14

AN ACT relating to public utilities; providing for the issuance of nonsitus certificates of public convenience and necessity; requiring certain public utilities to obtain a nonsitus certificate of public convenience and necessity; modifying provision governing certificates of convenience and necessity; specifying applicability of certificates; and providing for an effective date.

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

Section 1. W.S. 37-2-205.1 is created to read:

37-2-205.1. Nonsitus certificate of public convenience and necessity.

(a) Subject to subsection (b) of this section and unless otherwise waived by the commission, no public utility shall begin construction or complete the purchase of a line or plant, or of any extension of a line or material addition to a plant, outside the state of Wyoming without having first obtained from

the commission a nonsitus certificate of public convenience and necessity determining that the present or future need for the nonsitus resource is prudent and in the public interest.

(b) A certificate shall only be required under this section if:

(i) The nonsitus resource is intended by the public utility to be a capital investment in a plant on which return is earned in Wyoming; and

(ii) The capital investment in the nonsitus resource exceeds one percent (1%) of the total capital investment in the plant on which return is earned, that is assigned or allocated to Wyoming customers, based on the public utility's most recent general rate case determination.

(c) No public utility shall include a capital investment in a nonsitus resource in rates charged to Wyoming customers without having first obtained from the commission a nonsitus certificate of public convenience and necessity pursuant to this section.

(d) Unless otherwise determined by the commission, issuance of a nonsitus certificate of public convenience and necessity shall not confer the right to recover a specific amount of the costs of the nonsitus resource in rates charged to Wyoming customers. Actual costs of the capital investment may be considered by the commission in a separate rate case determination.

(e) As used in this section:

(i) "Nonsitus resource" means construction or complete the purchase of a line or plant, or of any extension of a line or material addition to a plant, outside the state of Wyoming;

(ii) "Public utility" shall not include any cooperative electric utility as defined in W.S. 37-17-101(a)(i) that is exempt from public service commission retail rate regulation.

Section 2. W.S. 37-2-205(a) and by creating a new subsection (j) is amended to read:

37-2-205. Certificate of convenience and necessity; hearings.

(a) Except as provided in this subsection, no public utility shall begin construction or complete the purchase of a line; or plant, or system; or of any extension of a line; or material addition to a plant, or system without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction or purchase. This act shall not be construed to require any public utility operating outside of a city or town to secure a certificate for an extension into an area within which it has lawfully commenced operation, or for an extension into territory contiguous to its line; or plant or system for which no certificate is in force and is not served by a public utility of like character or for any extension within or to territory already served by it, necessary in the ordinary course of

its business. If any public utility, in constructing or extending its line; ~~or plant or system~~ interferes or is about to interfere with the operation of the line; ~~or plant or system~~ of any other public utility already authorized or constructed, the commission on complaint of the public utility claiming to be injuriously affected, may after hearing make such order and prescribe the terms and conditions for the location of the lines; ~~or plants or systems~~ affected, as to it are just and reasonable. The power companies may, without the certificate, increase capacity of existing plants. For purposes of this subsection, "material addition" shall not include an addition to a plant that is necessary to serve load growth, provided that the capital investment in the addition shall not exceed one percent (1%) of the total capital investment in the plant on which return is earned, that is assigned or allocated to Wyoming customers, based on the public utility's most recent rate case determination.

(j) Unless otherwise determined by the commission, issuance of a certificate of convenience and necessity shall not confer the right to recover a specific amount of the costs of the construction or purchase in rates charged to Wyoming customers. Actual costs of the construction or purchase may be considered by the commission in a separate rate case determination.

Section 3. This act is effective July 1, 2019.

Approved February 13, 2019.

Chapter 7

TELECOMMUNICATIONS ACT-AMENDMENTS

Original Senate File No. 19

AN ACT relating to telecommunications; extending the Wyoming Telecommunications Act's sunset date; conforming provisions related to the Wyoming universal service fund alternative distribution option and the benchmark price for essential local exchange services; and providing for an effective date.

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

Section 1. W.S. 37-15-101(b) and 37-15-501(g) and (h) are amended to read:

37-15-101. Short title; sunset.

(b) This chapter is repealed effective July 1, ~~2019~~ 2023.

37-15-501. Universal service fund created; contributions; administration.

(g) A telecommunications company that undertakes the requirements set forth in this subsection may make a one-time, irrevocable before July 1, ~~2019~~ 2023, election in writing to the commission to receive Wyoming universal service funds pursuant to this subsection rather than pursuant to subsection (d) of this section. In order to receive funds pursuant to this subsection, the company shall provide essential local exchange service, or its functional equivalent, upon

reasonable request throughout the local exchange area of a rural incumbent local exchange carrier, as defined by the federal communications commission on January 1, 2015, at a price not exceeding the price benchmark established in subsection (h) of this section. A telecommunications company which elects to receive Wyoming universal service funds pursuant to this subsection shall receive funds to the extent that its loop costs, as reflected in the company's most recent annual filing of unseparated loop costs filed with the Universal Service Administration Company, exceed the company's most recent annual federal universal service funds receipts and annual local revenues. In calculating annual local revenues the commission shall utilize the imputed price benchmark established in subsection (h) of this section. If an otherwise qualified company elects to receive Wyoming universal service funds pursuant to this subsection, but does not file an annual unseparated loop cost report with the Universal Service Administration Company, it shall file the equivalent information with the commission.

(h) The price benchmark shall be thirty dollars (\$30.00) until July 1, ~~2019~~ 2023 unless otherwise adjusted by the commission pursuant to this subsection. On and after July 1, 2019, the commission shall review the price benchmark one (1) time every four (4) years and, after review, shall adjust the benchmark as necessary to assure that it approximates one hundred thirty percent (130%) of the weighted statewide average essential local exchange service price. The commission may change the price benchmark at any time if, after notice and opportunity for a hearing, the commission determines that the price benchmark does not approximate one hundred thirty percent (130%) of the weighted statewide average essential local exchange service price and that the price benchmark should be adjusted by ten percent (10%) or more.

Section 2. 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, 2019.

Chapter 8

NATIONAL GUARD MUSEUM

Original House Bill No. 39

AN ACT relating to defense forces and affairs; designating the historic Wyoming national guard armory as a museum; and providing for an effective date.

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

Section 1. W.S. 19-14-112 is created to read:

19-14-112. Description and declaration of Wyoming national guard museum.

The lands in Laramie county, Wyoming, described as follows are hereby declared to be the Wyoming national guard museum to be managed by the military department: All of Block 8, Replat of Airport Addition to the City of Cheyenne, Wyoming, as shown by the Replat of said Airport Addition on file and of record in the office of the County Clerk and Ex-Officio Register of Deeds, in and for said Laramie County, said replat being filed on October 1, 1935, as No. 287212; LESS the Southerly ten (10) feet of said Block 8, Replat of Airport Addition quitclaimed to the City of Cheyenne by the Wyoming Army National Guard, as filed June 15, 1995, in Book 1400, Page 461, in the records of said Clerk of Laramie County, Wyoming.

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 9

ELECTION READINESS ACCOUNT

Original House Bill No. 21

AN ACT relating to elections; creating a permanent account to pay for specified expenses in conducting future elections subject to the federal requirements of the Help America Vote Act; requiring reports; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 22-2-122 is created to read:

22-2-122. State and federal share of qualified election expenses; election readiness account.

(a) There is created the election readiness account. The account shall consist of federal funds received by the state of Wyoming from the federal election assistance commission's 2018 Help America Vote Act (HAVA) election security fund and any state appropriations authorized by the legislature. Funds in the account shall be subject to appropriation. Notwithstanding W.S. 9-2-1008 and 9-4-207, earnings from the funds in the account shall be credited to the account and shall not lapse at the end of any fiscal period.

(b) Funds in the account shall only be used for replacement and maintenance of voting systems and other ongoing election costs as allowed by the Help America Vote Act (HAVA). Disbursements and expenditures from the account shall be made at the discretion of the secretary of state in consultation with the county clerks.

(c) Commencing in 2019, and annually thereafter, the secretary of state shall document disbursements and expenditures from the account. No later than November 15 of each year, the secretary of state shall report any disbursements and expenditures from the account to the joint appropriations committee, the

joint corporations, elections and political subdivisions interim committee and the governor.

Section 2. There is appropriated seven million five hundred thousand dollars (\$7,500,000.00) from the general fund to the election readiness account created by this act.

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

Approved February 14, 2019.

Chapter 10

INSURANCE-NATIONAL ACCREDITATION WAIVER

Original House Bill No. 19

AN ACT relating to insurance; authorizing the insurance commissioner to request waivers to national association of insurance commissioners accreditation requirements; authorizing time limited rulemaking; and providing for an effective date.

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

Section 1. W.S. 26-2-109 by creating a new subsection (e) and 26-2-110 by creating a new subsection (d) are amended to read:

26-2-109. Commissioner; powers and duties generally.

(e) The commissioner may request a waiver from the NAIC's financial regulation standards and accreditation program requirements when the commissioner deems the waiver to be in the interest of the state. The commissioner shall report in writing any waiver request to the joint corporations, elections and political subdivisions interim committee within thirty (30) days of the request.

26-2-110. Rules and regulations.

(d) In addition to all other rulemaking authority granted to the commissioner, the commissioner may promulgate necessary and appropriate rules to satisfy NAIC accreditation requirements, provided that:

(i) The commissioner has determined promulgation of the rules is in the interest of the state and the rules are otherwise appropriate;

(ii) The rules shall not be in effect for longer than three (3) years; and

(iii) The commissioner has requested a waiver, if determined appropriate, to the applicable NAIC accreditation requirement pursuant to W.S. 26-2-109(e).

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

Approved February 14, 2019.

Chapter 11

CRIME VICTIM COMPENSATION ELIGIBILITY CLARIFICATION

Original House Bill No. 45

AN ACT relating to crime victims compensation; providing time limits for compensation awards; authorizing the division of victim compensation to extend compensation time limits for mental health counseling and care; amending the date compensation becomes available as specified; and providing for an effective date.

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

Section 1. W.S. 1-40-109(d) and (e) is amended to read:

1-40-109. Standards for compensation.

(d) Except as provided in subsection (e) of this section, the maximum individual award of compensation paid to any victim or dependent shall not exceed fifteen thousand dollars (\$15,000.00). Compensation shall only be awarded for economic losses occurring within a twenty-four (24) month period from the date of the injury or discovery of the crime. However, the division may extend the twenty-four (24) month period to allow compensation for mental health counseling and care occurring within an additional twelve (12) month period for a total of thirty-six (36) months.

(e) In addition to the maximum award authorized in subsection (d) of this section, in the case of catastrophic injury the division may award an additional amount not to exceed ten thousand dollars (\$10,000.00) to the victim to cover future lost wages, special medical needs and any other special assistance needed as a result of the injury. The additional award may be made only for ~~losses and expenses~~ economic losses occurring within twenty-four (24) months after the date of the injury or discovery of the crime.

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 12

PHYSICAL THERAPY-SCOPE OF PRACTICE REVISIONS

Original House Bill No. 6

AN ACT relating to physical therapy; modifying the scope of practice of physical therapists; making a conforming amendment; and providing for an effective date.

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

Section 1. W.S. 33-25-102(c)(intro) and 33-25-111(a)(xii) are amended to read:

33-25-102. Practice of physical therapy; license or certificate required; exceptions; false representations.

(c) ~~Except as provided in this subsection, a physical therapist with a master's degree, or a bachelor's degree with five (5) years of clinical experience may initiate physical therapy treatment for a new or recurring injury with or without a prescription from a licensed physician including doctor of osteopathy, podiatrist, advanced practitioner of nursing, dentist, chiropractor or physician assistant. Nothing in this subsection shall be construed to preclude a physical therapist from treating a chronic or recurring injury or condition without a prescription, provided that the patient or client was previously diagnosed and prescribed physical therapy treatment within the previous year by a health care provider identified in this subsection and the treatment is directly related to the original prescribed care. Except in an emergency, a physical therapist, without a prescription, is prohibited from initiating physical therapy treatment for children under the age of twelve (12) years, unless the child is to receive physical therapy treatment under an individualized education program or an individualized family services plan. A physical therapist shall refer the patient or client to a licensed physician including doctor of osteopathy, podiatrist, advanced practitioner of nursing, dentist, chiropractor or physician assistant, as appropriate, when: or other health care provider, except that a physical therapist shall refer a patient or client to another health care provider to diagnose or care for the patient or client if the physical therapist reasonably believes that symptoms or conditions may be present that require health care services beyond the scope of physical therapy practice, or physical therapy is contraindicated.~~

33-25-111. Discipline; denial or suspension of license or certificate; grounds.

(a) The board may revoke, suspend, restrict, condition, reprimand, refuse to issue or refuse to renew the license or certification of any individual who:

(xii) Fails to refer a patient or client or post information as required by W.S. ~~33-25-102(e)~~ 33-25-102(c) and (e);

Section 2. W.S. 33-25-102(c)(i) through (iii) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 13

TRUST COMPANY STATUTES-UPDATES

Original House Bill No. 30

AN ACT relating to trust companies; establishing supervised trust companies and private family trust companies as specified; establishing requirements for trust company records; amending and creating definitions for trust companies; making conforming amendments; providing rulemaking authority; renumbering and amending statutes relating to trust companies; repealing obsolete and superseded provisions; and providing for an effective date.

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

Section 1. W.S. 13-5-301, 13-5-303, 13-5-402 through 13-5-408, 13-5-421 through 13-5-423, 13-5-425, 13-5-501 through 13-5-521 and 13-5-701 through 13-5-703 are created to read:

ARTICLE 3
GENERAL PROVISIONS

13-5-301. Definitions.

(a) As used in this chapter:

(i) “Charter” means the commissioner’s grant of authority to any supervised trust company to act and operate in that capacity;

(ii) “Chartered family trust company” means a family trust company that has been granted a charter by the commissioner to act and operate pursuant to this chapter;

(iii) “Collateral kinship” means a relationship that is not lineal, but stems from a common ancestor;

(iv) “Commissioner” means the state banking commissioner;

(v) “Designated relative” means:

(A) With respect to a chartered family trust company, the individual, whether living or deceased, who is listed as the designated relative in a charter application for a charter under this chapter. A chartered family trust company may have no more than two (2) designated relatives;

(B) With respect to a private family trust company, the person, whether living or deceased, who is listed as the designated relative in a written document by the private family trust company that is maintained with the private family trust company records. A private family trust company may have no more than one (1) designated relative.

(vi) “Family affiliate” means a corporation, partnership, limited liability company or other entity with respect to which one (1) or more family members own, directly or indirectly, more than fifty percent (50%) of the entity or possess, directly or indirectly, the power to direct or cause the direction of the entity’s management and policies, whether through the ownership of voting securities, by contract, power of direction or otherwise;

(vii) “Family member” means:

(A) Each designated relative;

(B) Any person within the tenth degree of lineal kinship of a designated relative;

(C) Any person within the ninth degree of collateral kinship of a designated relative;

(D) The spouse and any former spouse of the designated relative or of any person qualifying as a family member pursuant to subparagraph (B) or (C) of this paragraph;

(E) Any person within the fifth degree of lineal kinship of a spouse or former spouse specified in subparagraph (D) of this paragraph;

(F) A family affiliate and the officers, managers and directors of a family affiliate;

(G) A key employee of a family affiliate or former key employee of a family affiliate;

(H) A trust established or funded by any one (1) or more family members or any trustee, advisor or other person assisting with the administration of the trust;

(J) A trust established or funded by a person who is not a family member if the noncharitable beneficiaries consist entirely of one (1) or more family members;

(K) A charitable trust, entity or other organization of which one (1) or more family members is a settlor, incorporator, organizer, member of the board of directors, trustee or a donor of a substantial portion of its assets;

(M) For purposes of this definition:

(I) A legally adopted person shall be treated as a natural child of the adoptive parents;

(II) A stepchild shall be treated as a natural child of the family member who is or was the stepparent of that child;

(III) A foster child or an individual who was a minor when a family member became his or her legal guardian shall be treated as a natural child of the family member appointed as foster parent or guardian;

(IV) Children of a spouse of a family member shall be treated as a natural child of that family member;

(V) Each key employee, spouse of a key employee, former key employee and spouse of a former key employee shall be treated as a natural child of the ninth degree of lineal kinship of the designated relative; and

(VI) Degrees are calculated by adding the number of steps from the designated relative through each person to the family member either directly, in case of lineal kinship, or through the common ancestor, in the case of collateral kinship.

(viii) "Family trust company" means a chartered family trust company or a private family trust company that engages in trust company business exclusively for one (1) or more family members and does not engage in trust company business with the general public;

(ix) “Fiduciary” means acting as executor, administrator, guardian or conservator of an estate or as an assignee, receiver, depository, trustee, custodian or in any other fiduciary or representative capacity;

(x) “Key employee” means a natural person, including any spouse of an officer, manager or director who holds a joint, community property or other similar shared ownership interest with that officer, manager or director, who is an executive officer, director, manager, trustee, general partner or person serving in a similar capacity for a family affiliate who, in connection with his regular functions or duties, participates in the investment activities of a family affiliate, provided that the person has been performing functions and duties for or on behalf of a family trust company for at least twelve (12) months. For purposes of this definition, a family trust company may designate as a key employee an individual who is a former employee of the family trust company; provided, however, that the number of persons designated as key employees shall not exceed twenty (20) within the trust;

(xi) “Lineal kinship” means a family member who is in the direct line of ascent or descent from a designated relative;

(xii) “Organizational instrument” means the articles of incorporation for a corporation or the articles of organization for a limited liability company;

(xiii) “Private family trust company” means a family trust company that is not a chartered family trust company and is not subject to regulation by the Wyoming division of banking;

(xiv) “Public trust company” means a trust company that has been granted a charter by the commissioner to engage in trust company business with the general public;

(xv) “Supervised trust company” means any public trust company or chartered family trust company but does not include a private family trust company;

(xvi) “Trust company” means a corporation or limited liability company that is organized or qualified to do business in this state as a trust company and that is engaged in trust company business;

(xvii) “Trust company branch” means a place of business within this state that engages in trust company business;

(xviii) “Trust company business” means the holding out by a person, by advertising, solicitation or other means, that such person is available to act as a fiduciary in this state and accepting and undertaking to act as a fiduciary in the regular course of its business. For purposes of this chapter, a person or entity does not engage in trust company business solely by:

(A) Rendering services as an attorney-at-law in the performance of his duties;

(B) Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act;

(C) Acting as a trustee in bankruptcy or as a receiver;

(D) Holding trusts of real estate for the primary purpose of subdivision, development or sale or to facilitate any business transaction with respect to such real estate, provided the person is not regularly engaged in the business of acting as a trustee for such trusts;

(E) Holding assets as trustee of trusts created for charitable purposes;

(F) Receiving rents and proceeds of sale as a licensed real estate broker on behalf of a principal;

(G) Engaging in securities transactions as a dealer or salesman registered under W.S. 17-4-101 through 17-4-701;

(H) Acting as guardian, conservator, special conservator, trustee or personal representative pursuant to a court order or other statutory authority; or

(J) Acting as trustee of a statutory trust created under the Wyoming Statutory Trust Act.

(xix) “Trust service office” means any other office or other place of business where the supervised trust company exercises its administrative duties but does not conduct trust company business.

13-5-303. Trust company organized as limited liability company; applicability.

A trust company organized as a limited liability company shall be subject to all of the same laws and regulations that relate to a trust company organized as a corporation. All managers, officers and employees of a trust company organized as a limited liability company shall be subject to the same duties and liabilities that apply to directors, officers and employees of a trust company organized as a corporation. Any reference made in this chapter only to a corporation, director or shareholder shall also apply to a limited liability company, manager or member.

ARTICLE 4

SUPERVISED TRUST COMPANIES

13-5-402. Records; retention generally.

Each supervised trust company in this state shall retain its business records for the periods prescribed by W.S. 13-5-403 through 13-5-408.

13-5-403. Records; permanent records.

Each supervised trust company shall permanently retain the minute books of meetings of its stockholders and directors, its capital stock ledger and capital

stock certificate ledger or stubs, its general ledger, or the record kept by the supervised trust company in lieu of a general ledger, its daily statements of condition, if any, and all records which the commissioner requires to be retained permanently.

13-5-404. Records; records retained three years.

All supervised trust company records pertaining to other parties such as transactional records shall be retained for three (3) years after the completion of the transactions pertaining to the records.

13-5-405. Records; requirements of state banking commissioner.

All other supervised trust company records shall be retained for the periods prescribed by the commissioner.

13-5-406. Records; state banking commissioner to issue rules.

(a) The commissioner shall issue rules classifying records kept by supervised trust companies and prescribing the periods for which records of each class shall be retained. The rules shall be reviewed and considered for revision at least once every five (5) years. When issuing rules the commissioner shall consider:

(i) Actions and administrative proceedings in which the production of supervised trust company records might be necessary or desirable;

(ii) State and federal statutes of limitation applicable to actions or proceedings;

(iii) The availability of information contained in supervised trust company records from other sources;

(iv) Other matters pertinent to the interests of supervised trust company customers, shareholders and the people of the state of Wyoming.

13-5-407. Records; duty to produce records.

After the period prescribed for the retention of records of its class the supervised trust company has no duty to produce the record in any action or proceeding if the supervised trust company has disposed of the records.

13-5-408. Records; reproduction.

Any supervised trust company may cause any of its records including those held by it as a fiduciary, to be photographed, microfilmed, scanned or otherwise reproduced in permanent form. Any photograph, scan or reproduction has the same effect as the original and shall be admitted in evidence in lieu of the original.

13-5-421. Change in place of business.

(a) Any supervised trust company may apply in writing to the commissioner for permission to change its place of business to any other municipality in the state. The application shall be accompanied by a fee established by rule 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 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 under this chapter.

(b) If the commissioner finds that the change of location may be desirable and in the supervised trust company's best interests, he shall grant a certificate authorizing the change of location.

13-5-422. Amendment to organizational instrument.

(a) A supervised trust company may amend its organizational instrument pursuant to the requirements of W.S. 17-16-1001 through 17-16-1009 for a corporation or W.S. 17-29-202 for a limited liability company. The articles of amendment shall be executed in triplicate with 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 supervised trust company.

(b) Triplicate originals of the articles of amendment shall be delivered to the commissioner together with a fee required for filing documents with the secretary of state. If the commissioner finds that the articles of amendment do not conform to law he shall return them to the corporation. If the commissioner finds that the articles of amendment conform to the law he shall endorse on the articles of amendment his certificate of approval together with the word "filed" and the month, day and year of filing, and he shall file one (1) of the triplicate originals in his office and one (1) in the office of the secretary of state. The commissioner shall issue a certificate of amendment, affix it to the third triplicate original of the articles of amendment and return it to the corporation or its representatives.

(c) Upon the issuance of the certificate of amendment by the commissioner, the amendment is effective and the organizational instrument shall be amended accordingly.

13-5-423. Liability of directors, managers and officers.

(a) Except as provided in this section, no director, manager or officer of any supervised trust company may be held individually liable to any person for participating in or consenting to any act or failure to act in the conduct of trust company business unless the act or failure to act:

(i) Constitutes misconduct, a breach of duty or a failure to perform that is:

(A) Criminal, unless the director, manager or officer had a good faith and reasonable belief that the conduct was lawful; or

(B) Willful, reckless or undertaken in bad faith that resulted in fraud, self-dealing or unlawful personal benefit.

(ii) Is a proximate cause of the damage incurred; and

(iii) Is established by clear and convincing evidence.

(b) No director, manager or officer of any supervised trust company shall incur any individual liability that exceeds subsection (a) of this section unless that individual liability is expressly authorized under the organizational instrument, governing documents, resolutions of the supervised trust company or by a valid written agreement between the director, manager or officer incurring individual liability and the parties in controversy.

(c) This chapter shall not supersede, modify or supplement the standards of conduct and indemnity provisions for directors, managers and officers under the Wyoming Business Corporation Act and the Wyoming Limited Liability Company Act.

13-5-425. Establishment of trust company branches; application; fee; activities; examination; criteria.

(a) With prior approval of the commissioner a supervised trust company may establish and operate one (1) or more branches at any location in this state.

(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 of the commissioner. The application shall be signed by the chief executive officer of the applicant supervised trust company and contain and be accompanied by the following information:

(i) Name and address of the applicant supervised trust company;

(ii) Exact location of the proposed branch;

(iii) Certification of publication of notice of the application at least one (1) time in a newspaper of general circulation in the county in which the proposed branch will be located;

(iv) Other information as the commissioner may require in order to determine if the requirements of this section are met.

(c) The commissioner shall issue a certificate of authority for the branch to the applicant supervised trust company within twenty (20) days after receipt of the complete application and fee unless he finds:

(i) Establishment or operation of the proposed branch would pose undue risk to the safety and soundness of the supervised trust company;

(ii) The name of the proposed branch does not reasonably identify the

branch as a branch of the applicant supervised trust company or is likely to unduly confuse the public; or

(iii) The applicant supervised trust company has failed to substantially comply with applicable law governing its operation.

(d) The certificate of authority expires one (1) year after its issuance unless the branch has opened and business has begun in good faith.

(e) The application fee provided by subsection (b) of this section shall be deposited by the 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 commissioner. Funds from the account shall be expended only to carry out the duties of the commissioner under this chapter. If the application expenses are less than the amount of the fee, the unexpended amount shall remain within the account.

(f) Every branch of a supervised trust company in this state shall be licensed by the commissioner before operating, engaging in or conducting trust company business.

(g) The commissioner shall fix the amount of the initial license fee and annual renewal fee by rule.

(h) An application for an initial 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 supervised trust company chartered under the laws of this state or of any other state is subject to compliance examinations as the commissioner deems necessary.

(j) The activities and operations of a branch are attributable to the applicant supervised trust company for purposes of determining qualification for authority to do business in this state.

ARTICLE 5

PUBLIC TRUST COMPANIES

13-5-501. Formation and organizational instrument.

(a) One (1) or more adult persons may organize a corporation or limited liability company for the purpose of forming a public trust company at a place in this state designated in the organizational instrument subject to the conditions prescribed by law. The organizer shall subscribe and verify triplicate originals of the organizational instrument and the application required under W.S. 13-5-502 and transmit them to the commissioner together with any other documents or information required by rule of the commissioner.

(b) The organizational instrument shall include the following information:

(i) The legal name of the public trust company;

- (ii) The object for which the public trust company is organized;
- (iii) The term of its existence which may be perpetual;
- (iv) The place where its office shall be located and its operations conducted;
- (v) The amount of capital stock and the number of shares or the amount of membership interest;
- (vi) The name and residence of each shareholder subscribing to more than ten percent (10%) of the stock and the number of his shares or the name and residence of each member owning more than ten percent (10%) of the membership interest and percentage of his membership interest;
- (vii) The number of directors and the names of those who shall manage the affairs of the corporation for the first year or the number and names of managers appointed to manage the affairs of the limited liability company for the first year; and
- (viii) A statement that the organizational instrument is made to enable the organizer to form a public trust company within this state.

(c) The organizational instrument shall comply with W.S. 17-16-202 for corporations and W.S. 17-29-201 for limited liability companies. The commissioner may establish by rule other documents and materials a public trust company must file.

(d) Copies of all amended organizational instruments shall be filed in the same manner as the original organizational instrument.

13-5-502. Procedure upon filing of organizational instrument, application and other information.

(a) The organizer shall apply to the commissioner for a charter. The application shall be on forms prescribed by the commissioner and shall contain such information as required by rule of the commissioner.

(b) Upon filing with the commissioner the organizational instrument as required by W.S. 13-5-501, an application and any other information required by the rules and regulations of the board, the commissioner shall notify the applicants in writing within thirty (30) calendar days of any deficiency in the required information or that the application has been accepted for filing. When the commissioner is satisfied that all required information has been furnished, he shall notify the chairman of the board who shall establish a time and place within the county where the proposed public trust company is to be located for a public meeting or hearing if the application is contested which shall be not less than sixty (60) days nor more than one hundred twenty (120) days after notice from the state banking commissioner that the application is in order. Within thirty (30) days after receipt of notice of the time and place of the public meeting or hearing, the applicant shall cause notice of filing of the application and of the meeting or hearing to be published at the applicant's expense in a

newspaper of general circulation within the county where the proposed public trust company is to be located. Publication shall be made at least once a week for three (3) consecutive weeks before the meeting or hearing stating the proposed location of the public trust company, the names of the proposed applicants for a charter, the nature of the activities to be conducted by the proposed institution and other information as the commissioner shall prescribe by rule. The applicant shall furnish proof of publication to the commissioner not more than ten (10) days prior to the public meeting or hearing.

13-5-503. Application filing fee.

The application for a charter filed with the commissioner shall be accompanied by a fee established by rule of the commissioner to cover the expense of the investigation by the commissioner, the expense of the public hearing or meeting and other related expenses. The fee shall be deposited by the commissioner with the state treasurer into the financial institutions administration account. If an application for a public trust company charter is withdrawn by the applicant at any time prior to the meeting or hearing on the application, the application filing fee, less the amount of any expense authorized in this section and actually incurred, shall be refunded to the applicant. If the application is approved and expenses are less than the application fee collected the unexpended amount shall remain within the account.

13-5-504. Procedure for hearings or meetings on charter applications.

If a party with a bona fide interest contests the charter application, the hearing held shall be a contested case under the Wyoming Administrative Procedure Act and shall comply with the requirements of that act. If the application is not contested, a majority of the board members shall hold a public meeting to consider the application. The public meeting shall not be subject to the contested case procedures of the Wyoming Administrative Procedure Act, W.S. 16-3-107 through 16-3-112.

13-5-505. Emergency charters; fees.

(a) Notwithstanding any other provisions contained in this chapter, a public trust company charter may be granted by the commissioner without a public meeting or hearing in any case determined by the commissioner to be an emergency arising from the insolvency, or to prevent the failure, of an existing public trust company. The granting of any emergency charter under this section is contingent upon the commissioner determining that findings required by W.S. 13-5-507 have been satisfied.

(b) The application fee for an emergency charter shall be established by rule of the commissioner. The fee shall be deposited by the commissioner with the state treasurer and credited to the financial institutions administration account.

13-5-506. Investigation and examination by banking commissioner.

(a) Upon receiving the organizational instrument, application and other information required to be submitted under W.S. 13-5-501 and 13-5-502, the commissioner shall make a careful investigation and examination of the following:

(i) The character, reputation, financial standing and ability of the organizers and those proposed as directors, managers, members, stockholders or owners of the public trust company;

(ii) The character, financial responsibility, trust administration or other financial experience and business qualifications of those proposed as officers or managers; and

(iii) Such other facts and circumstances bearing on the proposed public trust company as the commissioner may deem relevant.

(b) The commissioner or his designee shall submit his findings at the public meeting or hearing on the application and shall be subject to cross-examination or questioning by any interested party. No relevant information shall be excluded by the board as hearsay.

13-5-507. Approval or disapproval of application; criteria for approval; action upon application; interim charter; fee.

(a) Within ninety (90) days after receipt of the transcript of the public meeting or hearing, the board shall in its discretion approve, conditionally approve or disapprove the application, but it shall not approve the application until it has ascertained to its satisfaction:

(i) The proposed public trust company is only being formed for legitimate objects contemplated by the laws of the state;

(ii) The proposed capital and surplus are not less than the required minimum established in W.S. 13-5-511 and are adequate in light of current and prospective conditions;

(iii) The proposed officers and directors or managers have sufficient experience, ability and professional reputation to afford reasonable promise of successful operation;

(iv) The name of the proposed public trust company does not resemble so closely as to cause confusion the name of any other financial institution transacting business in the county; and

(v) The applicants have complied with all applicable provisions of law.

(b) The board shall take action upon the application by stating its findings of fact and conclusions of law. If the board approves the application, the commissioner shall endorse upon the organizational instrument the approval and shall file one (1) copy with the secretary of state, retain one (1) copy in his files and return one (1) copy to the applicants within twenty (20) days after

the date of the decision of the board approving the application. If the board conditionally approves an application by requiring increased capital or surplus, retention of additional qualified officers or directors or change of name to avoid confusion, and upon compliance by the applicant, the commissioner shall proceed as provided in the preceding sentence. If the board disapproves the application, the commissioner shall mail notice of the disapproval to the applicants within twenty (20) days after the board's negative action.

(c) The board may waive the public meeting or hearing required under W.S. 13-5-502(b) if the application is for an interim public trust company charter to be used as a vehicle for merger with an existing public trust company that is currently serving the public need and convenience of the community, operating profitably, adequately capitalized, has officers and directors or managers of proven ability and is to be chartered solely for the purpose of facilitating the merger and the change in ownership of the existing public trust company. The application fee for an interim public trust company charter for which a public meeting or hearing is waived shall be established by rule and regulation of the commissioner. The fee shall be deposited by the commissioner with the state treasurer and credited to the financial institutions administration account.

13-5-508. Certificate of authority to commence business required; application; approval or denial; failure to commence business.

If the application is approved and a charter granted by the board, the public trust company shall not commence business before receiving a certificate of authority to operate from the commissioner. An application for a certificate of authority shall be made to the commissioner and shall certify that all required capital and surplus have been paid in. The application shall list the address at which the public trust company will operate and shall attach the organizational instrument or all adopted bylaws. The application shall state who the officers, directors and stockholders or the members and managers are at that time. The commissioner shall approve or deny an application for a certificate of authority within thirty (30) days after the application has been filed, but the authority of the commissioner to disapprove any application is restricted solely to noncompliance with this section. If the commissioner approves the application, he shall issue a certificate of authority to the organizers within twenty (20) days. If the commissioner denies the application, he shall mail a notice of denial to the organizers within twenty (20) days, stating the reasons for denying the application, and grant to the organizers a maximum period of ninety (90) days to resubmit the application with the necessary corrections. If the applicant fails to comply with requirements of the notice of denial within ninety (90) days from the receipt of the notice, the approval of the application and charter previously issued to the applying public trust company shall be revoked by the commissioner. The failure of the commissioner to act upon an application for a certificate of authority within thirty (30) days shall be deemed an approval. If the approved public trust company fails to commence business

in good faith within one (1) year after the issuance of a certificate of authority by the commissioner or any required federal approval, whichever is later, the charter and certificate of authority shall expire.

13-5-509. Decisions by board appealable; grounds.

Any decision of the board in approving or disapproving any charter or the issuance or denial of a certificate of authority is appealable to the district court of the county in which the public trust company is to be located in accordance with the provisions of the Wyoming Administrative Procedure Act. In addition to the grounds for appeal contained in the Wyoming Administrative Procedure Act, the appellant may appeal if the board or the commissioner fails to make any of the findings required.

13-5-510. Powers of public trust companies; limitations; prohibitions; conflicts of interest; exemptions.

(a) Public trust companies may exercise the powers permitted by subsection (b) of this section and the powers and rights granted to other corporations and limited liability companies under general law except as provided by this chapter.

(b) Each public trust company may:

(i) Act or be appointed by any court to act in like manner as an individual or as a fiduciary for any purpose permitted by law;

(ii) Act as transfer agent or registrar of corporate stocks and bonds;

(iii) Purchase, invest in and sell stocks, bonds, mutual funds, mortgages and other securities for the account of trusts;

(iv) Accept and execute any trust company business permitted by any law of this or any other state or of the United States to be taken, accepted or executed by an individual;

(v) Take oaths and execute affidavits by the oath or affidavit of its directors, managers, managing members, officers, agents or employees;

(vi) Make any lawful fiduciary investment as permitted by W.S. 2-3-301;

(vii) Do and perform all acts necessary to exercise the powers enumerated in this chapter.

(c) A public trust company shall not engage in any banking business by accepting general deposits or issuing demand instruments.

(d) A public trust company may invest its capital and surplus in stocks, bonds, mortgages, mutual funds and other securities. A public trust company may invest in, purchase, hold, convey and lease real estate in accordance with W.S. 13-3-201(a)(i).

(e) A public trust company shall consider the following when undertaking

a transaction or other action authorized under subsection (b) of this section:

(i) The interests of the beneficiaries of the trust for which the public trust company is acting as fiduciary, if applicable;

(ii) Whether the transaction or action complies with the terms of the governing instrument establishing the fiduciary relationship, any applicable judgments, judicial decrees or court orders and any applicable consent agreements or releases.

(f) Except as provided in this chapter, no person shall act as a public trust company or engage in trust company business without first obtaining a charter from the commissioner under this chapter.

(g) A bank or savings and loan authorized under the laws of the United States or this state to engage in trust company business in this state, may engage in such business as a bank or savings and loan association without obtaining a charter under this chapter, but shall be subject to the provisions of this chapter relating to the administration of its trust accounts.

(h) Insurance companies licensed to write life insurance policies and annuity or endowment contracts in this state and subject to the regulation and control of the state insurance commissioner shall not be subject to the provisions of this chapter.

(j) Except as otherwise provided in subsection (e) of this section, nothing in this section prohibits a public trust company from transacting business with or investing in any asset of:

(i) A trust, estate, guardianship or conservatorship for which the public trust company is a fiduciary;

(ii) Any other company, agent, entity or person for which a conflict of interest may exist.

(k) If a potential conflict of interest exists as to a particular transaction or action between the public trust company in its capacity as a fiduciary and the public trust company in its individual capacity, the transaction or action is not voidable if it complies with this section or occurred before the public trust company entered into the fiduciary relationship.

(m) A transaction by or action of a public trust company is not voidable if:

(i) The transaction or action was authorized by the terms of the organizational instrument;

(ii) The transaction or action was approved by a court pursuant to a judgment, judicial decree or court order;

(iii) The transaction or action was authorized by a valid consent agreement or release signed by all interested persons to the transaction or action;

(iv) No interested person commenced a legal action relating to the

transaction in accordance with subsection (n) of this section; or

(v) The transaction or action occurred before the public trust company entered into the fiduciary relationship.

(n) A legal action by an interested person alleging that a transaction or action by a public trust company is voidable because of the existence of a conflict of interest must be commenced within one (1) year of the date on which the interested person discovered, or by the exercise of reasonable diligence should have discovered, the facts in support of his claim.

(o) Notwithstanding any other provision of this chapter, a public trust company is not required to obtain court approval for any transaction that otherwise complies with the provisions of this section.

13-5-511. Requirements as to capital or membership interest.

(a) The capital stock or membership interest of each public trust company shall be subscribed for as fully paid stock or fully paid membership interests. No public trust company shall organize with a capital stock or membership interest less than one million dollars (\$1,000,000.00).

(b) No public trust company shall commence business until the full amount of its authorized capital or membership interest is subscribed and fully paid in. No public trust company may organize without a paid up surplus fund of at least twenty percent (20%) of its legally authorized capital stock or membership interest, and undivided profits in sufficient amount for the first year expenses of operation as determined by the commissioner.

13-5-512. Issue of stock or membership interest.

A public trust company shall not issue any share of stock or any percentage of membership interest until the par value of the share or the capital contribution has been actually paid in cash.

13-5-513. Increase or reduction of capital stock.

A public trust company may increase or reduce the capital stock or membership interest of the public trust company after receiving the written approval of the commissioner and by the vote of the shareholders or members owning two-thirds (2/3) of the stock or membership interest in the public trust company at a stockholders' or members' meeting called for that purpose.

13-5-514. Transfer of stock, membership interests and other ownership interests.

(a) The shares of stock or membership interests of public trust companies are personal property and shall be transferred on the books of the public trust company in such manner as the bylaws or operating agreement may provide. A transfer of stock or membership interest in a public trust company is invalid until any impairment of its capital stock or membership interest has been

restored.

(b) Transfers of voting stock or membership interests of a public trust company shall be reported to the commissioner not less than ten (10) days prior to being made if the transfer:

(i) Equals or exceeds ten percent (10%) of the public trust company's voting ownership interests; or

(ii) Is made to a person owning or controlling ten percent (10%) or more and less than eighty percent (80%) of the public trust company's voting ownership interests.

(c) The commissioner may disapprove any transfer of stock or membership interest required to be reported if he finds that the transferee:

(i) Has been convicted of a felony; or

(ii) Has been removed from a position as director, manager, officer or employee of a public trust company or other financial institution pursuant to an order of the commissioner or federal regulatory authority.

13-5-515. Stock or membership interest register; inspection.

A public trust company shall keep a stock or membership interest register that is open for inspection during business hours to officers, directors and stockholders or members and managers of the public trust company. The register shall contain the name, residence and number of shares of each stockholder or the percentage of membership interest of each member and all transfers of stock or membership interest, stating the time made, the number of shares or percentage of membership interest transferred and to whom transferred.

13-5-516. Voting by shareholders and members generally; balloting for directors and managers.

(a) Unless the public trust company's governing documents provide otherwise:

(i) Each share or membership interest entitles the owner to one (1) vote on all elections of directors or managers and all other questions submitted at meetings of shareholders or members. Shareholders or members may vote by proxies executed in writing but no officer, clerk, teller or bookkeeper of the public trust company shall act as proxy. The presence in person or by proxy of the owners of at least fifty-one percent (51%) of the issued and outstanding capital stock or membership interest at any meeting of stockholders or members constitutes a quorum;

(ii) In balloting for directors or managers each qualified shareholder or member may vote the number of shares or amount of membership interest owned by him for as many directors or managers as are to be elected or may cumulate his votes by giving one (1) candidate the number of votes equal to

the number of directors or managers to be elected multiplied by the number of his shares or percentage of membership interest and he may distribute his votes cumulatively on the same principle among any number of candidates. The persons having the highest number of votes shall be declared elected as the board of directors or as managers for the ensuing corporate year.

13-5-517. Preferred stock.

(a) Unless the organizational instrument of a public trust company is more restrictive, a public trust company may issue one (1) or more classes of preferred stock or membership interest upon the approval of two-thirds (2/3) of the stockholders or members and the approval of the commissioner under this section.

(b) Copies of the directors' and stockholders' or members' and managers' minutes approving the issuance and bearing the approval of the commissioner shall be filed in the office of the secretary of state and treated as an amendment to the organizational instrument.

(c) At a board of directors' or managers' meeting called on not less than one (1) day's notice, the directors or managers may adopt a resolution calling for the issuance of preferred shares or classes of membership interest. The directors shall then call a meeting of the stockholders or members, giving not less than five (5) days' notice and stating the purpose of the meeting.

(d) The voting rights and manner of retirement of preferred shares or membership interest shall be as adopted in the resolution of the stockholders or members authorizing their issuance subject to the provisions of the organizational instrument and the approval of the commissioner.

(e) The holders of the preferred stock or membership interest of the highest class shall be entitled to cumulative dividends or distributions of up to six percent (6%) per year before dividends are paid on any other stock or before distributions are made to members of any other class. The holders of preferred stock or membership interest of subsequent classes shall next be entitled to cumulative dividends or distributions of up to six percent (6%) in order of preference before dividends are paid to the holders of common stock or before distributions are made to members of any other class. In any liquidation no payment shall be made to the holders of common stock or membership interest until the holders of preferred stock or highest priority membership interest have been paid the full par value of their stock and accumulated dividends or the full value, up to the amount of their capital contribution and accumulated profits, in order of preference.

(f) The preferred stock and holders of preferred stock and preferred membership interest and the owners of preferred membership interest are not liable for assessments to restore impairment of capital or for any liability imposed by law on common stock or the holders of common stock or on

the lowest priority membership class or the owners of the lowest priority of membership interest.

(g) No issue of preferred stock or membership interest is valid until the entire par value of the shares or membership interest has been paid in cash or until arrangements satisfactory to the commissioner have been made for payment.

(h) The par value of preferred stock or membership interest shall be included in any determination of required capital under this chapter.

13-5-518. Authority to manage public trust companies; qualifications.

The affairs of a public trust company shall be managed by not less than five (5) directors or managers. Shareholders or the board of directors or members or the managers, if provided by the organizational instrument, may adopt and amend bylaws for the management of the public trust company. Each director and manager 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 trust company business. Within thirty (30) days after being elected or appointed each director and manager of a public trust company shall sign the oath required by this section on a form prescribed by the commissioner and it shall be part of the record of any meeting and included in the public trust company's minutes. Within thirty (30) days after initially being elected or appointed each director and manager of a public trust company shall file with the commissioner a sworn financial statement on a form prescribed by the commissioner.

13-5-519. Election; term; vacancies; number.

(a) The initial and elected directors or managers of any public trust company shall hold office for one (1) year and until their successors are elected and qualified except in cases of death, resignation or removal under the laws of this state. All elections shall be held annually on a day designated by the directors or managers on or before April 30.

(b) If the annual election of directors or managers is not held at the time designated, an election may be held within sixty (60) days thereafter following notice by publication in three (3) consecutive issues of a weekly newspaper printed in the county in which the public trust company is located, or if no newspaper is printed in the county then in a newspaper of general circulation in the state.

(c) Any director or manager who during his tenure as a director becomes insolvent or makes a general assignment of his property for the benefit of creditors shall vacate his office.

(d) Vacancies which reduce the board or the total number of managers to less than five (5) members shall be filled within ninety (90) days of the vacancy by appointment by the remaining directors or managers for the unexpired term.

The board or managers shall notify the commissioner of any vacancy on the board or of any manager within thirty (30) days of the vacancy.

(e) Changes in the number of directors or managers shall be authorized by a majority vote of the stockholders or members to be effective upon expiration of the current corporate year. The change may become effective immediately with the consent of the directors or managers and written notification to the commissioner.

13-5-520. Meetings; record of proceedings and business.

(a) The board of directors or managers of a public trust company shall hold a regular meeting at least once every quarter of the calendar year. At each meeting a detailed report showing all trust business shall be submitted. The board of directors or managers shall review the report and make it a part of the record of the meeting. The record shall show their approval or disapproval of the report.

(b) A record of the proceedings and business of all meetings shall be included in the public trust company's minutes.

13-5-521. Inspection of public trust company; confidentiality.

(a) Every public trust company is subject to inspection by the commissioner. The commissioner or a duly appointed examiner shall visit and examine each public trust company as often as the commissioner deems necessary and at least once every two (2) years, with or without previous notice to the officers or managers of or anyone interested in the public trust company. The commissioner or a duly appointed examiner shall make a complete and careful examination of the condition and resources of the public trust company, the mode of managing the company's affairs and conducting its business, all records, transactions and other data or documents pertaining to the actions of the public trust company, the action of its officers and directors or managers in the investment and disposition of trust funds, the safety and prudence of the company's management, the security afforded to those by whom trust company engagements are held, whether the requirements of this chapter are being complied with and such other matters as the commissioner may prescribe.

(b) All information, reports or applications obtained by the commissioner from an applicant or public trust company are confidential.

ARTICLE 7

PRIVATE FAMILY TRUST COMPANIES

13-5-701. Establishment of a private family trust company.

(a) One (1) or more persons may subscribe to an organizational instrument in writing for the purpose of forming a private family trust company, subject to the provisions of this chapter.

(b) The articles of incorporation for a private family trust company organized

as a corporation shall include all of the information required by W.S. 17-16-202 and the following:

(i) The corporate name, which shall comply with W.S. 13-5-302 and 17-16-401;

(ii) A statement that the articles of incorporation are made to enable the corporation to act as a fiduciary for the family members; and

(iii) A statement that the corporation will act as a fiduciary exclusively for one (1) or more family members and will not engage in trust company business with the general public.

(c) The articles of organization for a private family trust company organized as a limited liability company shall include all of the information required by W.S. 17-29-201 and the following:

(i) The name of the limited liability company, which shall comply with W.S. 13-5-302 and 17-29-108;

(ii) A statement that the articles of organization are made to enable the corporation to act as a fiduciary for the family members; and

(iii) A statement that the limited liability company will act as a fiduciary exclusively for one (1) or more family members and will not engage in trust company business with the general public.

(d) Upon the approval of the organizational instrument of a private family trust company by the secretary of state, the directors or managers of the private family trust company shall execute and deliver a signed waiver to the commissioner acknowledging that the private family trust company is not supervised by the commissioner and that at all times the private family trust company will not transact trust company business with the general public.

13-5-702. Inspection of private family trust companies; authority of commissioner.

(a) If the commissioner has reasonable cause to believe that a private family trust company proposes to transact or has transacted trust company business with the general public, then the commissioner may conduct any inspections of the private family trust company as he deems necessary to ensure compliance with the provisions of this chapter.

(b) If the commissioner discovers that a private family trust company has proposed to transact or has transacted trust company business with the general public, then the commissioner may take any action authorized under W.S. 13-10-201 through 13-10-209 with respect to the private family trust company to ensure compliance with the provisions of this chapter.

13-5-703. Private family trust companies; applicability of chapter.

Except as otherwise provided in this chapter, the provisions of this chapter

applicable to supervised trust companies and family trust companies shall not apply to private family trust companies.

Section 2. W.S. 13-2-101(a)(ix) is amended to read:

13-2-101. Generally.

(a) Each bank may:

(ix) Operate a trust department and exercise all powers enumerated by W.S. ~~13-5-101(b)~~ 13-5-510(b);

Section 3. W.S. 13-5-207 as 13-5-302, 13-5-108 as 13-5-401, 13-5-109 and 13-5-110 as 13-5-409 and 13-5-410, 13-5-214 as 13-5-411, 13-5-117 as 13-5-412, 13-5-115 as 13-5-413, 13-5-216 as 13-5-414, 13-5-111 as 13-5-415, 13-5-112 through 13-5-114 as 13-5-416 through 13-5-418, 13-5-116 as 13-5-419, 13-5-118 as 13-5-420, 13-5-219 as 13-5-424, 13-5-218 as 13-5-522, 13-5-210 and 13-5-211 as 13-5-601 and 13-5-602, 13-5-205 as 13-5-603, 13-5-209 as 13-5-606, 13-5-215 as 13-5-607 and 13-5-217 as 13-5-608 are amended and renumbered to read:

~~13-5-207~~ 13-5-302. **Naming convention; advertisement of trust company.**

(a) Except as provided in subsection (b) of this section, no person or entity shall advertise, issue or circulate any paper or exhibit any sign, using the term “trust company” unless they have the person or entity has fully complied with this act or W.S. 13-5-101 through 13-5-113 chapter and has qualified as a supervised trust company.

(b) No person or entity wishing to organize as a private family trust company shall use the term “trust company” in its name without further specifying in its name that the company entity is a “private ~~single~~ family trust company.” unless they have fully complied with this act or W.S. 13-5-101 through 13-5-113.

(c) Neither a private family trust company nor a chartered family trust company formed and doing business under the laws of this state or any other state shall advertise its services to the public.

ARTICLE 4

SUPERVISED TRUST COMPANIES

~~13-5-108~~ 13-5-401. **Laws applicable; matters of contract.**

(a) In the exercise by a supervised trust company of its powers as guardian, executor, trustee, administrator or conservator, or of any office or duty imposed by any court, the supervised trust company shall be subject to the same responsibilities, liabilities and penalties as an individual acting in like capacity, and the supervised trust company shall have the same powers and shall receive the same compensation as fixed by law for individuals acting in like capacity.

(b) The exercise of the other powers and the performance of the other duties by the supervised trust company may be as contracted for by the parties

interested.

(c) In performing its duties under a trust, a supervised trust company shall be subject to the provisions of ~~the Uniform Trustees' Powers Act, W.S. 4-10-801 et seq through 4-10-817.~~

~~13-5-109~~ 13-5-409. Financial transactions.

(a) Every supervised trust company shall keep all trust funds and investments separate and apart from the assets of the supervised trust company and all investments made by the supervised trust company as a fiduciary shall be designated so that the trust or estate to which such investments belong may be clearly identified.

(b) Every supervised trust company holding trust funds awaiting investment or distribution may deposit or leave on deposit such funds with a state or ~~national~~ nationally chartered bank or savings and loan association or invest the funds in other cash equivalent investments, including but not limited to uninsured money market funds or United States treasury bills with a duration of twelve (12) months or less. The funds shall not be deposited or left with the same corporation or association depositing or leaving on deposit such funds, nor with a corporation or association holding or owning a majority of the capital stock of the supervised trust company making or leaving the deposit, unless the corporation or association shall first pledge, as security for the deposit, securities eligible for investment by state banks that have a market value equal to that of the deposited funds. No security shall be required with respect to any portion of such deposits which are insured under the provisions of any law of the United States.

(c) Every supervised trust company acting in any capacity under a trust, unless the instrument creating the trust provides otherwise, may cause any securities or other property held by it in its representative capacity to be registered in the name of a nominee or nominees of the supervised trust company.

(d) Every supervised trust company when acting as depositary or custodian for the ~~personal representative fiduciary~~ of a trust, unless the instrument creating the trust provides otherwise, may with the consent of the ~~personal representative fiduciary~~ of the trust, cause any securities or other property held by it to be registered in the name of a nominee or nominees of the supervised trust company.

(e) Every supervised trust company shall be liable for any loss occasioned by the acts of any of its nominees with respect to securities or other property registered under subsections (c) and (d) of this section.

(f) No corporation or the registrar or transfer agent thereof shall be liable for registering or causing to be registered on the books of the corporation any securities in the name of any nominee of a supervised trust company or for transferring or causing to be transferred on the books of the corporation any

securities theretofore registered by the corporation in the name of any nominee of a supervised trust company, as provided in this section, when the transfer is made on the authorization of the nominee.

~~13-5-110~~ 13-5-410. **Powers of the commissioner.**

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

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

~~(iii)~~(ii) In the exercise of the power to make orders and regulations to implement the provisions of this ~~act~~ chapter, the commissioner shall act in the interests of promoting and maintaining a sound trust company system, the security of assets and trust accounts, and the protection of other customers;

~~(vi)~~(iii) Collect from each supervised trust company ~~subject to this section~~ an amount equal to the total cost of ~~the examination~~ examinations conducted under the authority of this section. The fees and expenses collected shall be remitted to the state treasurer and deposited as provided in ~~W.S. 13-2-210(b)~~ subsection (b) of this section and may be expended as provided in that subsection;

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

(b) A trust company resolution fund account is established. A portion of each

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

~~13-5-214~~ **13-5-411. Reports to commissioner.**

(a) The commissioner may call for special reports verified under oath from any ~~chartered family~~ supervised trust company at any time as necessary to inform the commissioner of the condition of the ~~chartered family~~ supervised trust company.

(b) All reports required of ~~chartered family~~ supervised trust companies by the commissioner under this ~~act~~ chapter and all materials relating to examinations of ~~chartered family~~ supervised trust companies under this ~~act~~ chapter shall be subject to the provisions of W.S. 9-1-512.

~~13-5-117~~ **13-5-412. Failure to submit required report; fees; regulations.**

(a) If a supervised trust company fails to submit any report required pursuant to this ~~act~~ chapter 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.

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

~~13-5-115~~ **13-5-413. Surety bond; pledged investments; investment income; bond or pledge increases; hearings.**

(a) Any supervised trust company ~~chartered under this chapter~~, shall, before transacting any business, pledge or furnish a surety bond to the commissioner to cover costs likely to be incurred by the commissioner in a receivership or liquidation of the supervised trust company should it become unsafe or unsound pursuant to W.S. ~~13-5-113~~ 13-5-417. The amount of the pledge or the surety bond shall be determined by the commissioner in an amount sufficient to defray the costs of a receivership or liquidation, but shall have a market value of not less than ~~one hundred thousand dollars (\$100,000.00)~~ one million dollars (\$1,000,000.00). In lieu of a bond, the supervised trust company may irrevocably pledge its capital account to the commissioner. Any investments pledged to the commissioner shall be held in a state or nationally chartered

bank or savings and loan association having a principal or branch office in this state and all costs associated with pledging and holding such investments are the responsibility of the supervised trust company.

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

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

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

(e) In the event of a receivership of a supervised trust company as provided in W.S. ~~13-5-113~~ 13-5-417, the commissioner may, without regard to priorities, preferences or adverse claims, reduce the pledged investments to cash as soon as practicable with court approval, and utilize the cash to defray the costs associated with the receivership.

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

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

~~13-5-216~~ 13-5-414. Fidelity bonds; insurance.

(a) The directors or managers of a ~~chartered family~~ supervised trust company shall obtain fidelity bonds of not less than one million dollars (\$1,000,000.00) providing coverage for any active officers, managers, members acting in a managerial capacity and employees, whether or not they receive a salary or other compensation from the ~~chartered family~~ supervised trust company, to indemnify the ~~chartered family~~ supervised trust company against loss because of any dishonest, fraudulent or criminal act or omission by any of the persons bonded, acting alone or in combination with any other person. The bonds may be in any form and may be paid for by the ~~chartered family~~ supervised trust company.

(b) A ~~chartered family~~ supervised trust company may also procure property and casualty insurance of a nature and with such coverage amounts as the ~~chartered family~~ supervised trust company deems advisable.

~~13-5-111~~ 13-5-415. Suspension or revocation of charter.

(a) The commissioner may suspend or revoke the charter of a supervised trust company if, after notice and opportunity for a hearing, the commissioner determines that:

(i) The supervised trust company has failed or refused to comply with any order issued pursuant to W.S. 13-10-201 through 13-10-209;

(ii) The supervised trust company's application for charter contained a false representation or omission of a material fact; or

(iii) Any officer or agent of the supervised trust company, in connection with an application for a charter knowingly made a false representation of a material fact or failed to disclose a material fact to the state banking board, the commissioner or the duly authorized agent of the board or commissioner.

~~13-5-112~~ 13-5-416. Continuing jurisdiction.

If the certificate of a supervised trust company is surrendered, suspended or revoked, the supervised trust company shall continue to be subject to the provisions of this chapter for so long as it acts as a fiduciary with respect to any trust business previously undertaken.

~~13-5-113~~ 13-5-417. Insolvency; unsafe condition; receivership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~13-5-114~~ 13-5-418. Order declaring supervised trust company properly wound up and dissolved.

(a) Upon the completion of the liquidation of a trust company pursuant to W.S. ~~13-5-113~~ 13-5-417, the commissioner shall petition the court for an order declaring the supervised trust company properly wound up and dissolved.

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

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

(ii) All known assets of the supervised trust company have been distributed pursuant to W.S. ~~13-5-113~~ 13-5-417;

(iii) The supervised trust company is dissolved;

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

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

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

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

~~13-5-116~~ 13-5-419. Voluntary dissolution of supervised trust company; liquidation; reorganization; application for dissolution; filing fee; filing with secretary of state; revocation of charter.

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

(b) A supervised 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 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 supervised 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~~ regulations. The commissioner may conduct a special examination of the applicant for purposes of evaluating the application.

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

(d) Upon completion of all actions required under the plan of dissolution and satisfaction of all conditions prescribed by the commissioner, the applicant shall submit a written report of its actions to the commissioner. The report shall contain a certification made under oath that the report is true and correct. Following receipt of the report, the commissioner, no later than sixty (60) days after the filing of the report, shall examine the supervised trust company to determine whether the commissioner is satisfied that all required actions have been taken in accordance with the plan of dissolution and any conditions prescribed by the commissioner. If all requirements and conditions have been met, the commissioner shall notify the applicant in writing that the dissolution has been completed and issue a certificate of dissolution. Upon receiving

a certificate of dissolution, the applicant shall surrender its charter to the commissioner. The applicant shall then file articles of dissolution and other documents required by W.S. 17-16-1401 through 17-16-1440 for a corporation or required by W.S. 17-29-701 through 17-29-708 for a limited liability company, in the office of the secretary of state. In the case of reorganization, the applicant shall also file the documents required by the secretary of state to finalize the reorganization.

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

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

~~13-5-118~~ 13-5-420. Willful neglect to perform duties imposed by law or failure to conform to material lawful requirement made by commissioner; removal.

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

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

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

~~13-5-219~~ 13-5-424. Establishment of trust service offices; application.

(a) After first applying for and obtaining the approval of the commissioner, one (1) or more trust service offices may be established and operated by a ~~chartered family~~ supervised trust company organized under the laws of this state. An application to establish and operate a trust service office or to relocate an existing trust service office shall be submitted and approved by way of the procedure set forth in W.S. ~~13-5-209~~ 13-5-508.

(b) A ~~chartered family~~ supervised trust company may establish a trust service

office in another state, territory or district and may conduct any activities at that office that are permissible for a supervised trust company under the laws of that state, territory or district, subject to the laws of this state and subject to the rules and regulations of the commissioner.

(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 supervised 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 chapter~~, may establish and operate a trust service office in this state if the company's home state does not prohibit a Wyoming supervised trust company from establishing a trust service office in that state.

~~13-5-218~~ 13-5-522. Conversion from chartered family trust company to public trust company.

A chartered family trust company following that complies with the procedure requirements outlined in W.S. ~~13-5-102 through W.S. 13-5-105~~ 13-5-501 through 13-5-509, and upon approval of the new public trust company charter and surrender of the chartered family trust company charter, may be granted a charter as a public trust company.

ARTICLE 6
FAMILY TRUST COMPANIES

~~13-5-210~~ 13-5-601. Powers of family trust companies; prohibitions.

(a) A ~~chartered family trust company or a~~ family trust company may, but only for family members:

(i) Act or be appointed by any court within and outside this state to act as ~~executor, administrator, guardian or conservator of estates of family members, assignee, receiver, depository, trustee, custodian or in any other a~~ fiduciary or representative capacity for family members for any purpose permitted by law;

(ii) Act as transfer agent or registrar of corporate stocks and bonds of family affiliates;

(iii) Purchase, invest in and sell stocks, bonds, mutual funds, mortgages and other securities for the account of ~~the family trusts~~ members;

(iv) Accept and execute any trust company business of family members ~~or family affiliates~~ permitted by any law of this or any other state or of the United States to be taken, accepted or executed by an individual;

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

(vi) Make any lawful fiduciary investment as permitted by Wyoming

Uniform Prudent Investor Act;

(vii) Perform all acts necessary to exercise the powers enumerated in this section.

(b) A ~~chartered family trust company organized under this act or a family trust company~~ shall not engage in:

(i) Any banking business by accepting general deposits or issuing demand instruments; or

(ii) ~~Engage in~~ Trust company business with the public.

~~13-5-211~~ 13-5-602. Family trust companies; authorized actions and transactions; conflicts of interest.

(a) In addition to the actions authorized by W.S. ~~13-5-210~~ 13-5-601 and notwithstanding the other provisions of any other law this chapter, while acting as a fiduciary ~~of a trust, a chartered family trust company~~ may:

(i) Invest in a security of an investment company or investment trust for which the ~~chartered family trust company~~, or a family affiliate, provides services in a capacity other than as a fiduciary;

(ii) Place a security transaction using a broker that is a family affiliate;

(iii) Invest in an investment contract that is purchased from an insurance company or carrier owned by or affiliated with the ~~chartered family trust company~~ or a family affiliate;

(iv) Enter into an agreement with a beneficiary or ~~grantor settlor~~ of a trust with respect to the appointment or compensation of the ~~fiduciary family trust company~~ or a family affiliate;

(v) Transact business with another trust, estate, guardianship or conservatorship for which the ~~chartered family trust company~~ is a fiduciary or in which a beneficiary of a trust for which the family trust company is a fiduciary has an interest;

(vi) Make an equity investment in a closely held entity that may or may not be marketable and that is owned or controlled, either directly or indirectly, by one (1) or more ~~beneficiaries~~, family members or family affiliates;

(vii) Deposit ~~trust~~ money in a financial institution that is owned or operated by a family affiliate;

(viii) Delegate the authority to conduct any transaction or action pursuant to this section to an agent of the ~~chartered family trust company~~ or a family affiliate;

(ix) Purchase, sell, hold or invest in any security, bond, real or personal property, stock or other asset of a family affiliate;

(x) Loan money to or borrow money from:

(A) ~~A family member of the trust or his or her legal representative beneficiary or settlor of a trust for which the family trust company is acting as fiduciary;~~

(B) ~~Another trust managed by for which the chartered family trust company is acting as fiduciary; or~~

(C) A family affiliate.

(xi) ~~Act as proxy in voting any shares of stock which are assets of the a trust for which the family trust company is acting as fiduciary;~~

(xii) ~~Exercise any powers of control with respect to any interest in a company an entity that is an asset of the a trust for which the family trust company is acting as fiduciary, including, without limitation, the appointment of officers or directors of entities who are family affiliates; and~~

(xiii) ~~Receive reasonable compensation for its services or the services of a family affiliate.~~

(b) ~~A family trust company shall consider the following when undertaking a transaction or action authorized pursuant to subsection (a) of this section; must:~~

(i) ~~Be for a fair price; The interests of the beneficiaries of the trust for which the family trust company is acting as fiduciary if applicable; and~~

(ii) ~~Be in Whether the interest of the beneficiaries, and transaction or action complies with the terms of the governing documents of the family trust company establishing the fiduciary relationship, any applicable judgments, judicial decrees or court orders and any applicable consent agreements or releases.~~

(iii) ~~Comply with:~~

(A) ~~The terms of the trust instrument establishing the fiduciary relationship;~~

(B) ~~A judgment, decree or court order;~~

(C) ~~The written consent of each interested person.~~

(c) ~~Except as otherwise provided in subsection (b) of this section, nothing in this section prohibits a chartered family trust company from transacting business with or investing in any asset of:~~

(i) ~~A trust, estate, guardianship or conservatorship for which the chartered family trust company is a fiduciary;~~

(ii) ~~A family affiliate; or~~

(iii) ~~Any other company, agent, entity or person for which a conflict of interest may exist.~~

(d) ~~If a potential conflict of interest between the exists as to a particular~~

transaction between the family trust company, in its capacity as a fiduciary duty and personal interest of a chartered ~~the~~ family trust company does not void ~~a~~ in its individual capacity, the transaction or action ~~that is not voidable~~ if it:

- (i) Complies with the provisions of this section; or
- (ii) Occurred before the ~~chartered~~ family trust company entered into a fiduciary relationship, pursuant to a trust instrument;
- (e) A transaction by or action of a ~~chartered~~ family trust company authorized by this section is not voidable if:
 - (i) The transaction or action was authorized by the terms of the trust governing documents of the family trust company;
 - (ii) The transaction or action was approved by a court or was taken pursuant to a judicial decree or court order;
 - (iii) No interested person commenced a legal action relating to the transaction or action pursuant to ~~subparagraph (b)(iii)(B)~~ subsection (f) of this section;
 - (iv) The transaction or action was authorized by a valid consent agreement; or release or pursuant to the issuance of a notice of proposed action issued pursuant to subparagraph (b)(iii)(C) of this section signed by all interested persons to the transaction or action; or
 - (v) The transaction or action occurred before the ~~chartered~~ family trust company entered into a ~~the~~ fiduciary relationship, pursuant to a trust instrument;
- (f) A legal action by an interested person alleging that a transaction or action by a ~~chartered~~ family trust company is voidable because of the existence of a conflict of interest must be commenced within one (1) year of the date on which the interested person discovered, or by the exercise of reasonable diligence should have discovered, the facts in support of his or her claim.
- (g) Notwithstanding ~~the any other~~ provisions of ~~any other law to the contrary~~ this chapter, a ~~chartered~~ family trust company is not required to obtain court approval for any transaction that otherwise complies with the provisions of this section.

~~13-5-205~~ 13-5-603. Organization of a chartered family trust company.

- (a) One (1) or more persons may subscribe to an organizational instrument in writing for the purpose of forming a chartered family trust company, subject to the conditions prescribed by law.
- (b) The articles of incorporation for a chartered family trust company organized as a corporation shall set forth all of the information required by W.S. 17-16-202 and the following:

(i) The corporate name, which shall comply with W.S. ~~13-5-207~~13-5-302 and 17-16-401;~~and~~

(ii) A statement that the articles of incorporation are made to enable the shareholders to avail themselves of the advantages of this act.~~chapter;~~

(iii) A statement that the corporation will act as a fiduciary exclusively for one (1) or more family members and will not engage in trust company business with the general public.

(c) The articles of organization for a chartered family trust company organized as a limited liability company shall include the following information:

(i) The name of the limited liability company, which must comply with W.S. ~~13-5-207~~13-5-302 and 17-29-108;

(ii) A statement that the articles of organization are made to enable the members to avail themselves of the advantage of this act.~~chapter;~~

(iii) A statement that the limited liability company will act as a fiduciary exclusively for one (1) or more family members and will not engage in trust company business with the general public.

~~(d) A chartered family trust company organized as a limited liability company shall be subject to all of the same laws and regulations that relate to a chartered family trust company organized as a corporation. All managers and employees of a chartered family trust company organized as a limited liability company shall be subject to the same duties and liabilities as pertain to directors, trustees and employees of a chartered family trust company organized as a corporation.~~

~~13-5-209~~ 13-5-606. Procedures upon filing of organizational instruments, application and other information; application fee; approval or disapproval of application; criteria for approval; action upon application.

(a) An applicant for a chartered family trust company charter must file an application with the commissioner on forms prescribed by the commissioner. The application must contain or be accompanied by such information as required pursuant to rules and regulations of the commissioner.

(b) The application filed with the commissioner shall be accompanied by a fee 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.

(c) The failure of the applicant to furnish required information, data, other material or the required fee within thirty (30) days after a written request from the commissioner may be considered a withdrawal of the application.

(d) Within ~~forty-five (45)~~ sixty (60) days after receipt of a completed application, the commissioner shall, in his discretion, approve, conditionally approve or disapprove the application. Prior to taking action on an application, the commissioner shall determine that:

(i) The chartered family trust company is being formed for no other purpose than ~~the legitimate objects~~ contemplated by the laws of this state;

(ii) The proposed capital and surplus are not less than the required minimum amount in W.S. ~~13-5-208~~ 13-5-605 and are adequate in light of current and prospective conditions as determined by the commissioner;

(iii) The applicants, proposed officers and directors or managers have sufficient character, reputation, experience, ability and financial standing to afford reasonable promise of successful operation;

(iv) The name of the proposed chartered family trust company does not resemble the name of any other chartered family trust company or financial institution transacting business in the state so closely as to cause confusion;

(v) The applicants have complied with all applicable provisions of law and such other facts and circumstances bearing on the proposed family trust company as the commissioner may reasonably deem relevant.

(e) The commissioner shall take action upon the application by stating findings of fact and conclusions of law.

(f) Upon approval of an application, the commissioner shall endorse upon ~~the articles of organization or incorporation~~ organizational instrument his approval and shall file one (1) copy of the application with the secretary of state, retain one (1) copy in his files and return one (1) copy to the applicant within twenty (20) days after the date of the decision of the commissioner approving the application. If the commissioner conditionally approves an application and the applicant complies with the conditions imposed by the commissioner, the commissioner shall approve the application and proceed in accordance with this section.

(g) Notice of the entry of an order refusing a charter or imposing conditions upon approval of the charter to a family trust company must be given in writing, served personally or sent by certified mail, return receipt requested, to the applicant. If the commissioner disapproves or imposes conditions upon the application, the commissioner shall mail notice of the action to the applicants within twenty (20) days after the commissioner's negative action. The company, upon appeal, is entitled to a hearing before the board pursuant to the Wyoming Administrative Procedure Act. If no such appeal is made within thirty (30) days after the entry of an order refusing a charter or imposing conditions upon the charter to any applicant, the commissioner shall enter a final order.

~~13-5-215~~ 13-5-607. Inspection of chartered family trust company; fees; resolution fund account; confidentiality.

(a) Every chartered family trust company is subject to inspection by the commissioner. The commissioner or a duly appointed examiner shall visit and examine each chartered family trust company as often as the commissioner deems necessary and at least once every three (3) years, with or without previous notice to the officers or managers of or anyone interested in the chartered family trust company. The commissioner or a duly appointed examiner shall make a complete and careful examination of the condition and resources of the chartered family trust company, the mode of managing the company's affairs and conducting its business, all records, transactions and other data or documents pertaining to the actions of the family trust company, the action of its managers or officers and directors in the investment and disposition of trust funds, the safety and prudence of the company's management, the security afforded to those by whom trust company engagements are held, whether the requirements of this act chapter are being complied with and such other matters as the commissioner may prescribe.

~~(b) On or before January 31 of each year, a chartered family trust company shall compute and pay supervisory fees to the commissioner based on the total asset base of the chartered family trust company as of the preceding December 31. The supervisory fees shall be set by rule and regulation at an amount to provide for the supervision of the chartered family trust company as required by this act. Such fees shall be established by rules of the commissioner to assure consistency with the cost of supervision and the fees paid by chartered family trust companies. Other fees assessed for administrative services caused by applications or activities attributable to a specific family trust company shall be used to defray the cost of the special services and, to the extent possible, shall be recovered from the chartered family trust company that requires the special service.~~

~~(c) A portion of each chartered family trust company's supervisory fee shall be designated to the trust company resolution fund account created pursuant to subsection (e) of this section to be used by the commissioner in the event of involuntary dissolution of a chartered family trust company. Expenditures to cover the expenses incurred by the commissioner as a result of the involuntary dissolution of a chartered family trust company shall be made from the fund account by warrants drawn from the state auditor and signed by the commissioner or the director. The portion of the supervisory fee designated to the account shall be:~~

~~(i) Established and adjusted by rule and regulation of the commissioner; and~~

~~(ii) Remitted to the state treasurer for deposit to the trust company resolution fund account.~~

(d) All information, reports or applications obtained by the commissioner from an applicant or chartered family trust company are confidential.

(e) ~~There is created the trust company resolution fund account. Funds in the account shall be expended as provided in subsection (c) of this section. Funds in the account are continuously appropriated to be expended for the purposes of this section.~~

~~13-5-217~~ **13-5-608. Conversion from public trust company to chartered family trust company.**

(a) A public trust company that meets the requirements of W.S. ~~13-5-204(a)(vii); 13-5-206 and 13-5-208~~ 13-5-301(a)(viii), 13-5-604 and 13-5-605 may merge with, convert into or reorganize as a chartered family trust company upon application to the commissioner on forms approved by the commissioner.

(b) For public trust companies established after July 1, ~~2015~~ 2019, seeking to convert from a public trust company to a chartered family trust company, the application filed with the commissioner shall be accompanied by a fee established by rule and regulation of the commissioner.

(c) Within thirty (30) days after receipt of a completed application, a trust company that meets the requirements of this section and is in good standing with the commissioner, shall be issued a charter as a chartered family trust company.

(d) The applicant shall be notified when the application is approved. Within twenty (20) days after notification, the applicant shall furnish the bonds required by W.S. ~~13-5-216(a)~~ 13-5-414(a).

Section 4. W.S. 13-5-206 and 13-5-208 are renumbered as 13-5-604 and 13-5-605.

Section 5. W.S. 13-5-101 through 13-5-105, 13-5-201 through 13-5-204, 13-5-205(d) renumbered by this act as 13-5-603(d), 13-5-211(b)(iii) renumbered by this act as 13-5-602(b)(iii), 13-5-212, 13-5-213 and 13-5-215(b), (c) and (e) renumbered by this act as 13-5-607(b), (c) and (e) are repealed.

Section 6. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 14

JURY PROCEDURE AMENDMENTS

Original House Bill No. 13

AN ACT relating to civil procedure; amending provisions related to juror selection, composition, exemption, excusal and compensation; and providing for an effective date.

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

Section 1. W.S. 1-11-101(a)(intro), (i) and by creating a new subsection

(c), 1-11-103 through 1-11-106, 1-11-109(c) and (d)(v), 1-11-112, 1-11-116, 1-11-118, 1-11-120, 1-11-129 and 1-11-302 are amended to read:

1-11-101. Qualifications of juror.

(a) A person is ~~competent~~ qualified to act as a juror if he is:

(i) An adult citizen of the United States who has been a resident of the state and of the county ninety (90) days before being selected and returned pursuant to W.S. 1-11-106;

(c) The court shall discharge a person from serving as a juror if the person is not qualified to act as a juror under subsection (a) of this section.

1-11-103. Persons exempt as juror; duty to discharge.

(a) A person is exempt from ~~liability to act as juror jury service~~ if the court finds that the provisions of W.S. 1-11-104 apply or for any other compelling reasons or if a person is:

(i) A salaried and active member of an organized fire department or an active member of a police department of a city, town or law enforcement agency of the county or state; ~~or~~

(ii) An elected public official; ~~or~~

(iii) An active duty member of the Wyoming national guard; or

(iv) A person exempt under federal law or regulation, including an active duty member of the armed forces when service on a jury would unreasonably interfere with his performance of military duties or adversely affect the readiness of his unit, command or activity pursuant to 32 C.F.R. Part 144.

(b) The court shall discharge a person from serving as a trial juror for the jury term in which he is summoned if it satisfactorily appears that the person is ~~not competent or the person is exempt~~ and specifically claims the benefit of the exemption under W.S. 1-11-105.

1-11-104. Causes for excusal.

(a) A juror may not be excused for a trivial cause or for hardship or inconvenience to his business, but only when material injury or destruction to his property or property entrusted to him is threatened, or when his health or the sickness or death of a member of his family requires his absence. A person who has attained the age of seventy-two (72) years may be excused at his request, if he is over seventy-two (72) years of age. A person may be excused from jury duty when the care of that person's young children requires his absence. Any person who has served on a jury during a jury term shall, upon request, be excused from further jury service in that court for the remainder of that jury term and in the discretion of the court may be excused from jury service for the following jury term.

(b) For the purposes of this section:

(i) A person has served on a jury during a jury term when he is summoned to serve and he has complied with the summons;

(ii) A person has not served on a jury during a jury term if he is disqualified for that jury term pursuant to W.S. 1-11-102 or is discharged for that jury term pursuant to W.S. 1-11-103.

1-11-105. Exemption affidavit required; failure to file.

~~If a person exempt from jury duty is summoned as a juror, he may file his affidavit with the clerk of the court for which he is summoned stating his office, occupation or employment. The affidavit must be delivered by the clerk to the judge of the court where the person is summoned, and if sufficient in substance, must be received as evidence of his right to exemption and as an excuse for nonattendance in person. The affidavit must then be filed by the clerk. If the court determines that the affidavit sufficiently demonstrates that the person is not required to serve as a juror pursuant to W.S. 1-11-103(a), the court shall discharge the person from serving as a trial juror for the jury term in which he was summoned. A person who is discharged under this section is not required to appear in court. Failure of any person who is exempt to file the affidavit is a waiver of his exemption, and he is required to appear upon the day for which the jury is summoned and serve as a juror the same as if he were not entitled to exemption.~~

1-11-106. Jury lists; preparation of base jury lists; selecting jury panel; certificate and summons.

~~(a) The list of persons qualified ~~selected~~ to serve as prospective trial jurors, compiled pursuant to W.S. 1-11-129, is the base jury list for the district court and the circuit court from April 1 of the year in which the list is certified and delivered through March 31 of the following year. Upon order of the court, the clerk of the district court shall select a panel of prospective trial jurors from the base jury list for the county. The clerk shall select the number of prospective jurors as specified by the for the jury term set by each court.~~

~~(b) The clerk shall prepare a certificate containing the names constituting the panel of trial jurors ~~base jury list~~, and summon them to appear in court for a trial whenever ordered by the court ~~serve as jurors for the jury term for which they have been selected~~.~~

1-11-109. Procedure for selecting jury; contents of certificate; summons.

~~(c) If any person selected is not competent qualified to serve as a trial juror, and the incompetence shall be made to appear to the satisfaction of the court, the name of the person shall be stricken from the base jury list from which summoned. If any person selected is exempt from serving as a trial juror under W.S. 1-11-103(a) and the person has claimed the exemption under W.S. 1-11-105, then the name of the person shall be stricken from the base jury list for the jury term from which summoned.~~

(d) When the necessary number of jurors has been randomly selected, the clerk shall make and certify a list of the names selected. The certificate shall state:

(v) The ~~time and~~ place where the jurors are required to appear.

1-11-112. Jurors to appear at time specified.

Each grand juror and petit juror summoned shall appear before the court on the day and at the hour specified ~~in the summons~~ by the court, and depart only with permission of the court.

1-11-116. Empaneling of jury.

At the opening of court on the day that trial jurors are summoned and notified to appear, the clerk shall call the names of those ~~summoned jurors notified to appear~~. The court shall hear the jurors ~~summoned who are present~~, and shall excuse those whom the court finds are exempt, disqualified or have material cause for being excused.

1-11-118. Procedure upon exhaustion of prospective jurors during empaneling.

If at any time during the empaneling of a jury all the names selected for the panel are exhausted, the court shall enter an order directing that such additional number of names as necessary be randomly selected from the base jury list. The court may excuse any jurors so selected if it appears that, because of distance, the delay occasioned by ~~summoning~~ notifying the juror and requiring his presence would unduly prolong empaneling the trial jury. The clerk shall ~~summon~~ notify the persons selected and not excused to appear in court immediately. The process shall continue from time to time when necessary until a jury is obtained.

1-11-120. Persons sworn to constitute jury; generally.

The first six (6) persons, or ~~twelve (12) if demanded~~ other number of persons designated for a jury under W.S. 1-11-119, who appear as their names are randomly selected and are approved as indifferent between the parties and not discharged or excused shall be sworn and constitute the jury to try the issue.

1-11-129. Procedure for maintaining jury lists.

The supreme court shall compile a base jury list for each county. The supreme court shall compile a base jury list for the state as necessary under W.S. 7-5-303. The base jury lists shall be compiled from voter lists and may also include names from Wyoming driver's license or Wyoming department of transportation state identification lists. The base jury lists prepared by the supreme court and panels or lists of prospective jurors selected by the clerk of court may be compiled and maintained using any manual, mechanical, electronic or other means calculated to insure the integrity of the system and a random selection process.

1-11-302. Mileage rate.

For each mile actually and necessarily traveled in going to and returning from the place of trial they Jurors shall receive mileage at the rate set in W.S. 9-3-103 when the distance required to be traveled by the juror from the juror's place of residence to the place of trial exceeds five (5) miles one (1) way.

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 15**MEDICAID BENEFIT RECOVERY-ESTATES****Original House Bill No. 5**

AN ACT relating to Medicaid; clarifying the definition of "estate" for the purpose of recouping medical assistance expenses; and providing for an effective date.

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

Section 1. W.S. 42-4-206(g)(ii) is amended to read:

42-4-206. Claims against estates.

(g) As used in this section:

(ii) "Estate" shall include all real and personal property and other assets included within the individual's estate, as defined for purposes of this state's probate law, and includes any other real and personal property and other assets in which the individual had any legal title or interest at the time of death to the extent of that interest, including such assets conveyed to a survivor, heir or assign of the deceased individual through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.

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, 2019.

Chapter 16**WYOMING HEALTH INSURANCE POOL AMENDMENTS****Original House Bill No. 7**

AN ACT relating to insurance; extending the sunset date for the Wyoming health insurance pool; clarifying the types of health insurance to which the pool applies; amending and repealing outdated provisions; amending the types of conditions covered by the pool; amending pool eligibility; removing maximum benefit limitations; amending premium rates; amending the entities who provide coverage and benefit related recommendations; and providing for an effective date.

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

Section 1. W.S. 26-43-101(a)(vi), (xi) and (xviii)(C), 26-43-102(d)(i) and (ii), 26-43-103(b)(iv), 26-43-106(a), (b)(ii), (vi) and (c)(intro), 26-43-107(c) and 26-43-113 are amended to read:

26-43-101. Definitions.

(a) As used in this act:

(vi) "Health insurance" means any public health benefit plan, private health benefit plan, hospital and medical expense incurred policy, Medicare supplement policy, nonprofit health care service plan contract and health maintenance organization subscriber contract. The term does not include any hospital or medical service plan which by contract or product design is intended to provide coverage for six (6) months or less, fixed indemnity, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising from a workers' compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance;

(xi) "Insurer" means any insurance company authorized to transact disability insurance business in this state, Medicare supplement insurance issuer, health maintenance organization or health service plan operation under W.S. 26-22-301;

(xviii) "Federally defined eligible individual" means an individual:

(C) Who is not eligible for coverage under a group health plan, part A or part B of title XVIII of the Social Security Act, Medicare or Medicaid, and who does not have other health insurance coverage;

26-43-102. Operation of the pool; board membership; board powers and duties.

(d) The board shall:

(i) ~~Select the administrator within one hundred twenty (120) days of appointment of the board. If the administrator is not selected within one hundred twenty (120) days, the commissioner shall appoint an administrator of the pool;~~

(ii) Submit to the commissioner a plan of operation for the pool and any amendments to the plan necessary or suitable to assure the fair, reasonable and equitable administration of the pool. The commissioner shall approve the plan of operation after notice and hearing provided the plan is determined suitable to assure the fair, reasonable and equitable administration of the pool and provides for the sharing of pool gains or losses on an equitable proportionate basis. The plan of operation is effective upon approval in writing by the commissioner. ~~If the board fails to submit a suitable plan of operation within~~

one hundred eighty (180) days after appointment of the board or at any time thereafter fails to submit suitable amendments to the plan, the commissioner shall adopt reasonable rules after notice and hearing as necessary or advisable to effectuate the provisions of this section. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner;

26-43-103. Eligibility.

(b) The following persons are not eligible for pool coverage:

(iv) For pool coverage, ~~other than coverage under the alternative plan provided by the pool,~~ any person on whose behalf the pool has paid two hundred fifty thousand dollars (\$250,000.00) in benefits. ~~For coverage under the alternative plan provided by the pool, any person on whose behalf the pool has paid five hundred thousand dollars (\$500,000.00) in benefits or a greater amount if required to meet the definition of a comprehensive level of benefits under federal regulation.~~ The board shall adjust these amounts annually to reflect the effects of inflation. The adjustment shall not be less than the annual change in the medical component of the "Consumer Price Index for All Urban Consumers" of the department of labor, bureau of statistics, unless the board proposes and the commissioner approves a lower adjustment factor;

26-43-106. Minimum benefits; limitations.

(a) ~~Major medical expense~~ Pool coverage shall be offered to eligible persons subject to the termination and disenrollment provisions of W.S. 26-43-103(e). The commissioner shall establish by rule and regulation the pool coverage, its schedule of benefits, exclusions and other limitations consistent with this act and taking into consideration the advice and recommendations of the board and the health benefits plan committee created pursuant to W.S. 26-2-132. The commissioner and the board annually shall review the pool coverage, its schedule of benefits, exclusions and limitations and make changes to reflect the levels of health insurance coverage provided in this state.

(b) In establishing the pool coverage, the commissioner shall:

(ii) Promulgate benefit levels, deductibles, coinsurance factors, exclusions and limitations determined to be generally reflective of and commensurate with health insurance plans marketed in the state and required by this act. ~~The commissioner shall also establish benefit levels, deductibles, coinsurance factors, exclusions and limitations for alternative plan coverage under the pool meeting the requirements of this act and the requirements for an acceptable alternative mechanism under section 2744 of the federal Public Health Service Act as defined in P.L. 104-191. For both categories of coverage;~~ The commissioner shall offer at least two (2) plans that may include a higher deductible option or a health savings account option in order to provide less expensive coverage alternatives for pool participants;

(vi) Offer for those individuals described in W.S. 26-43-103(d) a catastrophic health plan having a deductible level of twenty-five thousand dollars (\$25,000.00), subject to the termination and disenrollment provisions of W.S. 26-43-103(e).

(c) Pool coverage, ~~except for coverage under the alternative plan~~ shall not include medical costs associated with:

26-43-107. Premiums; standard risk rate.

(c) Initial rates for pool coverage in the first year coverage is provided pursuant to this act shall not be less than one hundred fifty percent (150%) of rates established as applicable for individual standard risks. Subsequent rates may provide for the expected costs of claims including recovery of prior losses, expenses of operation, investment income of claim reserves, and any other costs factors subject to the limitations provided by this subsection. Beginning July 1, 2007, except as provided in subsection (e) of this section, there shall be two (2) levels of eligibility. Level one (1) eligibility applies to persons with income equal to or greater than two hundred fifty percent (250%) of the federal poverty guideline. Level two (2) eligibility applies to persons with income below two hundred fifty percent (250%) of the federal poverty guideline. Premium rates for level one (1) eligibility shall be set at one hundred fifty percent (150%) to ~~two hundred percent (200%)~~ two hundred five percent (205%) of rates applicable to individual standard risks. Premium rates for level two (2) eligibility shall be set at one hundred percent (100%) to ~~one hundred thirty-five percent (135%)~~ one hundred forty percent (140%) of rates applicable to individual standard risks. All rates and rate schedules shall be submitted to the commissioner for approval. The rates shall be set as close as practical to the lower end of the range provided. ~~For the period July 1, 2013 through June 30, 2015, premium rates shall be as provided in subsection (e) of this section.~~

26-43-113. Termination of provisions.

This act is not effective after June 30, ~~2020~~ 2030.

Section 2. W.S. 26-43-101(a)(xvi), 26-43-102(d)(vii) and (f)(v), 26-43-103(c), 26-43-106(c)(i) and (d) and 26-43-107(e) 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 14, 2019.

Chapter 17

**NUCLEAR REGULATORY AGREEMENT-CONFORMING
AMENDMENT**

AN ACT relating to environmental quality; amending the nuclear regulatory agreement to conform to federal regulation requirements for termination of byproduct material licenses; and providing for an effective date.

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

Section 1. W.S. 35-11-2004(c)(ii) is amended to read:

35-11-2004. License conditions; termination of licenses.

(c) Prior to terminating a byproduct material license the department shall ensure the ownership of a disposal site and the byproduct material resulting from licensed activity are transferred to:

(ii) The federal government if the state declines to acquire ~~the site, the byproduct material, or both the site and the byproduct material.~~

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 18

VIRTUAL EDUCATION AMENDMENTS

Original House Bill No. 25

AN ACT relating to virtual education; modifying who may teach virtual education courses; modifying where a full-time virtual education student may be enrolled; and providing for an effective date.

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

Section 1. W.S. 21-2-202(a)(xxx)(A) and 21-13-330(g)(intro) are amended to read:

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxx) 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 virtual education by:

(A) Establishing, approving, facilitating and monitoring a state network of virtual education courses that meet state standards for course content and delivery by Wyoming certified teachers or postsecondary faculty who meet the requirements of W.S. 21-7-303(b). The state superintendent shall annually publish a course catalog identifying the courses available and the tuition to be assessed on a per course basis as established by the school district instructing the course;

21-13-330. Virtual education; program content; agreements between

districts authorized.

(g) Pursuant to rule and regulation of the department, a school district providing full-time virtual education for ~~any a student, or a student's resident school district that has entered into an agreement with another school district to provide full-time virtual education for the student,~~ shall:

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 19

INSURANCE CODE UPDATES

Original House Bill No. 17

AN ACT relating to insurance; modifying provisions relating to licensing fees and other charges; modifying provisions relating to business entity insurance licenses; modifying provisions relating to licensing of title agents; repealing a provision; and providing for an effective date.

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

Section 1. W.S. 26-4-101(a)(v)(intro), (A)(intro), (I), (II), (B)(intro), (I), (II) and (xiv), 26-9-207(b) and (c) and 26-23-318(b) and 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:

(v) Insurance producers or title agents:

(A) Property, casualty, ~~surety and personal lines or title; insurance agents:~~

(I) Application for original resident ~~agent's~~ license and issuance of license, if issued \$100.00

(II) Appointment, ~~of each producer or agent,~~ each insurer \$15.00

(B) Life, accident and health or sickness or disability, variable life and variable annuities or credit; ~~insurance:~~

(I) Application for original resident ~~agent's~~ license and issuance of license, if issued \$100.00

(II) Appointment, ~~of each producer or agent,~~ each insurer..... \$15.00

(xiv) Limited ~~license lines~~ producers:

Application for original individual license and issuance of license, if issued	\$20.00
Continuation of <u>individual</u> license	\$20.00
Application for original business entity license and issuance of license, if issued	\$100.00
<u>Continuation of business entity license</u>	<u>\$100.00</u>

26-9-207. License.

(b) An individual insurance producer, adjuster or surplus lines broker license shall remain in effect unless revoked or suspended ~~as long as if~~ on or before the last day of the month of the licensee's birthday in the second year following the issuance or renewal of the license the continuation fee set forth in W.S. 26-4-101(a) is paid, the continuing education requirements are met by the due date, ~~and~~ a written request for continuation of the license is made to the commissioner on forms prescribed by the commissioner and the licensee remains in compliance with all other applicable provisions of this code. An insurance producer or surplus lines broker license issued to a business entity shall remain in effect unless revoked or suspended if on or before the last day of the month in which the license was effective in the second year following the issuance or renewal of the license the continuation fee set forth in W.S. 26-4-101(a) is paid, a written request for continuation of the license is made to the commissioner on forms prescribed by the commissioner and the licensee remains in compliance with all other applicable provisions of this code.

(c) An individual insurance producer, adjuster or surplus lines broker who allows his license to lapse may, within twelve (12) months from the due date of the continuation fee, reinstate the same license without the necessity of passing a written examination. However, a penalty equal to the amount of the continuation fee shall be required in addition to the continuation fee for any continuation request received after the due date. A business entity insurance producer or surplus lines broker that allows its license to lapse may, within twelve (12) months from the due date of the continuation fee, reinstate the same license, however, a penalty equal to the amount of the continuation fee shall be required in addition to the continuation fee for any continuation request received after the due date.

26-23-318. Title agents; issuance of license; expiration; renewal.

(b) Each individual title agent's license expires on the last day of the month of the licensee's birthday in the second year following the issuance or renewal of the license, and may be renewed ~~by the commissioner upon filing by the licensee, if prior to the expiration of his license, of a properly completed renewal application in the form written request for continuation of the license is made to the commissioner on forms prescribed by the commissioner, prescribes, and upon payment of a renewal fee as provided by~~ the continuation fee set forth in

W.S. 26-4-101 is paid, continuing education requirements are met by the due date and the licensee remains in compliance with all other applicable provisions of this code. An individual title agent who allows the license to lapse may, within twelve (12) months from the due date of the continuation fee, reinstate the same license without the necessity of passing a written examination, however, a penalty equal to the amount of the continuation fee shall be required in addition to the continuation fee for any continuation request received after the due date.

(c) Each title agent license issued to a business entity expires on the last day of the month in which the license was effective in the second year following the issuance or renewal of the license and may be renewed if prior to the expiration of the license, a written request for continuation of the license is made to the commissioner on forms prescribed by the commissioner, the continuation fee set forth in W.S. 26-4-101 is paid and the licensee remains in compliance with all other provisions of this code. A business entity title agent that allows the license to lapse may, within twelve (12) months from the due date of the continuation fee, reinstate the same license, however, a penalty equal to the amount of the continuation fee shall be required in addition to the continuation fee for any continuation request received after the due date.

Section 2. W.S. 26-11-112(m) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 20

EQUAL PAY-PENALTIES

Original House Bill No. 71

AN ACT relating to labor and employment; amending penalties for violations of equal pay provisions; and providing for an effective date.

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

Section 1. W.S. 27-4-304 is amended to read:

27-4-304. Penalty for violations.

Any employer who willfully violates any provision of this act, or who discharges or in any other manner discriminates against any employee because the employee has made any complaint to his employer, the director or any other person, or instituted, or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in the proceedings, shall, upon conviction by a court of competent jurisdiction, be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars

~~(\$200.00) more than five hundred dollars (\$500.00), or by imprisonment for not less than ten (10) days nor more than one hundred eighty (180) days, or by both the fine and imprisonment. Each day a violation continues shall constitute a separate offense not more than six (6) months, or both.~~

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 21

CIGARETTE TAX ADMINISTRATION

Original House Bill No. 77

AN ACT relating to cigarette tax administration; maintaining the current cigarette tax rate; amending the description of the rate; conforming the distribution of the tax; and providing for an effective date.

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

Section 1. W.S. 39-18-104(a)(intro) and (b)(intro), 39-18-106(a) and 39-18-111(a)(intro) are amended to read:

39-18-104. Taxation rate.

(a) There is levied and shall be collected and paid to the department an excise tax at the rate of three cents (\$.03) upon the sale of each cigarette sold by wholesalers, ~~as follows:~~

(b) There is levied and shall be paid to the department an excise tax at the rate of three cents (\$.03) upon the use or storage by consumers of cigarettes in Wyoming but only if the tax imposed by subsection (a) of this section has not been paid, ~~as follows:~~

39-18-106. Licensing; permits.

(a) Every wholesaler, cigarette importer and cigarette manufacturer who sells or offers to sell cigarettes, cigars, snuff or other tobacco products in this state must have a license to do so issued by the department. No license or renewal of a license shall be granted under this section unless the wholesaler states in writing, under penalty for false swearing, that he shall comply fully with W.S. 9-4-1201 through 9-4-1209. The license fee is ten dollars (\$10.00) per year or fraction thereof and is valid through June 30 in each year. The license will be granted only to wholesalers who own or operate the place from which sales are made and additional licenses must be obtained for each separate location. The licenses are transferable pursuant to rules and regulations promulgated by the department. License fees paid under this subsection shall be deposited in the state general fund.

39-18-111. Distribution.

(a) ~~Thirty-three and one-third percent (33 1/3%)~~ Fifteen percent (15%) of the taxes collected pursuant to W.S. 39-18-104(a)(i) and (b)(i) ~~39-18-104(a) and (b)~~ shall be distributed to incorporated cities and towns and to boards of county commissioners in the proportion the cigarette taxes derived from sales within each incorporated city or town or county bears to total cigarette taxes collected. The computation for the distribution shall be made by the department according to the monthly returns filed by the wholesalers. The remainder shall be ~~distributed by the department, as follows: deposited in the state general fund.~~

Section 2. W.S. 39-18-104(a)(i), (ii), (b)(i) and (ii) and 39-18-111(a)(i) through (iii) and (c) are repealed.

Section 3. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 22

INTERNATIONALLY ACTIVE INSURANCE GROUPS

Original House Bill No. 16

AN ACT relating to insurance; providing for supervision of internationally active insurance groups; providing duties and responsibilities; providing definitions; conforming provisions; and providing for an effective date.

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

Section 1. W.S. 26-44-119 is created to read:

26-44-119. Group wide supervision of internationally active insurance groups.

(a) The commissioner is authorized to act as the group wide supervisor for any internationally active insurance group in accordance with this section. However, the commissioner may acknowledge a regulatory official from another jurisdiction as the group wide supervisor for an internationally active insurance group where the internationally active insurance group:

(i) Does not have substantial insurance operations in the United States;

(ii) Has substantial insurance operations in the United States, but not in Wyoming; or

(iii) Has substantial insurance operations in the United States and Wyoming, but the commissioner has determined pursuant to the factors set forth in subsections (c) and (j) of this section that the other regulatory official is the appropriate group wide supervisor.

(b) An insurance holding company system that is not an internationally active insurance group may request that the commissioner make a determination or

acknowledgement as to a group wide supervisor pursuant to this section.

(c) In cooperation with other state, federal and international regulatory agencies, the commissioner shall identify one (1) group wide supervisor for an internationally active insurance group. The commissioner may determine that the commissioner is the appropriate group wide supervisor for an internationally active insurance group that conducts substantial insurance operations concentrated in Wyoming. However, the commissioner may acknowledge that a regulatory official from another jurisdiction is the appropriate group wide supervisor for the internationally active insurance group. The commissioner shall consider the following factors when making a determination or acknowledgment:

(i) The place of domicile of the insurers within the internationally active insurance group that hold the largest share of the group's written premiums, assets or liabilities;

(ii) The place of domicile of the top tiered insurer in the insurance holding company system of the internationally active insurance group;

(iii) The location of the executive offices or largest operational offices of the internationally active insurance group;

(iv) Whether another regulatory official seeks to act as the group wide supervisor under a regulatory system the commissioner determines:

(A) To be substantially similar to the system of regulation provided under the laws of Wyoming; or

(B) Sufficiently provides group wide supervision, enterprise risk analysis and cooperation with other regulatory officials.

(v) Whether another regulatory official provides the commissioner with reasonably reciprocal recognition and cooperation.

(d) If the commissioner is identified under this section as the group wide supervisor, the commissioner may determine that it is appropriate to acknowledge another supervisor to serve as the group wide supervisor. The acknowledgment of the group wide supervisor shall be made after consideration of the factors listed in paragraphs (c)(i) through (v) of this section and shall be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group and in consultation with the internationally active insurance group.

(e) Notwithstanding any other provision of law, when a regulatory official, other than the commissioner, is acting as the group wide supervisor of an internationally active insurance group, the commissioner shall acknowledge that regulatory official as the group wide supervisor. However, the commissioner shall make a determination or acknowledgement under subsection (c) or (d) of

this section as to the appropriate group wide supervisor for an internationally active insurance group if a material change in the internationally active insurance group results in either of the following:

(i) The internationally active insurance group's insurers domiciled in Wyoming holding the largest share of the group's premiums, assets or liabilities;

(ii) Wyoming being the place of domicile of the top tiered insurer in the internationally active insurance group's insurance holding company system.

(f) Pursuant to W.S. 26-44-109, the commissioner may collect from any insurer registered under W.S. 26-44-104 all information necessary to determine whether the commissioner may act as the group wide supervisor of an internationally active insurance group or if the commissioner may acknowledge another regulatory official to act as the group wide supervisor. Prior to issuing a determination that an internationally active insurance group is subject to group wide supervision by the commissioner, the commissioner shall notify the insurer registered pursuant to W.S. 26-44-104 and the ultimate controlling person within the internationally active insurance group. The internationally active insurance group shall have not less than thirty (30) days from the date of notification to provide the commissioner with additional information pertinent to the pending determination.

(g) The commissioner shall publish on the department's website the identity of each internationally active insurance group that the commissioner has determined is subject to group wide supervision by the commissioner.

(h) If the commissioner is the group wide supervisor for an internationally active insurance group, the commissioner may do any of the following:

(i) Assess the enterprise risks within the internationally active insurance group to ensure that:

(A) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(B) Reasonable and effective mitigation measures are in place to address the identified enterprise risks.

(ii) Request from any member of an internationally active insurance group subject to the commissioner's supervision information necessary and appropriate to assess enterprise risk including information about the members of the internationally active insurance group regarding any of the following:

(A) Governance, risk assessment and management;

(B) Capital adequacy; and

(C) Material intercompany transactions.

(iii) Coordinate and, through the authority of the regulatory officials of the

jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of the internationally active insurance group that are engaged in the business of insurance;

(iv) Subject to the confidentiality provisions of W.S. 26-44-110, communicate with other state, federal and international regulatory agencies for members within the internationally active insurance group and share relevant information through supervisory colleges as set forth in W.S. 26-44-118 or otherwise;

(v) Enter into agreements with or obtain documentation from any insurer registered under W.S. 26-44-104, any member of the internationally active insurance group or any other state, federal or international regulatory agency on behalf of members of the internationally active insurance group that provide the basis for or otherwise clarify the commissioner's role as group wide supervisor, including provisions for resolving disputes with other regulatory officials. The agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in Wyoming is doing business in Wyoming or is otherwise subject to the jurisdiction of the state of Wyoming;

(vi) Conduct any other group wide supervision activities consistent with this section as deemed necessary by the commissioner.

(j) If the commissioner acknowledges that another regulatory official from a jurisdiction that is not accredited by the NAIC is the group wide supervisor of an internationally active insurance group, the commissioner may reasonably cooperate through a supervisory college or otherwise with group wide supervision undertaken by the group wide supervisor, provided that:

(i) The commissioner's cooperation complies with the laws of Wyoming; and

(ii) The regulatory official acknowledged as the group wide supervisor also recognizes and cooperates with the commissioner's activities as a group wide supervisor for other internationally active insurance groups as applicable. Where the recognition and cooperation is not reasonably reciprocal, the commissioner may refuse recognition and cooperation.

(k) The commissioner may enter into agreements with or obtain documentation from any insurer registered under W.S. 26-44-104, any affiliate of the insurer or any other state, federal or international regulatory agencies for members of the internationally active insurance group that provide the basis for or otherwise clarify a regulatory official's role as group wide supervisor.

(m) A registered insurer subject to this section shall be liable for and shall pay the reasonable expenses of the commissioner's participation in the

administration of this section, including the costs to engage attorneys, actuaries or other professionals and all reasonable travel costs.

Section 2. W.S. 26-44-101(a) by creating new paragraphs (xii) and (xiii) and by amending and renumbering (xii) as (xiv) and 26-44-110(a) are amended to read:

26-44-101. Definitions.

(a) As used in this act:

(xii) “Group wide supervisor” means the regulatory official authorized to conduct and coordinate group wide supervision activities who is determined or acknowledged by the commissioner to have sufficient significant contacts with the internationally active insurance group under W.S. 26-44-119;

(xiii) “Internationally active insurance group” means an insurance holding company system that:

(A) Includes an insurer registered under W.S. 26-44-104; and

(B) Meets all of the following criteria:

(I) Writes premiums in at least three (3) countries;

(II) The percentage of its gross premiums written outside of the United States is at least ten percent (10%) of its total gross written premiums;

(III) Based on a three (3) year rolling average, its total assets are at least fifty billion dollars (\$50,000,000,000.00) or its total gross written premiums are at least ten billion dollars (\$10,000,000,000.00).

~~(xii)~~(xiv) “This act” means W.S. 26-44-101 through ~~26-44-118~~26-44-119.

26-44-110. Confidential treatment.

(a) All information, documents and copies of the documents and information obtained by or disclosed to the commissioner or any other person in the course of an examination made pursuant to W.S. 26-44-109 and all information reported pursuant to W.S. 26-44-103(b)(xii) and (xiii), ~~and 26-44-104 through 26-44-108 and 26-44-119~~ shall be confidential, shall not be subject to subpoena and shall not be disclosed by the commissioner, the National Association of Insurance Commissioners, or any person, except as authorized by and in accordance with the provisions of W.S. 26-2-113(d), without the prior written consent of the insurer to which the information pertains. The commissioner, after giving the insurer and its affiliates notice and opportunity to be heard, may determine that the interest of policyholders, shareholders or the public will be served by the publication of the information, in which event he may publish all or any part of the information as he deems appropriate.

Section 3. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 23**TRANSPORTATION ENTERPRISE PROGRAM INVESTMENTS****Original House Bill No. 27**

AN ACT relating to public funds; authorizing investment of the transportation trust fund in equities through the pool A investment 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. 9-4-607(b) and 9-4-715(p) by creating a new paragraph (vii) are amended to read:

9-4-607. Wyoming transportation enterprise program.

(b) In addition to the distributions under subsection (a) of this section, ninety percent (90%) of the investment income earned on monies deposited into the transportation trust fund shall be deposited in the transportation enterprise fund to be expended by the state loan and investment board pursuant to W.S. 11-34-131, as appropriated by the legislature. Ten percent (10%) of the investment income earned on monies deposited into the transportation trust fund shall be retained by the transportation trust fund. The state treasurer shall invest the funds in the transportation trust fund as authorized ~~under W.S. 9-4-715(a), (d) and (e)~~ by law in a manner to obtain the highest return possible consistent with the preservation of the trust fund.

9-4-715. Permissible investments.

(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, pursuant to 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:

(vii) The transportation trust fund created by W.S. 9-4-607(a).

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 24**RECORDATION OF JUDGMENTS AND ORDERS****Original House Bill No. 4**

AN ACT relating to civil procedure and courts; removing requirements for recording judgments and orders relating to real property, child support and adoption proceedings in a separate court journal; amending requirements for clerks of court to maintain records for probate cases as specified; amending requirements for clerks of district court to maintain an index to judgments; repealing provisions requiring the clerks of district court to maintain certain books and records of the court; and providing for an effective date.

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

Section 1. W.S. 1-16-301(a), 1-16-307(a)(intro), (i), (iii), (vii), (b) and (c)(intro), 1-22-104(d), 2-2-201(a)(intro) and (b) and 5-7-105 are amended to read:

1-16-301. Recordation of judgments and orders where real property affected.

(a) ~~Except as provided in subsection (b) of this section, all judgments and orders must be entered in the journal of the court and specify clearly the relief granted or order made in the action. When a judgment or order is made determining any matter affecting the title to real property, a certified copy of the judgment or order shall be recorded in the office of the county clerk of the county in which the property is situate~~ situated.

1-16-307. Index to judgments.

(a) ~~Except as provided in subsection (b) of this section, the clerk shall keep an index, direct and reverse, of all judgments, by the names of parties alphabetically arranged showing in separate columns and make available for public inspection an index of all civil judgments containing the following information:~~

(i) ~~The name of the judgment debtor or, for orders establishing or modifying a child support obligation, the obligor;~~

(iii) ~~The amount of the original judgment and the year and term when it was rendered;~~

(vii) ~~The number and time of issue of Whether the execution and satisfaction thereof when notice of satisfaction has been made filed and the date the notice was filed.~~

(b) ~~No index shall be made of a judgment by operation of law arising under W.S. 14-2-204, and no index shall be made of a judgment by operation of law arising under W.S. 7-9-103(d) until execution is issued upon request of the victim, the division of victim services or the district attorney pursuant to W.S. 7-9-103(d). Judgments whose access are restricted by law or court rule shall not be included in the index required under subsection (a) of this section.~~

(c) The clerk shall include in the index required by subsection (a) of this section all judgments, decrees and orders establishing or modifying a child support obligation, ~~provided the index in such case shall show:~~

1-22-104. Petition for adoption of minor; by whom filed; requisites, confidential nature; inspection; separate journal to be kept.

(d) The petition and documents filed pursuant to this section, and the interlocutory decree, if entered, and the final decree of adoption shall constitute a confidential file and shall be available for inspection only to the judge, or, by order of court, to the parties to the proceedings or their attorneys, except as provided in W.S. 35-1-416. Upon the entry of the final decree of adoption, all records in the proceedings shall be sealed and may be available for inspection only by order of court for good cause shown. ~~The clerk of court shall maintain a separate journal for adoption proceedings to be confidential and available for inspection only by order of the court for good cause shown.~~ The court may order inspection of all or part of the confidential file in adoption proceedings only if it appears to the court that the welfare and best interests of the child will be served by the inspection.

2-2-201. Records required; probate docket; reports to be made by commissioner.

(a) The clerk of district court in each county shall ~~keep a book~~ maintain a system for the recording of wills and probate ~~containing~~ including:

(b) ~~A separate set of books shall be kept for~~ The clerk of district court shall maintain a system for the recording of each decedent's estate recording including all proceedings concerning the probate of each will, ~~and showing~~ the entry of the inventory appraisement, ~~and~~ all claims allowed, including costs of the final distribution of the estate, and ~~showing~~ the final settlement of the estate.

5-7-105. Clerk to record proceedings of court.

The clerk shall ~~keep the journals, records, books and papers appertaining to record the proceedings of the court,~~ and record its proceedings.

Section 2. W.S. 1-16-301(b), 1-16-307(a)(ii), (iv) through (vi) and (c)(i) through (iii), 5-3-211 and 5-7-106 are repealed.

Section 3. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 25**LIMITED MINING OPERATIONS-AMENDMENTS****Original House Bill No. 26**

AN ACT relating to environmental quality; revising requirements for the continuation, termination and abandonment of limited mining operations as specified; providing for renewal of limited mining operations as specified; and providing for an effective date.

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

Section 1. W.S. 35-11-401(e)(vi)(intro), (C) and by creating new subparagraphs (E) and (F) is amended to read:

35-11-401. Compliance generally; exceptions.

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

(vi) Limited mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar from an area of fifteen (15) acres or less of affected land, excluding roads used to access the mining operation, if the operator has written permission for the operation from the owner and lessee, if any, of the surface. The operator shall notify the land quality division of the department of environmental quality and the inspector of mines within the department of workforce services of the location of the land to be mined and the postal address of the operator at least thirty (30) days before commencing operations. A copy of the notice shall also be mailed to all surface owners located within one (1) mile of the proposed boundary of the limited mining operation at least thirty (30) days before commencing operations. The operator shall notify the land quality division of the department of environmental quality of the date of commencement of limited mining operations within thirty (30) days of commencing operations. Limited mining operations authorized under this paragraph are subject to the following:

(C) After the limited mining operations have ceased, ~~or within thirty (30) days after abandonment of the limited mining operation,~~ the operator shall notify the administrator of such fact in the operator's next annual report and commence reclamation and restoration in compliance with the rules and regulations of the land quality division of the department of environmental quality. The rules and regulations for reclamation shall at all times be reasonable; ~~and~~

(E) The limited mining operations shall be terminated if the operator does not commence operations within five (5) years as noted in the annual report following notification to the land quality division of the department of environmental quality under this paragraph;

(F) Limited mining operations may continue for not more than five (5)

years from the date of commencing operations unless a notification to extend operations is submitted to the land quality division administrator. Operators shall submit a notification of extension for every subsequent five (5) year period with the annual report.

Section 2. This act is effective July 1, 2019.

Approved February 14, 2019.

Chapter 26

CEASE AND TRANSFER PRIORITY LIST

Original Senate File No. 29

AN ACT relating to the 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 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 Wyoming Session Laws, Chapter 31, Section 316(a), 2018 Wyoming Session Laws, Chapter 134, Section 323(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	Glenrock, Town of (C)	\$1,600,000
5	Big Horn County SWDD – North #2 (T)	\$1,500,000
6	Thermopolis, Town of (T)	\$2,000,000
7	Hulett, Town of (C)	\$1,088,000
8	Upper Platte River SWDD – Saratoga (C)	\$2,300,000
9	Rawlins, City of (C)	\$ 780,000
10	Thermopolis, Town of (C)	\$2,500,000
11	Baggs SWDD (C)	\$2,250,000
12	Big Horn County SWDD – South (C)	\$2,400,000
13	Big Horn County SWDD – North #2 (C)	\$1,700,000
14	Newcastle, City of (C)	\$1,100,000
15	Lincoln County – Cokeville (C)	\$1,000,000
16	Uinta County Solid Waste – Bridger Valley (C)	\$4,000,000
17	LaGrange, Town of (C)	\$1,400,000
18	Moorcroft, Town of (C)	\$ 500,000
19	Upton, Town of (C)	\$1,500,000
20	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. 2018 Wyoming Session Laws, Chapter 90 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 14, 2019.

Chapter 27**GRIZZLY BEAR HUNTS****Original Senate File No. 93**

AN ACT relating to wildlife; making legislative findings regarding the need for the game and fish commission to conduct a grizzly bear hunt as specified; authorizing the game and fish commission to hold a grizzly bear hunt or facilitate a relocation as specified; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) The grizzly bear population in the greater Yellowstone ecosystem has recovered by all measurable recovery criteria, since at least 2003, with approximately seven hundred (700) grizzly bears currently living in the ecosystem;

(ii) The recovery of the grizzly bear population in the greater Yellowstone ecosystem can be attributed to the efforts of the state of Wyoming, the Wyoming game and fish commission and the citizens of the state;

(iii) The United States secretary of the interior announced in June 2017 that the Yellowstone population of grizzly bears had been recovered and no longer needed federal protections under the Endangered Species Act and that overall management of the population could be returned to the states and tribes;

(iv) In response to the final rule that the United States secretary of the interior and the United States fish and wildlife service promulgated, the Wyoming game and fish commission scheduled a limited grizzly bear hunt for August 2018;

(v) In September 2018, the United States District Court for the District of Montana issued an order vacating the final rule issued by the United States fish and wildlife service, which effectively restores Endangered Species Act protections to the Yellowstone population of grizzly bears;

(vi) The state of Wyoming continues to bear the costs of grizzly bear management in the state but, because of the district court order, again lacks any authority to make decisions necessary to manage the grizzly bear population in a way that protects the people of the state of Wyoming and that conserves Wyoming's wildlife;

(vii) The district court's order precluded the Wyoming game and fish commission from holding the grizzly bear hunt as scheduled;

(viii) The district court's order impedes the state of Wyoming's ability to protect the safety of its citizens, particularly in light of grizzly bear attacks on workers and other citizens and tourists of the state;

(ix) The tenth amendment to the United States constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and the people of Wyoming certain powers as they were understood at the time that Wyoming was admitted to statehood in 1890. The guaranty of those powers is a matter of contract between the state and people of Wyoming and the several states comprising the United States as of the time the Act of Admission was agreed upon and adopted by Wyoming and the several states in 1889;

(x) In enacting the Endangered Species Act, the United States congress requires the United States secretary of the interior to cooperate to the maximum extent practicable with the states in conserving and managing any endangered or threatened species;

(xi) The district court's order hinders the state of Wyoming's ability to work with the United States secretary of the interior to cooperate in the management of the Yellowstone grizzly bear population and thus threatens the safety of Wyoming workers and other citizens and tourists of the state;

(xii) The grizzly bear hunt that the Wyoming game and fish commission had previously scheduled for August 2018 and the grizzly bear hunt authorized in section 2 of this act is necessary and intended to conserve resident wildlife and ensure that:

(A) The Yellowstone grizzly bear population residing in Wyoming continues to recover through effective population management; and

(B) The state of Wyoming can effectively protect its citizens, workers and tourists from dangerous and deadly grizzly bear encounters in the state of Wyoming.

Section 2.

(a) If the game and fish commission determines under the laws of the state of Wyoming that a grizzly bear hunt would be beneficial for managing Wyoming's wildlife and for protecting Wyoming workers and other citizens and tourists of the state, the game and fish commission may conduct a grizzly bear hunt and shall issue licenses as provided in W.S. 23-1-302(p) and in the rules of the commission, which shall provide for the dates, times and locations of the hunts.

(b) Grizzly bears are trapped and relocated in Wyoming and in some cases are euthanized for livestock depredation, property damage or endangerment of human life. If the game and fish commission determines under the laws of the state of Wyoming that extraterritorial relocation would be beneficial for managing Wyoming's wildlife and protecting Wyoming workers and other citizens and tourists of the state, the game and fish commission may relocate to the state of California, to states with a grizzly bear population below the threshold for Endangered Species Act protection or to other willing states with suitable habitat all grizzly bears trapped for relocation or that would otherwise

be euthanized.

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 15, 2019.

Chapter 28

HATHAWAY SCHOLARSHIP ELIGIBILITY

Original Senate File No. 43

AN ACT relating to higher education; modifying portions of the Hathaway scholarship program; modifying an eligibility requirement for the Hathaway provisional opportunity scholarship; amending success curriculum provisions to qualify for Hathaway honor or performance scholarships; specifying applicability; 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)(xix), 21-16-1303(b)(iii)(C), 21-16-1305(a)(i)(intro), 21-16-1307(b)(intro), by creating new paragraphs (vii) and (viii) and (g) and 21-16-1308(b)(iii)(C), (c)(ii) and (vii) are amended to read:

21-16-1301. Definitions.

(a) As used in this article:

(xix) “~~WORKKEYS SCORE~~ Career-technical aptitude assessment score” means qualifying scores on the ~~WORKKEYS job skills assessment test. In the event the WORKKEYS job skills assessment test is superseded, becomes too expensive to administer or goes out of general use, an assessment measuring fundamental workplace skills.~~ The department shall specify by rule and regulation a replacement career-technical aptitude assessment test to be used;

21-16-1303. Hathaway scholarship program; eligibility requirements.

(b) Under the Hathaway scholarship program, subject to availability of funds as determined by the legislature, the state shall provide a scholarship pursuant to W.S. 21-16-1304 and 21-16-1305 to any student who has been accepted by and enrolls in an eligible institution to pursue a degree or certificate, and who meets the following qualifications:

(iii) The student has:

(C) The minimum high school cumulative grade point average and minimum score, as determined through an equi-percentile linking method, on a college entrance examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance or minimum cumulative ~~WORKKEYS career-technical aptitude assessment~~ score specified under this article for the type of

scholarship to be awarded.

21-16-1305. Hathaway provisional opportunity scholarships.

(a) Any student who meets the criteria under W.S. 21-16-1303 is eligible to receive a Hathaway provisional opportunity scholarship to pursue a certificate or degree as follows:

(i) With a minimum cumulative high school GPA of 2.50 and either a score equal to or greater than the 2015-2016 national percentile rank of thirty (30) on a college entrance examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance or a qualifying cumulative score of at least twelve (12) points on applied math, reading for information and locating information on WORKKEYS tests on a career-technical aptitude test as determined by the department, a scholarship for:

21-16-1307. Success curriculum; test standards.

(b) Except as otherwise provided for by law, the success curriculum required to qualify for honor or performance scholarship eligibility under this article for students graduating from high school in the 2018-2019-2019-2020 school year and each school year thereafter shall be as follows:

(vii) Elective pathway – four (4) years, including at least two (2) years of related courses taken in sequence, of any of the following:

(A) Fine and performing arts – instruction in fine and performing arts, which shall be taken in grades nine (9) through twelve (12);

(B) Career-vocational education – instruction in career-vocational education, which shall be taken in grades nine (9) through twelve (12); or

(C) Foreign language – instruction in foreign language, which shall be taken in grades nine (9) through twelve (12). Instruction in the native language of the Eastern Shoshone or the Northern Arapaho Indian tribes, or instruction in American sign language may be taken in fulfillment of this subparagraph.

(viii) Notwithstanding the requirements in paragraph (vii) of this subsection for courses to be taken in grades nine (9) through twelve (12), courses taken before grade nine (9) that are the functional equivalent of courses specified in paragraph (vii) of this subsection may be used to satisfy not more than one (1) year of the requirements in paragraph (vii) of this subsection.

(g) In each odd-numbered year, the department, in consultation with the University of Wyoming, Wyoming community colleges and the community college commission, shall report to the governor and the joint education interim committee of the legislature on recommendations for modifications to the success curriculum requirements, minimum cumulative GPA and minimum national percentile rank scores or minimum cumulative WORKKEYS career-technical aptitude assessment scores contained in this

article and recommendations for the adoption of statewide student assessment standards and scores to augment qualifying national percentile rankings or ~~WORKKEYS-career-technical aptitude assessment~~ scores, all to ensure that the Hathaway scholarship program is designed to provide the desired incentives for students to pursue a rigorous curriculum and strive to achieve academic success. The report shall also include any additional resources which school districts, particularly those school districts granted exemptions for students under paragraph (f)(ii) of this section, may require to provide the success curriculum. The cumulative GPA requirements for performance under the success curriculum shall not be restricted to those courses comprising the success curriculum, but shall be applied comprehensively to all courses included within each scholarship student's high school curriculum.

21-16-1308. Administration; rules and regulations.

(b) The department shall, in consultation with University of Wyoming and community college admissions officers, the Wyoming community college commission and financial aid officers and school districts, promulgate rules and regulations necessary to implement this article, including:

(iii) Criteria and procedures under which students in a home-based educational program can qualify for scholarships under this article. A student in a home-based educational program:

(C) Who is otherwise eligible and who achieves the requisite minimum national percentile rank score or requisite cumulative ~~WORKKEYS-career-technical aptitude assessment~~ score shall be eligible for the scholarships provided under this article at the same level and to the same extent as students graduating from eligible high schools.

(c) The department shall establish annual reporting procedures for purposes of policy analysis and program evaluation and providing accurate data to the legislature and governor relative to the program's impact on the state and on students. In developing the annual reporting procedure the department shall consult with the University of Wyoming and community college financial aid officers and registrars or their designees. It is the intention of the legislature that the reporting system and the requirements thereof shall be applicable to all recipients of scholarships under this article. Compliance with this section shall be made a condition of receiving a scholarship under this article. For any student attending more than one (1) eligible institution, the home institution shall be responsible for data reporting for that student, and any other eligible institution shall cooperate as necessary with the home institution to fulfill that duty. The reporting system shall include the following information:

(ii) Scholarships by students as they progress from semester to semester or other equivalent periods of time as may be applicable once enrolled at an eligible institution. The data shall be reported by institution attended, by

the instructional program, and by scholarship category and shall include the percent of students losing scholarship eligibility due to not earning the minimum number of credit hours, the percent of students losing scholarship eligibility due to not having the required cumulative grade point average, the percent of students losing scholarship eligibility for failing to make satisfactory academic progress and the percentage of students losing scholarship eligibility for failing to enroll. The same information shall also be reported by categories showing those students qualifying through ~~WORKKEYS~~ career-technical aptitude assessment scores and scores on high school equivalency certification, and by the group of students who attended a home-based educational program and did not graduate from an eligible high school;

(vii) Statistical studies on the relationship between the courses taken and grades earned by a high school student and the student's score associated with the 2015-2016 national percentile rankings, on an examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance or score on the ~~WORKKEYS test~~ career-technical aptitude assessment. Relative to public high schools, such statistical studies shall use student course and grade data that is otherwise available from the schools and such studies shall be conducted at no additional cost to the governing authority of any public high school;

Section 2. W.S. 21-16-1307(b)(v) and (vi) is repealed.

Section 3.

(a) 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 2018-2019 or 2019-2020 school years may be either the success curriculum as provided in W.S. 21-16-1307(b) before its amendment by this act or the success curriculum as provided in W.S. 21-16-1307(b) as amended by this act.

(b) This act shall not affect the success curriculum required to qualify for honor or performance scholarship eligibility under W.S. 21-16-1301 et seq. for students graduating high school before the 2018-2019 school year.

(c) 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 2020-2021 school year and each year thereafter shall be the success curriculum as provided in W.S. 21-16-1307(b) as amended 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 February 15, 2019.

Chapter 29**EXPUNGEMENT OF JUVENILE COURT RECORDS**

Original House Bill No. 44

AN ACT relating to juvenile justice; amending juvenile offender expungement provisions relating to agency and court records; providing a definition; and providing for an effective date.

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

Section 1. W.S. 7-13-1401(a)(intro) and by creating a new subsection (k), 14-6-241(a), (b) and by creating new subsections (d) through (j) and 14-6-440 are amended to read:

7-13-1401. Petition for expungement; records of arrest, dismissal of charges, disposition; eligibility; no filing fee.

(a) A person, or the state with regard to a petition for the expungement of records pertaining to a juvenile, may petition the court in which a proceeding occurred, or would have occurred, for an order expunging records of arrest, charges or dispositions which may have been made in the case, subject to the following limitations:

(k) The state may file a petition for the expungement of a juvenile arrest record, charges or dispositions without service on the juvenile. For the purposes of this subsection, "expungement" means as defined in W.S. 14-6-241(f).

14-6-241. Expungement of records in juvenile, circuit and municipal courts.

(a) Any person adjudicated delinquent as a result of having committed a delinquent act other than a violent felony as defined by W.S. 6-1-104(a)(xii), under the provisions of this act may petition the court for the expungement of his record in the juvenile court upon reaching the age of majority. Any petition filed under this section shall be verified by the petitioner, served upon and reviewed by the prosecuting attorney, and no order granting expungement shall be issued prior to the expiration of twenty (20) days after service was made. The prosecuting attorney shall file with the court, an objection, if any, to the petition within twenty (20) days after service. If an objection is filed, the court shall set the matter for hearing. If an objection is filed and after investigation the court finds that the petitioner has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court or the prosecuting attorney, it shall order expunged all records in any format including electronic records in the custody of the court or any agency or official, pertaining to the petitioner's case. If no objection is filed, the court may summarily enter an order if the court finds that the petitioner is otherwise eligible for relief under this subsection. Copies of the order shall be sent to each agency or official named in the order.

The prosecuting attorney, to the extent practicable and if the state filed the petition for expungement as authorized by W.S. 7-13-1401, shall inform the juvenile of the order of expungement and of the practical effects of the expungement. Upon entry of an order the proceedings in the petitioner's case are deemed never to have occurred and the petitioner may reply accordingly upon any inquiry in the matter.

(b) The record of a minor convicted of a violation of a municipal ordinance ordinance may be expunged in the same manner as provided in subsection (a) of this section by petition to the municipal court.

(d) The record of a minor admitted to a diversion program or granted a deferral pursuant to Wyoming statute may be expunged in the same manner and subject to the same limitations as provided in subsection (a) of this section by petition to the court ordering the diversion program or deferral.

(e) A record of arrest, charges or disposition of a minor resulting in dismissal, declined prosecution or otherwise not resulting in a conviction or an adjudication of delinquency or an adjudication of being a child in need of supervision may be expunged in the same manner and subject to the same limitations as provided in subsection (a) of this section by petition to the court.

(f) For purposes of this section, "expungement" means to permanently destroy or delete all records, including physical and electronic records, documents and images of documents. If a minor's name appears on a court list, index or other compilation containing other information not subject to expungement, "expungement" means to redact by obliterating the minor's name from the record.

(g) After an order of expungement issued under this section, no record of the minor's identification may be retained by any law enforcement agency, the juvenile court, or by any municipal court, circuit court or any state agency or department except as follows:

(i) An agency may retain records to comply with federal reporting requirements. Records kept under this paragraph shall not be otherwise disclosed or released except for the federal reporting purposes and shall be expunged within ten (10) years of the completion of the initial court case;

(ii) Expungement of electronic records in a backup database may be completed upon restoration of the backup database, provided that the backup database is not accessible until restored. Any law enforcement agency, court or state agency subject to this paragraph shall implement policies and procedures to ensure expungement of records following restoration of a backup database.

(h) The state or municipality may petition the court for the expungement of a record in the juvenile court, circuit court or municipal court pursuant to subsections (a) through (c) of this section, upon the person who was adjudicated delinquent or convicted reaching the age of majority.

(j) No filing fee shall be required for a petition for the expungement of a juvenile record under this section.

14-6-440. Expungement of records in juvenile court.

Any person adjudicated in need of supervision under the provisions of this act may petition the court for the expungement of his record in the juvenile court upon reaching the age of majority. If after investigation the court finds that the petitioner has not been convicted of a felony since adjudication, that no proceeding involving a felony is pending or being instituted against the petitioner and the rehabilitation of the petitioner has been attained to the satisfaction of the court or the prosecuting attorney, it shall order expunged all records in any format including electronic records in the custody of the court or any agency or official, pertaining to the petitioner's case. Copies of the order shall be sent to each agency or official named in the order. Upon entry of an order the proceedings in the petitioner's case are deemed never to have occurred and the petitioner may reply accordingly upon any inquiry in the matter. Expungement pursuant to this section shall be accomplished as provided in W.S. 14-6-241.

Section 2. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 30

BANKING TECHNOLOGY AND STOCK REVISIONS

Original Senate File No. 28

AN ACT relating to banking; specifying that banks may issue nonvoting shares and other forms of capital stock authorized under existing law for corporations; clarifying that banks may issue capital stock and maintain shareholder records through electronic means under existing law; clarifying that the identity of shareholders may be maintained under existing law using data addresses; authorizing electronic notices relating to capital impairment; and providing for an effective date.

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

Section 1. W.S. 13-2-302, 13-2-306, 13-2-307(a) and 13-4-203(a) and (b) are amended to read:

13-2-302. Issue of stock.

(a) A bank shall not issue any share of stock until the par value of the share has been actually paid in cash.

(b) Pursuant to appropriate authority granted in its articles of incorporation, a bank may issue any type of capital stock, including nonvoting shares, authorized under title 17 of the Wyoming statutes. Consistent with subsection (c) of this section, the articles of incorporation of a bank may specify any form of shareholder voting rights.

(c) If the articles of incorporation of a bank provide shareholder voting rights that are different than those provided under W.S. 13-2-307, 13-2-308(a), 13-2-309(a), 13-2-402(e), 13-4-101(a) or 13-4-701(b) or (d), the articles of incorporation of the bank shall control, subject to any approval of the commissioner required under those sections.

13-2-306. Stock register; inspection.

A bank shall keep a ~~stock register which record of shareholders that~~ record of shareholders that is open for inspection during business hours to officers, directors and ~~stockholders shareholders~~ of the bank. ~~The register shall contain the name, residence and number of shares of each stockholder and all transfers of stock, stating the time made, the number of shares and to whom transferred. As used in this section, "record of shareholders" means as defined in W.S. 17-16-140(a)(xlix).~~

13-2-307. Voting by shareholders generally; balloting for directors.

(a) Except as otherwise provided by W.S. 13-2-302, each share entitles the owner to one (1) vote on all elections of directors and all other questions submitted at meetings of shareholders. Shareholders may vote by proxies executed in writing but no officer, clerk, teller or bookkeeper of the bank shall act as proxy. The presence in person or by proxy of the owners of at least fifty-one percent (51%) of the issued and outstanding capital stock at any meeting of stockholders constitutes a quorum. No shareholder whose liability to the bank is past due and unpaid shall be allowed to vote.

13-4-203. Impairment of capital; generally.

(a) If the state banking commissioner has reason to believe that the capital of any bank is impaired he shall examine the bank and ascertain the facts. If he finds an impairment of capital, he shall provide written notice to each director of the bank and require the bank to restore the deficiency within sixty (60) days after the date of the ~~request notice~~. Written notice under this section may be provided by electronic transmission, consistent with W.S. 17-16-141(c).

(b) ~~The directors of each bank which has been requested. After the directors of a bank have received written notice to restore a deficiency under subsection (a) of this section, the directors shall, within fifteen (15) days from the date of the request notice, levy an assessment upon the common stock of the bank to repair the deficiency. Written notice of the request deficiency and of the amount of the assessment shall be mailed provided to each stockholder at his last known address, or served personally upon him shareholder, and may be provided by electronic transmission, consistent with W.S. 17-16-141(c). If any stockholder shareholder fails to pay the assessment within thirty (30) days of mailing or serving the receiving notice, the directors of the bank may sell the stock of the stockholder shareholder to the highest bidder at public auction. Notice of the sale shall be published for ten (10) days in a newspaper of general circulation published in the county where the bank is located and a copy of the~~

notice of sale shall be served on the owner of the stock personally or by mail at his last known address ten (10) days before the day of sale. The stock may be sold at private sale without public notice. Before a private sale an offer in writing shall first be obtained and a copy of the offer served upon the owner of record of the stock either personally or by mailing a copy of the offer to his last known address. If, after service of the offer, the owner still fails to pay the assessment within two (2) weeks from the time of the service of the offer, the directors may accept the private offer or a larger offer. The stock shall not be sold for less than the amount of the assessment and cost of sale. Out of the proceeds of the sale the directors shall pay the assessment and the cost of sale and the balance shall be paid to the person whose stock has been sold. A sale of stock cancels the outstanding certificate evidencing the stock sold. A new certificate shall be issued by the bank to the purchaser.

Section 2. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 31

COOPERATIVE UTILITIES-BYLAWS

Original Senate File No. 61

AN ACT relating to cooperative utilities; authorizing cooperative utilities to amend bylaws as specified; and providing for an effective date.

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

Section 1. W.S. 17-20-729 is created to read:

17-20-729. Amendment of bylaws.

(a) Notwithstanding W.S. 17-19-1021(a)(i) and (ii), a cooperative utility may amend its bylaws not inconsistent with its articles of incorporation by a two-thirds (2/3) vote of the board of directors after notice as required by this section.

(b) A cooperative utility shall provide notice of any meeting of the board of directors at which an amendment proposed under subsection (a) of this section is to be voted upon at least thirty (30) days before the meeting. The notice shall:

(i) State that a purpose of the meeting is to consider a proposed amendment to the bylaws;

(ii) Contain or be accompanied by a copy or summary of the amendment;

(iii) Be fair and reasonable. Fair and reasonable notice includes, but is not limited to, advertisement in a newspaper of general circulation within the cooperative utility's service area and direct mailings to members such as in a

bill or other communication.

Section 2. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 32

SCHOOL DISTRICT PERSONNEL DEFINITIONS

Original Senate File No. 22

AN ACT relating to school districts; removing the requirement that school district personnel be under contract with the school district to qualify to carry a firearm on school property; removing volunteers from the definition of employee in W.S. 21-3-132(b); and providing for an effective date.

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

Section 1. W.S. 21-3-132(b) is amended to read:

21-3-132. Possession of firearms on school property.

(b) For purposes of this section, “employee” means any person employed ~~under contract with the board of trustees of~~ by 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~~ of a school district.

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

Approved February 15, 2019.

Chapter 33

LOTTERY REVISIONS

Original Senate File No. 73

AN ACT relating to the Wyoming lottery; clarifying the calculation and disposition of expenses and proceeds of the lottery; revising terminology; specifying benefits for employees of the lottery; specifying requirements for procurement contracts; specifying use of the fidelity fund; revising requirements related to unclaimed prize money; modifying reporting requirements; making conforming changes; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-17-103(a)(vii), (ix) and by creating a new paragraph (xv), 9-17-108(a)(i), 9-17-109(a)(vii), 9-17-110 by creating a new subsection (h), 9-17-111(a) and (b)(intro), 9-17-113(d), 9-17-116(a), 9-17-119(g), 9-17-120(a)

and 9-17-128(a)(i), (iv) and (v) are amended to read:

9-17-103. Definitions.

(a) As used in this chapter:

(vii) "Major procurement contract" means any gaming product or service costing in excess of seventy-five thousand dollars (\$75,000.00) in a fiscal year including, but not limited to, ~~major~~-advertising contracts, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Wyoming lottery, but not including materials, supplies, equipment and services common to the ordinary operation of a corporate entity;

(ix) "Net proceeds" means ~~all revenue derived from the sale of lottery tickets or shares and all other monies derived from the lottery less operating expenses less direct, indirect, operating and nonoperating expenses consistent with generally accepted accounting principles;~~

(xv) "Confidential information" includes trade secrets, security measures, systems or procedures, security reports, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the corporation to contract for goods or services on favorable terms, employee personnel information unrelated to compensation, duties, qualifications or responsibilities, information related to agreements under multistate governing organizations and information obtained pursuant to investigations which is otherwise confidential.

9-17-108. Adoption by board of procedures regulating conduct of lottery games.

(a) The board may adopt regulations, policies and procedures regulating the conduct of lottery games in general, including, but not limited to, regulations, policies and procedures specifying:

(i) The type of games to be conducted, specifically limited to a state lottery or a multi-state lottery, and shall not include ~~instant lotteries~~-instant-win tickets, scratch-off ticket games, video lottery terminals or any other electronic game involving direct physical contact between the player and a machine;

9-17-109. Duties of chief executive officer.

(a) The chief executive officer of the corporation shall direct and supervise all administrative and technical activities in accordance with the provisions of this chapter and with the regulations, policies and procedures adopted by the board. It shall be the duty of the chief executive officer to:

(vii) Report quarterly to the department of audit, the joint revenue interim committee, ~~the joint travel, recreation, wildlife and cultural resources interim committee~~ and the board a full and complete statement of lottery revenues and expenses for the preceding quarter; and

9-17-110. Employees; compensation; restrictions; background investigations; bonding.

(h) Employees of the corporation shall be covered by the Wyoming Retirement Act and the Wyoming Deferred Compensation Act.

9-17-111. Disposition of lottery proceeds.

(a) As nearly as practical, at least forty-five percent (45%) of the net proceeds total revenue from the sale of lottery tickets or shares shall be made available as prize money, provided, however, that this subsection shall be deemed not to create any lien, entitlement, cause of action or other private right and any rights of holders of tickets or shares shall be determined by the corporation in setting the terms of its lottery or lotteries.

(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 at least seventy-five percent (75%) of the net proceeds minus prizes and amounts earned pursuant to subsection (a) of this section during from~~ the preceding quarter. Final reconciliation of the transfer to the state under this subsection shall be determined at the end of each fiscal year based on the audited annual financial statements. 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. At least once per fiscal year, these monies shall be paid by the treasurer 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 sales of lottery tickets collected by retailers in each county including its cities and towns bear to total 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:

9-17-113. Bonding requirements for vendors; qualifications of vendors; competitive bid requirement.

(d) All major procurement contracts shall be competitively bid pursuant to policies and procedures approved by the board unless:

(i) There is only one (1) qualified vendor and that vendor has an exclusive right to offer the service or product; or

(ii) The major procurement contract is an amendment, extension or renewal of an existing contract with terms that are not materially different than the terms of the existing contract.

9-17-116. Fidelity fund for retailers; assessments.

(a) The corporation may establish a fidelity fund separate from all other funds

and shall assess each retailer a one (1) time fee not to exceed one hundred dollars (\$100.00) per sales location. The corporation is authorized to invest the funds or place the funds in one (1) or more interest bearing accounts. Monies deposited to the fund may be used to cover losses the corporation experiences due to nonfeasance, misfeasance or malfeasance of a lottery retailer. In addition, the funds may be used to purchase blanket bonds covering the Wyoming lottery corporation against losses from all retailers. At the end of each fiscal year, the corporation shall pay to the general lottery fund any amount in the fidelity fund which exceeds ~~five hundred thousand dollars (\$500,000.00)~~ two hundred fifty thousand dollars (\$250,000.00) and the funds shall be commingled with and treated as net proceeds from the lottery.

9-17-119. Prize proceeds subject to attachments, garnishments or executions; validation of winning tickets; prohibited purchases; money dispensing machines; unclaimed prize money.

(g) ~~Unclaimed prize money shall not constitute net proceeds be used to offset prize expenses.~~ A portion of unclaimed prize money, not to exceed two hundred thousand dollars (\$200,000.00) annually, shall be used by the corporation to develop, in consultation with the department of health programs for the treatment of compulsive gambling disorder and educational programs related to the disorder. ~~In addition, unclaimed prize money may be added to the pool from which future prizes are to be awarded or used for special prize promotions.~~

9-17-120. Confidentiality of information; investigations; supervision and inspections; reports of suspected violations; assistance in investigation of violations.

(a) Except as authorized in this chapter, the corporation is subject to the provisions of W.S. 16-4-201 through 16-4-205 and 16-4-401 through 16-4-408. ~~The corporation is specifically authorized to determine which information relating to the operation of the lottery is confidential. Confidential information includes trade secrets, security measures, systems or procedures, security reports, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the corporation to contract for goods or services on favorable terms, employee personnel information unrelated to compensation, duties, qualifications or responsibilities and information obtained pursuant to investigations which is otherwise confidential. Information deemed confidential pursuant to this subsection Confidential information is exempt from the provisions of W.S. 16-4-201 through 16-4-205 and may be discussed during executive session pursuant to W.S. 16-4-405(a). Meetings or portions of meetings devoted to discussing information deemed confidential pursuant to this subsection are exempt from W.S. ~~16-4-201 through 16-4-205~~ 16-4-401 through 16-4-408.~~

9-17-128. Reports by corporation; audits; budget; fiscal year.

(a) To ensure the financial integrity of the lottery, the corporation through its board of directors shall:

(i) Submit quarterly and annual reports to the governor, department of audit, and the joint revenue interim committee ~~and the joint travel, recreation, wildlife and cultural resources interim committee~~ disclosing the total lottery revenues, prize disbursements, ~~operating expenses~~ and administrative expenses of the corporation during the reporting period. The annual report shall additionally describe the organizational structure of the corporation and summarize the functions performed by each organizational division within the corporation;

(iv) Contract with a certified public accountant or firm for an annual financial audit of the corporation. The certified public accountant or firm shall have no financial interest in any vendor with whom the corporation is under contract. The certified public accountant or firm shall present an audit report not later than four (4) months after the end of the fiscal year. The certified public accountant or firm shall evaluate the internal controls in effect during the audit period. The cost of this annual financial audit shall be an operating expense of the corporation. The department of audit may at any time conduct an audit of any phase of the operations of the Wyoming lottery corporation at the expense of the state and shall receive a copy of the annual independent financial audit. A copy of any audit performed by the certified public accountant or firm or the department of audit shall be transmitted to the governor, the department of audit, the state auditor; and the joint revenue interim committee; ~~and the joint travel, recreation, wildlife and cultural resources interim committee;~~

(v) Submit to the governor, the department of audit; and the joint revenue interim committee ~~and the joint travel, recreation, wildlife and cultural resources interim committee~~ by June 30 of each year a copy of the annual operating budget for the corporation for the next fiscal year. This annual operating budget shall be approved by the board and be on forms as prescribed by the department of administration and information;

Section 2. W.S. 9-17-103(a)(i) and (x) is repealed.

Section 3. The benefits specified for employees of the lottery corporation as provided in W.S. 9-17-110(h) created in section 1 of this act shall be effective beginning on the effective date of this act.

Section 4. The change in the accounting of revenue and proceeds of the lottery under sections 1 and 2 of this act shall be reflected through reclassification journal entries on the balance sheet of the lottery corporation effective on the effective date of this act.

Section 5. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 34**WYOMING ENERGY AUTHORITY****Original Senate File No. 37**

AN ACT relating to the administration of government; creating the Wyoming energy authority by merging the Wyoming pipeline authority and the Wyoming infrastructure authority; repealing superseded provisions; conforming provisions related to the two existing authorities; providing for the transfer of funds and obligations; requiring a study; providing for delayed implementation; and providing for effective dates.

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

Section 1.

(a) The Wyoming pipeline authority created by W.S. 37-5-101 and the Wyoming infrastructure authority created by W.S. 37-5-301 shall be consolidated into the Wyoming energy authority as of the effective date of this section. All property, equipment, obligations and unexpended funds of the Wyoming pipeline authority and the Wyoming infrastructure authority are transferred to the Wyoming energy authority, except as provided in this section.

(b) Nothing in this act shall be construed to impair existing bonds, contracts, agreements or other obligations of the Wyoming pipeline authority or the Wyoming infrastructure authority executed before the effective date of this section. The Wyoming energy authority shall, to the greatest extent authorized by law, fulfill existing agreements, contracts and other obligations of the Wyoming pipeline authority and the Wyoming infrastructure authority from funds transferred under this act or other funds appropriated to the Wyoming energy authority for those purposes. To the extent that the Wyoming pipeline authority or the Wyoming infrastructure authority has outstanding contracts or other agreements that cannot be assumed lawfully by the Wyoming energy authority, the governor shall assign the agreements or contracts and any funds necessary to fulfill the outstanding agreements or contracts to a department or separate operating agency of the state to fulfill the obligations. Funds transferred or otherwise appropriated to the Wyoming energy authority under this act shall be expended for administrative purposes of the authority to fulfill the purposes specified in this act.

(c) The joint minerals, business and economic development interim committee is directed to study before October 1, 2019 the impacts this act will have on the statutory duties and responsibilities of the Wyoming pipeline authority and the Wyoming infrastructure authority. This study shall include the bonding authority of the separate authorities and the effect of merging them into one (1) authority, including the effect merging will have on existing bonds and other obligations and changes that may incentivize increased utilization of bonds. The Wyoming pipeline authority and the Wyoming infrastructure

authority shall assist the committee in its study as requested. The committee shall sponsor any necessary legislation to correct or improve the outcome of any issue identified in its study.

(d) Not later than May 15, 2019, the executive director of the Wyoming infrastructure authority shall prepare a plan for reorganization of the authorities and the offices, programs and functions specified in this section and submit it to the joint minerals, business and economic development interim committee for consideration during its first interim committee meeting of 2019.

Section 2. W.S. 37-5-501 through 37-5-509 and 37-5-601 through 37-5-607 are created to read:

ARTICLE 5
WYOMING ENERGY AUTHORITY

37-5-501. Definitions.

(a) As used in this article:

(i) "Authority" means the Wyoming energy authority created by W.S. 37-5-502;

(ii) "Board" means the board of the Wyoming energy authority;

(iii) "Bonds" means notes, warrants, bonds, temporary bonds and anticipation notes issued by the authority under this article;

(iv) "Energy project" means any project related to or involving a natural resource associated with energy or an associated natural resource;

(v) "Natural resource associated with energy" or "associated natural resource" means any technology or any substance, element or compound, either gaseous, liquid or solid, associated with the production, development, refining, processing or transmission of energy;

(vi) "Pipeline" means a pipeline and related facilities, including storage facilities, and including undivided ownership interests or capacity in a pipeline and related facilities, constructed for the purpose of transporting and treating natural resources associated with energy;

(vii) "Royalty in kind" means natural resources associated with energy that are received by the federal government, the state or its agencies or political subdivisions as royalties in kind under leases or otherwise.

37-5-502. Wyoming energy authority.

(a) Commencing July 1, 2020, there is created the Wyoming energy authority, which is a body politic and corporate operating as an instrumentality of the state of Wyoming, with authority to adopt an official seal and to sue and be sued.

(b) The authority shall be governed by a board composed of seven (7) voting

members appointed by the governor, with the advice and consent of the senate. Except as provided in this subsection, all voting members shall be appointed for four (4) year terms. The governor shall appoint four (4) initial voting board members to a term of four (4) years and shall appoint the remaining three (3) initial voting board members to a term of two (2) years. The governor may remove any member as provided in W.S. 9-1-202. Vacancies shall be filled by appointment by the governor in accordance with W.S. 28-12-101. The members shall elect from the membership a chairman, vice-chairman and secretary. A majority of the persons appointed and serving as members shall be qualified voters of the state of Wyoming. Members shall have special knowledge, education or experience in the field of energy or natural resource development, transmission, generation, transportation, financing or marketing, or a field related to industrial or municipal energy consumption. Members of the board may receive the same per diem, expenses and travel allowance as members of the legislature under W.S. 28-5-101 while in attendance at meetings of the board and while performing their duties as members of the board.

(c) The following persons shall serve as ex officio members of the board:

(i) A member of the Wyoming enhanced oil recovery commission selected by the commission;

(ii) The chairman of the Wyoming business council or a designee;

(iii) The governor or a designee from his office;

(iv) The chairman of the Wyoming oil and gas conservation commission or a designee;

(v) The director of the University of Wyoming school of energy resources or, if there is no director, a member of the school of energy resources selected by the University of Wyoming energy resources council, or a designee.

(d) The board shall meet not less than two (2) times each year with representatives of the University of Wyoming school of energy resources and the enhanced oil recovery institute to conduct its business and to consider energy related issues and the state of the energy industry in Wyoming.

(e) Any agency, board, commission, department or institution of the state and the governing authorities of political subdivisions may make surveys, reports and investigations, and may furnish records and information and other assistance and advice as the authority may require.

(f) Appointments and terms under this section shall be as provided in W.S. 28-12-101 through 28-12-103.

(g) The authority is subject to the requirements of:

(i) W.S. 16-3-101 through 16-3-105;

(ii) W.S. 16-4-201 through 16-4-205;

(iii) W.S. 16-4-401 through 16-4-408.

37-5-503. Purposes; report.

(a) The authority is created to:

(i) Diversify and expand the Wyoming economy through improvements in the state's electric and energy transmission infrastructure and facilitate Wyoming's production, development and transmission of energy and associated natural resources by planning, financing, constructing, developing, acquiring, maintaining and operating electric, energy export and energy transmission facilities, advanced technology facilities for natural resources associated with energy, carbon dioxide capture and transportation infrastructure, distribution facilities and related supporting infrastructure and undivided or other interests therein;

(ii) Consolidate energy staff and functions existing in the state energy program and take actions to administer the state energy program, including:

(A) Seek federal grants and loans;

(B) Seek to participate in applicable federal programs; and

(C) In accordance with applicable federal program guidelines, administer federally funded state energy programs.

(iii) Assist with obtaining financing and funding for energy projects through the use or combination of bonding authority, grants, loans and private and institutional investors, and assist with the creation of new financing products;

(iv) Provide assistance with permitting, siting and other regulatory requirements;

(v) Develop and administer programs providing education on energy resources and emerging technologies including tours, academic programs and communication plans;

(vi) Engage with international and domestic stakeholders on potential market opportunities, energy projects and technology development that will increase the value of Wyoming energy and associated natural resources;

(vii) In consultation with the joint minerals, business and economic development interim committee and the governor, develop, administer, update and communicate the Wyoming energy strategy;

(viii) Plan, finance, construct, develop, acquire, maintain and operate a pipeline or other transportation and distribution systems within or outside the state of Wyoming to facilitate the production, transportation, distribution and delivery of associated natural resources that are produced or developed in this state, including energy and associated natural resources received as royalties in kind pursuant to mineral leases by the state, its agencies and political subdivisions.

(b) In order to provide for the financing, construction, development, maintenance and operation of energy transmission facilities, pipeline and other transportation and distribution systems, the authority may own, lease or rent facilities, structures and properties, both incidental and necessary, constructed in accordance with this article and article 6 of this chapter, to facilitate the production, development, transportation, distribution and delivery of energy and associated natural resources.

(c) Energy transmission facilities and related supporting infrastructure may include all facilities, structures and properties incidental and necessary or useful in the production, development, transportation, transmission and delivery of energy. Pipeline and other transportation or distribution systems may be inclusive of pipelines, ports, pumps, storage and all other facilities, structures and properties incidental and necessary or useful in the production, development, transportation, distribution and delivery of natural resources associated with energy to points of sale, consumption or to the points of distribution for consumption.

(d) The authority shall establish and collect fees and prepare a schedule of fees, rentals and other charges for the use of the facilities of the authority, including capacity that the authority procures, as the board may determine.

(e) The authority may borrow funds for the execution of the purposes of the authority, and mortgage and pledge any leases granted, assigned or subleased by the authority.

(f) Except as provided in this section, the authority shall not exercise any of the rights or powers granted to it in this section if private persons, firms or corporations are performing the acts, constructing or have constructed the facilities or are providing the services contemplated by the authority.

(g) Prior to exercising any rights or powers granted to it in this section except for activities related to the administration of pipeline capacity contracted with an entity operating under the jurisdiction of the federal energy regulatory commission or a successor agency, the authority shall publish in a newspaper of general circulation in Wyoming, and in a newspaper in the area where the authority contemplates providing facilities or services, in the manner prescribed by law, a notice describing the acts, facilities or services contemplated by the authority. Private persons, firms or corporations wishing to perform the acts, construct the facilities or provide the services described in the notice shall have ninety (90) days from the date of last publication of the notice within which to notify the authority of their intention to perform the acts, construct the facilities or provide the services described in the notice. A person or entity giving notice to the authority shall include an anticipated timeline for completion of the acts, construction or services. In the absence of notification by a private person, firm or corporation, or if a person, firm or corporation, having given notice of intention to perform the acts, construct the facilities or

provide the services contemplated by the authority, fails to commence the same within one hundred eighty (180) days from the date of last publication, the authority may proceed to perform the acts, construct the facilities or provide the services for which notice was given. A private person, firm or corporation that has made necessary applications to acquire any federal, state, local or private permits, certificates or other authorizations necessary to perform the acts, construct the facilities or provide the services included in the authority's notice within the time required is deemed to have commenced the same. When a private person, firm or corporation has given notice of intent to perform or is performing the acts, constructing the facilities or providing the services that the authority contemplated, the authority may conduct hearings or meetings with the person, firm or corporation to assess progress toward completion of the intended acts to be performed, the facilities to be constructed or the services to be provided. If it appears to the authority that progress or completion of any or all of the intended acts may be delayed for one (1) year or more, the authority may proceed to perform the acts, construct the facilities or provide the services originally contemplated.

(h) The authority may acquire, purchase, hold, use, lease, license, sell, transfer and dispose of an undivided or other interest in or the right to capacity in any pipeline system within or outside the state of Wyoming in order to facilitate the production, transportation, distribution or delivery of associated natural resources that are produced or developed in this state. The provisions of subsection (g) of this section shall not apply to the authority in exercising any power pursuant to this subsection.

(j) Before any appropriation is made to the authority, the authority shall submit its budget for review as provided by W.S. 9-2-1010 through 9-2-1014. Any appropriation to the authority shall be expended only for administrative purposes, which shall include planning and research.

37-5-504. Powers of the authority.

(a) The authority may:

(i) Employ officers, agents and employees as it deems necessary for the performance of its duties and prescribe the powers and duties and fix the compensation of the officers, agents and employees;

(ii) Contract, upon terms as it may agree upon, for legal, financial, engineering and other professional services necessary or expedient in the conduct of its affairs;

(iii) Utilize the services of executive agencies of the state upon mutually agreeable terms and conditions;

(iv) Plan, finance, construct, develop, acquire, own, maintain and operate within and outside the state of Wyoming, energy transmission infrastructure, energy export facilities and pipeline and other transportation or distribution

systems including pumps, storage and other attendant facilities, any necessary equipment for energy transmission infrastructure and pipeline and other transportation or distribution systems and for all other property, structures, equipment, facilities and works of public improvement necessary or useful for accomplishing the purposes for which the authority was created, including obtaining permits and acquiring rights-of-way;

(v) Acquire by condemnation any properties necessary or useful for its purposes, provided the authority shall not have the right to condemn mineral leases, gas supplies, gas reserves, oil supplies, oil reserves, oil refineries, existing energy transmission, distribution and generation facilities, minerals, water rights, other mineral rights or pipelines or other distribution systems used in connection therewith;

(vi) Receive by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the state of Wyoming, any political subdivision or any other public or private entity;

(vii) Provide light, water, communications, security and other services for its facilities as it deems advisable;

(viii) After consultation with any relevant state or federal authority, establish and charge reasonable fees, rates, tariffs or other charges for the use of all facilities administered by the authority and for all services rendered by it;

(ix) In whole or in part, operate, lease, rent and dispose of facilities, structures and properties constructed under this article. The authority shall review at least every three (3) years the feasibility of disposing of facilities it holds;

(x) Investigate, plan, prioritize and establish corridors for the transmission of energy and natural resources associated with energy;

(xi) Enter into partnerships with public or private entities;

(xii) Conduct hearings and gather and develop relevant data consistent with the duties and powers of the authority;

(xiii) Work in consultation and coordination with entities including the Wyoming business council to develop, promote and identify markets for natural resources associated with energy and facilitate supply for those markets;

(xiv) Advocate for or against any energy project before any regulatory body tasked with the oversight of the project;

(xv) Do any and all things necessary or proper for the development, regulation and accomplishment of the purposes of the authority within the limitations of authority granted by this article.

(b) The sole recourse of any party contracting with the authority shall be against the authority, and there shall be no cause of action against the state or

any county, municipality or other political subdivision of the state.

37-5-505. Bonds.

(a) In addition to the powers otherwise granted to the authority and in order to accomplish its purposes, the authority shall have the power to borrow money and evidence the borrowing in the issuance and sale of bonds or other obligations of the authority, the principal and interest of which shall be payable solely out of revenues authorized to be dedicated and pledged for the payment.

(b) Bonds issued under this section shall be solely the obligation of the authority and shall recite on their face that they do not constitute obligations of the state of Wyoming or any county, municipality or other political subdivision of the state. The bonds or other obligations shall be authorized and issued by resolution of the authority. The bonds shall be executed in the form and manner provided by the resolution authorizing their issuance. The resolution shall include:

- (i) The series of the bond or obligation;
- (ii) The date of issuance of the bond or obligation;
- (iii) The date of maturity of the bond or obligation;
- (iv) That the bond or obligation shall bear interest, and the interest rate;
- (v) The form that the bond or obligation shall be in;
- (vi) The registration and exchangeability privileges of the bond or obligation;
- (vii) The medium of payment and the place of payment of the bond or obligation;
- (viii) The terms of redemption and that the bond or obligation shall be subject to those terms;
- (ix) That the bond or obligation shall be entitled only to a priority on the revenues of the authority as the authority's resolution provides, subject to subsection (d) of this section.

(c) The bonds or other obligations issued under this section may be sold by the authority at, above or below par value, at public or private sale, in a manner and from time to time as the authority determines.

(d) Except as provided by subsection (k) of this section, any bonds issued under this section shall be payable from and be secured by the pledge of the revenues derived from the operation of the pipeline or other transportation or distribution system or energy transmission facility as constructed, acquired, extended or improved with the proceeds of the bonds, subject only to prior payment of the reasonable and necessary expenses of operating and maintaining the system or facility. Any holder of the bonds may by appropriate legal action compel performance of all duties required of the authority in order

to enforce payment of the bonds when due. If any bond issued under this section is permitted to go into default as to principal or interest, any court of competent jurisdiction may, pursuant to the application of the holder of the bonds, appoint a receiver for the system or facility, who shall operate the same and collect and distribute the revenues thereof pursuant to the provisions and requirements of the resolution authorizing the bonds.

(e) If more than one (1) series of bonds is issued payable from the revenues of the facility or bond proceeds, priority of lien on the revenues shall be as provided by the resolution authorizing the bonds.

(f) All bonds issued under the provisions of this section shall constitute negotiable instruments within the meaning of the Uniform Commercial Code. The bonds and income from them shall be exempt from all taxation within the state of Wyoming.

(g) No board or commission other than the authority shall fix or supervise the making of fees and charges stated in this subsection, which shall be in amounts reasonably necessary for the purposes stated in this article. When the authority has issued bonds and pledged the revenues of the pipeline or other transportation or distribution system or facility or the energy transmission facility for the payment of the bonds as provided in this article, the authority shall operate and maintain the system or facility and shall impose and collect fees and charges for the services furnished by the system or facility, including those furnished to the authority itself, in the amounts and at rates as shall be fully sufficient at all times to:

- (i) Pay the expenses of operating and maintaining the system or facility;
- (ii) Provide a sinking fund sufficient to assure the prompt payment of principal and interest on the bonds as each falls due;
- (iii) Provide a reasonable fund for contingencies as may be required by any bond underwriting or by the resolution authorizing the bonds; and
- (iv) Provide an adequate depreciation fund for repairs, extensions and improvements to the system or facility necessary to assure adequate and efficient service to the public.

(h) Any resolution of the authority authorizing the issuance of bonds shall be published once in a newspaper of general circulation published in Wyoming, and in a newspaper in the area where the facility or services are contemplated. For a period of thirty (30) days from the date of the publication any person in interest may contest the legality of the resolution and of the bonds to be issued under the resolution and the provisions securing the bonds, including the validity of any lease or other contract pledged to the payment thereof. After the expiration of thirty (30) days from the date of the publication no one shall have any right of action to contest the validity of the bonds, the validity of the security pledged to the payment thereof or the provisions of the resolution under which

the bonds were issued, and all the bonds and all related proceedings shall be conclusively presumed to be legal.

(j) The authority may authorize the issuance of bonds for the purpose of refunding, extending and unifying the whole or any part of the principal, interest and redemption premiums on any outstanding bonds issued under this article, as well as bonds issued by the Wyoming pipeline authority under W.S. 37-5-101 through 37-5-109 and by the Wyoming infrastructure authority under W.S. 37-5-301 through 37-5-307, before July 1, 2020. The refunding bonds may either be sold and the proceeds applied to or deposited in escrow for the retirement of the outstanding bonds, or may be delivered in exchange for the outstanding bonds. The refunding bonds shall be authorized in all respects as original bonds are herein required or were required at the time of their issuance to be authorized. The authority, in authorizing the refunding bonds, shall provide for the security of the bonds, the sources from which the bonds are to be paid and for the rights of the holders thereof in all respects as herein provided for other bonds issued under this article. The board may also provide that the refunding bonds shall have the same or different priority of lien on the revenues pledged for their payment as was enjoyed by the bonds refunded.

(k) The authority may authorize the issuance of bonds for the purpose of purchasing pipeline capacity as authorized by W.S. 37-5-503(h). Any bonds issued under this subsection shall be payable solely from and be secured solely by the pledge of the revenues derived from the subsequent sale, lease or other disposal of the capacity purchased or from bond proceeds. Bonds issued under this subsection shall be authorized in all respects as other bonds of the authority are required to be authorized. The authority, in authorizing the bonds, shall provide for the security of the bonds, the sources from which the bonds are to be paid and for the rights of the holders thereof.

37-5-506. Use of net revenues.

(a) The authority, acting alone or in cooperation with any agency of the state of Wyoming, may use and employ any net revenues derived from a system or facility authorized in this article and from any other source, after providing for all costs of maintenance and operation of the system or facility and after making the required principal and interest payments on any revenue bonds issued hereunder and any other payments provided in any resolution authorizing the issuance and sale of revenue bonds and obligations, to extend and improve the system or facility as the authority may determine to be warranted by any need for additional intrastate transportation or energy transmission facilities.

(b) Revenues derived from the issuance of bonds for the purpose of purchasing pipeline capacity as authorized under W.S. 37-5-505(k) shall be used for such purchases and to make principal and interest payments on such bonds as provided by the authority in the resolution authorizing the issuance

of the revenue bonds.

(c) If the authority determines that no need for additional transportation or energy transmission facilities exists and after the administrative expenses of the authority are paid, net revenues derived under this article shall be paid to the state treasurer for credit to the state general fund.

37-5-507. Authority not subject to the public service commission.

Notwithstanding any other provision of law, the authority and the authority's fees, rates, rental and other charges shall not be subject to the supervision, regulation, control or jurisdiction of the public service commission.

37-5-508. Subpoena.

(a) For the purpose of any investigation or proceeding under this article, the authority or any officer it designates may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records that the authority deems relevant or material to the inquiry.

(b) In case of contumacy by, or refusal to obey, a subpoena issued to any person, a Wyoming district court, upon the authority's application, may issue to the person an order requiring him to appear before the authority or the officer it designates. The order may require the person to produce documentary evidence or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(c) In considering a request by the authority under subsection (b) of this section, the district court shall review the request in camera to protect the confidentiality of the information sought. The court may also restrict disclosure of any confidential information in any other proceeding, administrative or judicial, and may order that the information be sealed.

37-5-509. Confidential information.

All information obtained by the authority in connection with any hearing or investigation under this article that contains or that might reveal proprietary data shall be considered as confidential for the purposes of this article. The authority shall not disclose confidential information to any person, governmental entity or agency without prior written consent from the owner of the confidential information. Any board or staff member who discloses or causes to be disclosed any confidential information is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

ARTICLE 6
FINANCING OF OTHER PROJECTS

37-5-601. Applicability.

The definitions in W.S. 37-5-501 shall apply to this article.

37-5-602. Authority revenue bonds; issuance; amount.

(a) The authority may issue and have outstanding bonds to finance energy transmission facilities and related infrastructure consistent with the purposes of W.S. 37-5-503(a), in an amount not to exceed one billion dollars (\$1,000,000,000.00). The authority shall have contracts sufficient to justify the issuance of bonds.

(b) The authority may issue and have outstanding bonds to finance pipeline and other transportation and distribution projects, which may be located within or without the state of Wyoming, in an amount not to exceed three billion dollars (\$3,000,000,000.00). The financing of a pipeline or other transportation and distribution projects under this article may include or consist solely of the purchase of capacity by the authority as authorized by subsection (m) of this section.

(c) The principal amount of any bonds that have been retired, redeemed, defeased or refunded by the authority need not be taken into account in computing compliance with the maximum amounts of bonds authorized to be issued under subsections (a) and (b) of this section.

(d) Subject to subsections (a) and (b) of this section, the authority may issue bonds in principal amounts the authority determines necessary to provide sufficient funds for achieving its purposes under this article, including the reduction of principal, the payment of interest, the establishment of reserves, the costs of administration and for the purpose of defraying all other associated costs. All bonds issued under this article are negotiable instruments under the laws of this state unless expressly provided to the contrary on the face of the bonds. The authority may enter into contracts to insure the payment of principal and interest, for interest rate exchange contracts and for financial guarantees to lower the cost of its borrowing.

(e) All bonds issued by the authority are payable solely out of special funds consisting of all or part of its revenues, receipts, monies and assets, as designated in the proceedings under which the bonds are authorized. All bonds shall bear interest at fixed or variable rates, be executed and delivered at times and in denominations, be of terms and maturities, be in registered form as to principal and interest or principal alone, and bear manual or facsimile signatures and seals as the authority determines. Bonds issued by the authority are not general obligations of this state nor of any political subdivision of this state. The bonds shall solely be the obligation of the authority and shall recite on their face that they do not constitute obligations of the state or any political subdivisions of the state.

(f) Bonds may be payable in installments and may bear maturities not

exceeding forty (40) years from the date issued as the authority determines.

(g) Bonds and interest may be payable at a time or place whether within or outside the state, as the authority determines. Bonds may contain other provisions not inconsistent with this article.

(h) Any bonds that the authority issues may contain an option to redeem all or any part as may be specified. The price of redemption, the terms and conditions and the procedure of notice shall be set forth by the authority and may appear on the face of the bonds.

(j) Any bonds of the authority may be sold at, above or below par value, at public or private sale, in a manner and from time to time as determined by the authority. The authority may pay legal fees, expenses, premiums and commissions that it finds necessary or advantageous to this state in connection with the issuance and sale.

(k) The authority may provide for the issuance of bonds to refund any bonds of the authority then outstanding, including for the payment of any redemption premium and any interest or premium accrued or to accrue to, the earliest or subsequent date of redemption, purchase or maturity of the bonds. The authority may also refund bonds issued by the Wyoming pipeline authority under W.S. 37-5-201 through 37-5-208 and the Wyoming infrastructure authority under W.S. 37-5-401 through 37-5-408 before July 1, 2020. Refunding shall be accomplished in the manner prescribed by W.S. 16-5-101 through 16-5-119 to the extent it is not inconsistent with this article.

(m) The authority may acquire, purchase, make prepayments for, finance, hold, use, lease, license, sell, transfer and dispose of an undivided or other interest in or the right to capacity in any pipeline or other transportation or distribution system within or without the state of Wyoming. The authority may acquire, purchase, make prepayments for proven developed reserves, hold, use, lease, license, sell, transfer and dispose of an undivided or other interest in natural resources associated with energy, including royalties taken in kind. The powers specified in this subsection may be exercised in order to facilitate the production, transportation, distribution or delivery of associated natural resources produced or developed in this state. The authority is exempt from the provisions of W.S. 37-5-503(g) when exercising the powers granted by this article.

37-5-603. Authority revenue bonds; security; payments after retirement.

(a) The principal and interest on any bonds that the authority issues shall be secured by a pledge of revenues from the operation of the pipeline or other transportation or distribution system or energy transmission project financed, by a first mortgage on the facilities, by guarantees and pledges of the entity owning the project, pipeline or system, or of the parent corporation owning said entity or by any combination thereof or other security as the authority may

determine to be reasonable and prudent. The guarantees and pledges shall be no less favorable to the authority than those granted other lenders of the same class.

(b) The authority may require additional payments, as negotiated, to bondholders to be made either in a lump sum at the time of retirement of the bonds or annually from the time of retirement of the bonds until project, pipeline or system use is terminated or may require additional incentives from the owner of the project or pipeline to prospective bondholders so long as the incentives are not contrary to the Wyoming constitution.

(c) The authority may require such other security for repayment of the bonds as it deems necessary.

(d) Each pledge, agreement, mortgage or other instrument made for the benefit or security of any bonds of the authority is valid and binding from the time when made. The revenues, receipts, monies and assets pledged are immediately subject to the lien of the pledge without delivery or further act. The lien is valid and binding against persons having claims of any kind against the authority whether or not the persons have actual notice of the lien. The resolution or the indenture or other instrument by which a pledge is created need not be recorded or filed.

37-5-604. Exemptions from taxation.

The exercise of the powers granted by this article constitutes the performance of an essential governmental function. Any bonds issued under this article and the income therefrom shall be free from taxation of every kind by the state, municipalities and political subdivisions of the state.

37-5-605. Bonds as legal investments.

The bonds of the authority are legal investments that may be used as collateral for public funds of the state, insurance companies, banks, savings and loan associations, investment companies, trustees and other fiduciaries that may properly and legally invest funds in their control or belonging to them in bonds of the authority. With the written approval of the state loan and investment board and the attorney general, the state treasurer may invest monies from the permanent Wyoming mineral trust fund in bonds of the authority in an amount specified by the state loan and investment board and the attorney general but not to exceed the amount specified in W.S. 37-5-602(a) and (b). The interest payable on the bonds shall be not less than four percent (4%), and revenue under W.S. 37-5-602(b) shall be credited as received to the general fund. The limitation on specific public purpose investments under W.S. 9-4-715(n) shall not apply to investments made under this section.

37-5-606. State pledge not to impair bondholder's rights and remedies.

The state pledges to the holders of any bonds issued under this article that

the state will not limit or alter the rights vested in the authority to fulfill the terms of agreements made with the holders, or in any way impair the rights and remedies of the holders until the bonds together with the interest, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders are fully met and discharged. The authority is authorized to include this pledge of the state in any agreement with the holders of the bonds.

37-5-607. Powers; duties; limitations.

(a) The authority has the powers granted by W.S. 37-5-501 through 37-5-509 as necessary to carry out the purposes of this article, including the power to hire technical consultants, financial advisors and legal advisors and specifically including the powers granted by W.S. 37-5-504(a)(ii). In addition to the powers otherwise granted to the authority, the authority shall have the power to:

(i) Enter into loan or other agreements with respect to one (1) or more projects, energy transmission infrastructure, energy export facilities, pipelines or systems upon terms and conditions the authority considers advisable;

(ii) Make and execute agreements, contracts and other instruments necessary or convenient in the exercise of its powers and functions, including contracts with any individual, firm, corporation, governmental agency or other entity.

(b) The authority may assess and collect fees that are nonrefundable from applicants seeking to obtain authority financing of an energy transmission infrastructure project, energy export facility, pipeline, system or other project in total amounts not to exceed five hundred thousand dollars (\$500,000.00), which shall be credited to the state general fund.

(c) The authority shall maintain such records and accounts of revenues and expenditures as required by the director of the state department of audit. The director of the state department of audit or his designee shall conduct an annual financial and legal compliance audit of the accounts of the authority and file copies of the audit with the governor and the legislature.

(d) The authority shall require that any project owner receiving a loan under this article shall maintain records and accounts relating to the receipt and disbursements of loan proceeds, transportation costs and information on energy and associated natural resource sales and deliveries and make the records available to the state auditor for inspection.

(e) The sole recourse of any party contracting with the authority shall be against the authority, and there shall be no cause of action against the state, or any county, municipality or other political subdivision of the state.

Section 3. W.S. 1-26-801(c)(intro), 9-1-224(b)(xi), 9-4-715(n)(intro) and 9-4-831(a)(xi) are amended to read:

1-26-801. Authority of state, counties and municipal corporations to acquire by condemnation proceedings; uranium mill tailings; public purpose.

(c) As used in and for purposes of this section only, “public purpose” means the possession, occupation and enjoyment of the land by a public entity. “Public purpose” shall not include the taking of private property by a public entity for the purpose of transferring the property to another private individual or private entity except in the case of condemnation for the purpose of protecting the public health and safety, in which event the public entity may transfer the condemned property for value to a private individual or entity. However, nothing in this section shall restrict or impair the right or authority of the Wyoming ~~pipeline-energy~~ authority ~~or the Wyoming infrastructure authority~~ to transfer property condemned by the authority to another public or private entity insofar as the transfer is consistent with the statutory purposes or duties of: the authority.

9-1-224. Collection of data; creation of a repository; dissemination of data.

(b) The governor shall assign the collection of data under subsection (a) of this section to the appropriate state agency or political entity of the state, including, but not limited to, the following:

- (xi) The ~~pipeline Wyoming energy~~ authority;

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 one billion dollars (\$1,000,000,000.00), excluding investments made pursuant to W.S. 37-5-406 ~~or 37-5-605~~. 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:

9-4-831. Investment of public funds.

(a) The state treasurer, or treasurer of any political subdivision, municipality or special district of this state, and the various boards of trustees and boards of directors of county hospitals, airports, fairs and other duly constituted county boards and commissions, may invest in:

(xi) As authorized by W.S. ~~37-5-206 and 37-5-406~~ ~~37-5-605~~, bonds of the Wyoming ~~pipeline-energy~~ authority; ~~and the Wyoming infrastructure authority;~~

Section 4. W.S. 1-26-801(c)(i) and (ii), 9-1-224(b)(xii), 37-5-101 through

37-5-109, 37-5-201 through 37-5-208, 37-5-301 through 37-5-307 and 37-5-401 through 37-5-408 are repealed.

Section 5. The governor shall submit appointments to the Wyoming energy authority by the date specified in W.S. 28-12-101(a)(ii) during the 2020 budget session.

Section 6.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(b) Sections 1(c) and (d) and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 15, 2019.

Chapter 35

PUBLIC PURPOSE INVESTMENTS

Original Senate File No. 27

AN ACT relating to state public purpose investments; consolidating, amending and repealing loan and reimbursement programs as specified; making conforming amendments; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 10-3-101(h), 11-34-101(a)(iv), 11-34-117(a), 11-34-202(e), 16-1-109(d) by creating a new paragraph (vi) and 39-13-107(b)(iii)(F) are amended to read:

10-3-101. Creation; composition; appointment; term; removal; qualifications; vacancies; compensation; office; acceptance of grants.

(h) The commission shall meet as necessary to properly exercise its functions, but shall meet not less than quarterly to consider the distribution of grants under W.S. 10-3-401 and provide information and recommendations based upon existing airport planning priorities to the state loan and investment board for actions on loan applications under W.S. ~~9-12-703~~ 16-1-109(d)(vi).

11-34-101. Definitions.

(a) As used in this act:

(iv) "This act" means W.S. 11-34-101 through ~~11-34-306~~ 11-34-203.

11-34-117. Rates of interest; length of loan; amount.

(a) The board may set rates of interest on all farm loans according to current interest rates but not less than four percent (4%) nor more than ten percent (10%) whether the money is loaned upon the amortization plan or otherwise.

~~except that loans pursuant to W.S. 11-34-113(j) shall be loaned for a fixed period of up to seven (7) years with a set interest rate equal to seventy-five percent (75%) of the lowest current rate set by the board for farm loans other than loans under W.S. 11-34-113(j).~~

11-34-202. Revenue to be credited to an account; use thereof; disposition of excess.

(e) Revenue and proceeds received by the board for deposit in the loss reserve account pursuant to W.S. 11-34-118, 11-34-120(h), 11-34-121; and 11-34-123(a), 11-34-302(e) and 11-34-306 shall be transmitted to the state treasurer for deposit to the credit of the loss reserve account. These funds shall be used for the purposes specified in subsection (f) of this section and W.S. 11-34-126 and to pay the administrative and legal expenses of the board in making collections and foreclosing mortgages. If at the end of any fiscal year the amount accumulated in the loss reserve account exceeds five percent (5%) of the total amount of permanent funds of the state invested in farm or water development project loans, the amount in excess of the five percent (5%) shall be transferred and credited to the general fund.

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

(d) Loans under this section shall be made only under the following conditions:

(vi) The board shall request a review and recommendation from the aeronautics commission on all applications for loans for the construction, development and improvement of airport facilities generating user fees and shall make any loan recommended by the aeronautics commission unless, based upon the credit worthiness of the project, the board determines the loan would not be a prudent investment.

39-13-107. Compliance; collection procedures.

(b) The following provisions shall apply to the payment of taxes, distraint of property and deferral:

(iii) The following shall apply to the deferral of tax collection:

(F) Payment of deferred taxes shall be distributed pursuant to W.S. 39-13-111(a)(ii). Any taxes deferred under this paragraph which would be distributed pursuant to W.S. 39-13-111(a)(ii)(A) shall be paid from the county general fund subject to reimbursement when the deferred taxes are paid by the taxpayer or otherwise collected by the county; ~~The board of county commissioners may, by December 1 of the year in which the first installment of deferred taxes are to be paid, make application to the state treasurer for disbursement of funds pledged by W.S. 9-4-715(j). If applications exceed funds authorized, the state treasurer shall make investments on a prorated basis;~~

Section 2. W.S. 9-4-715(j), 9-12-703, 11-34-113(j), 11-34-114(c), 11-34-117(d), 11-34-301, 11-34-302, 11-34-306 and 36-8-318 through 36-8-320 are repealed.

Section 3.

(a) Nothing in this act shall be construed to:

(i) Modify or impair existing contracts, loans or bond issuances of the state of Wyoming executed before the effective date of this act;

(ii) Release or in any way diminish the liability or obligation of any person, individual, partnership, corporation, joint stock company or any other association or entity, whether public or private, held or owned by the state of Wyoming before the effective date of this act.

Section 4. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 36

TOBACCO TAX EQUIVALENCE

Original Senate File No. 51

AN ACT relating to tobacco taxes; providing for the state to enter into negotiations with the business council of the Eastern Shoshone tribe and the business council of the Northern Arapaho tribe for tobacco tax equivalence across the state; requiring a report; and providing for an effective date.

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

Section 1.

(a) As directed by the governor, the state shall engage in negotiations with the business council of the Eastern Shoshone tribe and the business council of the Northern Arapaho tribe to enter into a compact for the purpose of making tobacco taxes equivalent across the state including tobacco sales made on the Wind River Reservation.

(b) The compact may include provisions for the retention of tobacco tax revenues by the appropriate governments on and off the Wind River Reservation and for the affixing stamps as necessary to ensure that tobacco taxes are equivalent across the state without regard to the location where the sales were made.

(c) The compact may include a process detailing how to approach any potential revisions to the tobacco tax rate if requested by one (1) or more parties to the compact.

(d) Not later than November 1, 2020 the governor's office shall report to the joint revenue interim committee on the negotiations under this section. The

report shall include any requests for legislation necessary to implement any compact.

(e) Any compact entered into by the governor and the business council of the Eastern Shoshone tribe or the business council of the Northern Arapaho tribe pursuant to this section shall not be binding upon the state of Wyoming until the compact has been ratified and approved by the legislature.

(f) The compact authorized in this section may be in any form of written agreement determined by the attorney general to be compatible with the laws of this state and the United States.

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

Approved February 15, 2019.

Chapter 37

MODIFICATION OF PROBATION

Original Senate File No. 10

AN ACT relating to criminal procedure and sentencing; providing standards for the imposition or modification of probation; clarifying probation supervision options; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 7-13-302(a), 7-13-305(a) and 7-13-407(a)(iv) are amended to read:

7-13-302. Placing person convicted on probation; suspension of imposition or execution of sentence; imposition of fine.

(a) After conviction, plea of no contest or plea of guilty for any offense, except crimes punishable by death or life imprisonment, and following entry of the judgment of conviction, the court may:

(i) Suspend the imposition or execution of sentence and place the defendant on supervised or unsupervised probation; or

(ii) Impose a fine applicable to the offense and place the defendant on supervised or unsupervised probation.

7-13-305. Determination, continuance or extension; revocation proceedings.

(a) The period of probation or suspension of sentence under W.S. 7-13-302 shall be determined by the court and may be reduced, continued or extended. In determining the period of probation or a modification of an existing

probation, the court may consider, but is not limited to the following factors:

(i) Whether the defendant has stable employment;

(ii) Whether the defendant has positive community support;

(iii) Whether the defendant has positive familial support;

(iv) Whether the defendant has reasonably attended to spousal or parental responsibilities and whether the terms of probation assist or hinder the defendant in discharging those responsibilities;

(v) Whether the defendant has made progress in affirmatively addressing any alcohol or substance abuse issues. For the purposes of this paragraph, relapse alone does not prevent the court from determining the defendant has made progress in addressing his alcohol or substance use issues;

(vi) The nature and seriousness of the underlying crime;

(vii) The risk posed by the defendant to the community;

(viii) The risk of reoffense as determined by a validated risk assessment tool utilized by the department of corrections.

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

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

(iv) Supervise the conduct of each person on probation if requested by the court granting probation, and of each person on parole or conditional release through personal visits, reports and other appropriate means, and report in writing as often as required by the court, department or board;

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

Approved February 15, 2019.

Chapter 38

LSRA INVESTMENTS

Original Senate File No. 63

AN ACT relating to the legislative stabilization reserve account; requiring investment of the account as specified; specifying the maximum percentage of the account which may be invested in equities; requiring the state loan and investment board to adopt an investment policy statement for the account; requiring a report; and providing for an effective date.

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

Section 1. W.S. 9-4-219(a) and 9-4-715 by creating a new subsection (q) 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 as authorized under W.S. 9-4-715(a), (d), (e) and (q) and all investment earnings from the account shall be credited to the general fund.

9-4-715. Permissible investments.

(q) 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 shall invest the legislative stabilization reserve account created in W.S. 9-4-219 in a manner to obtain the highest return possible subject to the following:

(i) Investments shall be made in accordance with investment policy statements adopted by the board under W.S. 9-4-716. In adopting investment policy statements for the legislative stabilization reserve account, the board shall seek to preserve the balance of the account as necessary to address:

(A) A budget shortfall or structural budget deficit through contingent appropriations and expenditures under W.S. 9-2-1014(d)(ii) and (iii);

(B) A published consensus revenue estimating group estimate of revenues that is less than existing legislative appropriations for state government operations or support of public schools;

(C) Other emergencies and needs identified or authorized by the legislature under Wyoming statutes and session laws.

(ii) To the extent funds are available and prior to making any other investments, five hundred million dollars (\$500,000,000.00) shall be invested in short term fixed income investment grade securities;

(iii) After consultation with the budget division of the department of administration and information, up to fifty-five percent (55%) of the unobligated, unencumbered balance of the legislative stabilization reserve account in excess of the amount specified in paragraph (ii) of this subsection, as calculated by the state auditor on October 1 of each fiscal year, may be invested in equities, including stocks of corporations. Investments under this paragraph shall be made in compliance with subsections (c) and (d) of this section;

(iv) Not later than November 1 of each year, the state treasurer shall report to the joint appropriations committee and the select committee on capital financing and investments regarding the annual review of the investment policy statement for the legislative stabilization reserve account and the investment performance of the account.

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

Approved February 15, 2019.

Chapter 39

FEDERAL NATURAL RESOURCE POLICY ACCOUNT- AMENDMENTS

Original House Bill No. 54

AN ACT relating to the federal natural resource policy account; authorizing expenditure of funds in the account as specified; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-4-218(a)(intro) and by creating a new paragraph (viii) is amended to read:

9-4-218. Federal natural resource policy account created; purposes.

(a) There is created an account known as the “federal natural resource policy account.” Funds within the account may be expended by the governor on behalf of the state of Wyoming and its local governments, to take any of the actions specified in this subsection ~~in response~~ related to federal land, water, air, mineral and other natural resource policies which may affect the tax base of the state, wildlife management, state species, recreation, private property rights, water rights or leasehold rights. Funds also may be expended for preparing and participating in environmental impact statements and environmental assessments, including analysis of economic or social and natural or physical environmental effects on the human environment. Funds also may be expended for coordinating and participating in rangeland health assessments pursuant to W.S. 11-2-207. The governor may expend funds from the federal natural resource policy account for:

(viii) Development and revision of comprehensive natural resource management plans prepared by counties. Plans funded pursuant to this paragraph shall:

(A) Identify objectives and priorities for the use, development and protection of natural resources and land in Wyoming;

(B) Be based on criteria established by the governor’s office in consultation with the counties and consistently applied in each comprehensive natural resource management plan;

(C) Serve as a basis for communicating and coordinating with the federal government and its agencies on land and natural resource management

issues:

(D) Be developed or revised in public meetings held in accordance with W.S. 16-4-401 through 16-4-408. The public meetings shall allow for participation and contribution from the public.

Section 2. There is appropriated a one-time amount of one million one hundred fifty thousand dollars (\$1,150,000.00) from the general fund to the federal natural resource policy account created in W.S. 9-4-218(a). The governor shall only expend this appropriation for development and revision of comprehensive natural resource management plans pursuant to W.S. 9-4-218(a)(viii) provided that for the period beginning with the effective date of this act and ending June 30, 2020, not more than fifty thousand dollars (\$50,000.00) shall be granted to or expended for any one (1) county in Wyoming. On and after July 1, 2020, the governor may grant or expend the unexpended, unobligated and uncommitted funds remaining from this appropriation for development and revision of comprehensive natural resource management plans for any county or counties. Notwithstanding W.S. 9-4-218(b) or any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert to the general fund on June 30, 2022.

Section 3. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 40

FAMILY MEDICINE RESIDENCY PROGRAM

Original House Bill No. 221

AN ACT relating to medical residency; specifying that the University of Wyoming shall provide a family medicine residency program; authorizing the University of Wyoming to contract with a qualified entity for the clinical training of residents; delineating contract requirements; requiring reports; and providing for an effective date.

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

Section 1. W.S. 21-17-125 is created to read:

21-17-125. Family medicine resident program education and clinical training; contract for clinical operation; use of University of Wyoming residents, students and faculty.

(a) Whenever the board of trustees deems it in the best interests of the university they may enter into one (1) or more contracts with any person, group, association or corporation for the operation of the family medicine residency program and related functions. As consideration for the operation of the clinical and related functions the contract may provide for:

(i) The lease of appropriate University of Wyoming facilities and equipment;

(ii) The services of university employees;

(iii) A payment from the university; and

(iv) Funding, supplies and equipment.

(b) If the board of trustees deems it in the best interests of the university to enter into one (1) or more contracts for the clinical operations of the family medicine residency program, the university shall ensure that the contract requires:

(i) Provision of a clinic for the university's family medicine residency program as provided by this section;

(ii) To the extent feasible, attainment and maintaining of qualification as a federally qualified health center and performance of the duties required of a federally qualified health center;

(iii) Operation of the clinic in a manner required by the accreditation council for graduate medical education, and if deficiencies in operation are identified, development and implementation of a plan to remedy the deficiencies, which plan shall be developed with the participation and approval of the university;

(iv) As specified in the contract, reimbursement to the university for the services of University of Wyoming faculty, physician residents, staff and any students who function as clinic medical staff or other staff or who otherwise provide services to the entity with whom the university has contracted. The contract may contain provisions to ensure that this reimbursement does not endanger the clinic's financial solvency;

(v) Furnishing the university with semiannual reports showing the financial condition of the clinic and providing an accounting of all monies received and expended. The reports shall satisfy accounting standards specified in the contract and shall provide a level of detail specified in the contract, but which is designed to allow public release of the reports without violating the privacy of any patient;

(vi) Payment to the university of a percentage of the net revenues derived from operation of all family medicine residency program clinics. The contract may specify:

(A) An allowance for depreciation and improvement of equipment to be deducted from gross revenue before calculating net revenue;

(B) That any equipment purchased pursuant to this provision shall be:

(I) The property of the university; and

(II) Included in the facilities leased to the operator pursuant to this

section.

(vii) Upon completion or nonrenewal of the contract, return to the university of any funding, supplies, equipment and patient records received from the university to the extent and in the form possible as specified in the contract.

(c) The university may enter into separate contracts for separate facilities, and these contracts may be with multiple entities. The university may enter into separate contracts with other entities to furnish additional training opportunities for family medicine residency program physician residents and other students.

(d) The University of Wyoming family medicine residency program shall include within the university's biennial budget request submitted under W.S. 9-2-1013 a report specifying at a minimum:

- (i) The financial condition of the clinic and all monies received and expended;
- (ii) Patient demographics;
- (iii) Physician resident data;
- (iv) Federally qualified health center compliance; and
- (v) Quality metrics.

Section 2.

(a) If feasible, any contract under this act shall not take effect before July 1, 2019, nor later than July 1, 2020. If it is not feasible to implement the contract by July 1, 2020, it shall be implemented at the earliest practical date after July 1, 2020.

(b) Before any contract is signed, not later than October 1, 2019, and again not later than April 30, 2020, the University of Wyoming shall submit a status report on the initial contracts or contract negotiations between the University of Wyoming and the federally qualified health center pursued pursuant to this act to the joint appropriations committee.

(c) Any funds remaining at the end of the 2019-2020 biennium in the University of Wyoming family medicine residency program special revenue account or accounts to which clinic revenue for clinical services was deposited are appropriated to the University of Wyoming family medicine residency program for purposes of the family medicine residency program for purposes of enhancing patient care and clinical training consistent with federally qualified health center requirements.

(d) If 2019 HB0221 is enacted into law, the agency's general fund and special revenue appropriation for 2020 shall be redesignated as grants and aid expenditure object series funding.

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 15, 2019.

Chapter 41

COLLECTION OF SALES TAX BY MARKETPLACE FACILITATORS

Original House Bill No. 69

AN ACT relating to sales tax; requiring marketplace facilitators to collect and remit sales taxes as specified; specifying relief for failure to collect and remit the tax; providing immunity for facilitators collecting the tax; providing definitions; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 39-15-502 is created to read:

39-15-502. Marketplace facilitators.

(a) A marketplace facilitator shall be considered the vendor for each sale that the facilitator facilitates on its marketplace for a marketplace seller. Each marketplace facilitator shall:

(i) Be responsible for all obligations imposed under chapters 15 and 16 of this title;

(ii) Keep records and information as may be required by the department to ensure proper collection and remittance of sales tax.

(b) Subject to the limitations in W.S. 39-15-501(a), a marketplace facilitator shall collect and remit sales tax on all sales:

(i) The marketplace facilitator makes on its own behalf; and

(ii) The marketplace facilitator facilitates on behalf of all marketplace sellers to customers in Wyoming. The marketplace facilitator shall collect and remit sales tax on sales facilitated by the marketplace facilitator and sold into Wyoming regardless of whether the marketplace seller has a sales tax permit or otherwise would have been required to collect sales tax if the sale had not been facilitated by the marketplace facilitator.

(c) If a marketplace facilitator fails to collect or remit sales tax under subsection (b) of this section due to incorrect or insufficient information provided by the marketplace seller, the marketplace facilitator shall be relieved of liability for that failure to collect or remit the tax provided that the relief under this subsection shall not exceed five percent (5%) of the total sales tax due from sales made or facilitated in this state by the marketplace facilitator. If a marketplace facilitator is relieved of liability under this subsection, the marketplace seller or the purchaser shall be liable for any amount of uncollected,

unpaid or unremitted tax due.

(d) No relief under subsection (c) of this section shall be authorized for sales made by a marketplace seller who is affiliated with the marketplace facilitator. Entities are affiliated under this subsection if:

(i) One (1) entity owns more than five percent (5%) of the other entity; or

(ii) Both entities are subject to the control of a common entity that owns more than five percent (5%) of each of the entities.

(e) The department shall solely audit the marketplace facilitator for sales made by marketplace sellers but facilitated by the marketplace facilitator. The department shall not audit marketplace sellers except to the extent the marketplace facilitator seeks relief under subsection (c) of this section.

(f) A class action shall not be maintained against a marketplace facilitator by or on behalf of purchasers arising from or in any way related to an overpayment of sales or use tax collected by the marketplace facilitator under this section, regardless of whether the action is characterized as a tax refund claim.

(g) As used in this section:

(i) "Marketplace" means any method through which a marketplace seller may sell or offer for sale tangible personal property, admissions or services which are subject to taxation under chapter 15 or 16 of this title for delivery into this state regardless of whether the marketplace seller has a physical presence in this state;

(ii) "Marketplace facilitator" means any person that facilitates a sale for a marketplace seller through a marketplace by:

(A) Offering for sale by a marketplace seller, by any means, tangible personal property, admissions or services which are subject to taxation under chapter 15 or 16 of this title for delivery into this state; and

(B) Directly, or indirectly through any agreement or arrangement with one (1) or more third parties, collecting payment from a purchaser and transmitting the payment to the marketplace seller, regardless of whether the person receives compensation or other consideration in exchange for facilitating the sale or providing any other service.

(iii) "Marketplace seller" means a vendor who sells or offers for sale tangible personal property, admissions or services which are subject to taxation under chapter 15 or 16 of this title for delivery into this state through a marketplace that is owned, operated or controlled by a marketplace facilitator.

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 and a marketplace facilitator to the extent provided by W.S. 39-15-502;

Section 3. No marketplace facilitator shall be required to collect or remit sales tax as provided in W.S. 39-15-502 on any sale made prior to the effective date of this act. Nothing in this section shall be deemed to apply to any taxes that are required to be collected or remitted under W.S. 39-15-501 prior to the effective date of this act.

Section 4. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 42

EDUCATION MAJOR MAINTENANCE FUNDING

Original House Bill No. 78

AN ACT relating to community college and school district funding; providing for quarterly distribution of major maintenance funding to community colleges and school districts; increasing the amount that may be spent on a capital construction project without legislative approval; increasing the percentage of unrestricted community college operating funds which may be carried forward to subsequent biennial periods; and providing for effective dates.

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

Section 1. W.S. 21-18-205(f) and (g) is amended to read:

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

(f) Up to ~~eight percent (8%)~~ fifteen percent (15%) of each community college’s unrestricted operating funds for a biennium may be carried forward into the next biennium by each community college. The cumulative total amount of unrestricted operating funds carried forward from previous bienniums shall never exceed ~~eight percent (8%)~~ fifteen percent (15%) of the community college’s current biennium unrestricted operating funds. Funds carried forward in accordance with this subsection shall not lapse pursuant to W.S. 9-4-207.

(g) No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of ~~one million dollars (\$1,000,000.00)~~ one million five hundred thousand dollars (\$1,500,000.00) which was not approved by the commission and authorized by the legislature.

Section 2. W.S. 21-15-109(b) and 21-18-225(k) are amended to read:

21-15-109. Major building and facility repair and replacement payments;

computation; square footage allowance; use of payment funds; accounting and reporting requirements.

(b) To the extent funds are available, ~~on July 1 of each year,~~ the state construction department shall, based upon square footage computations computed from the prior school year, distribute ~~seventy-five percent (75%) of the estimated major building and facility repair and replacement payments~~ in quarterly installments to each school district from the school capital construction account. ~~On or before September 30 of each year the department shall distribute the balance of payments to each school district.~~ The department shall distribute the first quarterly payment on July 1 of each fiscal year, with the remaining payments distributed on October 1, January 2 and April 1. Payments shall be made as equal as reasonably possible. If funds within the account are not sufficient for ~~payments of any school year~~ any quarterly payment, the department shall reduce all district payments for that quarter by a uniform percentage. The department shall also increase or reduce a subsequent school district payment, as appropriate, in the event a school district receives an excessive or deficient distribution. Major building and facility repair and replacement payments shall be computed in accordance with subsection (c) of this section.

21-18-225. College maintenance and capital construction funding.

(k) Appropriations for major maintenance shall be distributed by the state construction department to community colleges in equal quarterly installments in amounts determined by the funding formula developed by the state building commission, subject to restrictions imposed on qualifying square footage pursuant to this section. The state construction department shall distribute the first quarterly payment on July 1 of each fiscal year, with the remaining payments distributed on October 1, January 2 and April 1.

Section 3.

(a) Except as otherwise provided in subsection (b) of this section, this act is effective July 1, 2020.

(b) Section 1 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 15, 2019.

Chapter 43**SCHOOL FINANCE INTERFUND LOANS**

Original House Bill No. 79

AN ACT relating to interfund loans; amending provisions relating to interfund loans to the school foundation program account; clarifying provisions for interfund loans as specified; and providing for an effective date.

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

Section 1. W.S. 9-1-417, 9-3-205(e) and 21-13-316(a) are amended to read:

9-1-417. Interfund loans; repayment; maximum amount; interest.

(a) The state treasurer and the state auditor may utilize interfund loans from the legislative stabilization reserve account, or the general fund if insufficient funds exist in the legislative stabilization reserve account, to any other fund or account to meet obligations which come due prior to receipt of revenues. The interfund loans shall be repaid as soon as the anticipated revenue is received. The total amount of interfund loans under this subsection outstanding at one (1) time shall not exceed sixty million dollars (\$60,000,000.00). 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. The interest charged on each interfund loan under this subsection, other than to the general fund or budget reserve account, shall be the interest rate earned on pooled fund investments in the previous fiscal year.

(b) To the extent the legislature provides for interfund loans or borrowing authority from one (1) agency, account or fund to another, the interfund loan or borrowing shall come out of the legislative stabilization reserve account to be credited to the borrowing agency, account or fund, ~~except for interfund loans made under as authorized by~~ W.S. 21-13-316. The interest charged on each interfund loan or borrowing from the legislative stabilization reserve account shall be the interest rate earned on pooled fund investments for the fiscal year immediately preceding the effective date of the interfund loan.

9-3-205. Administration and management of group insurance program; powers and duties; adoption of rules and regulations; interfund borrowing authority.

(e) Upon request of the director of the department, the state treasurer and the state auditor may utilize interfund loans from the legislative stabilization reserve account to cover the costs of group insurance plan coverage to school districts electing to participate in the group insurance plan under W.S. 9-3-201(e) or the costs of discontinuing plan coverage to districts electing to cease participation under W.S. 9-3-201(f). The interfund loans shall be repaid as soon as anticipated revenue is received. The total amount of interfund loans under this subsection outstanding at any one (1) time shall not exceed sixty million dollars (\$60,000,000.00). The interest charged on each interfund loan under this subsection shall be the interest rate earned on pooled fund investments in the previous fiscal 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~~ensure statutory payments ~~to be~~are made when dedicated revenues are not yet received. Interfund loans under this subsection may be made from the legislative stabilization reserve account or, to the extent insufficient funds exist in the legislative stabilization reserve account, the common school account within the permanent land fund. Any interfund loans 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, 2019.

Approved February 15, 2019.

Chapter 44

UNIFORM TRUST CODE AMENDMENTS

Original House Bill No. 56

AN ACT relating to the Uniform Trust Code; eliminating claims of forced heirship and legitime; providing a definition of legitime; clarifying discretionary distribution standards for a trustee; specifying review of discretionary powers of a trustee; and providing for an effective date.

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

Section 1. W.S. 4-10-103(a) by creating a new paragraph (xxxviii), 4-10-107 by creating a new subsection (c), 4-10-504(b) and (g), 4-10-505(b) and by creating a new subsection (d), 4-10-506(a)(ii) and (c)(intro), 4-10-517 and 4-10-814 by creating a new subsection (e) are amended to read:

4-10-103. Definitions.

(a) As used in this act:

(xxxviii) “Legitime” means that portion of a testator’s free movable property that the testator’s children are legally entitled to regardless of the terms of the will or trust.

4-10-107. Governing law.

(c) If the law of this state governs the meaning and effect of the terms of a trust in accordance with paragraph (a)(i) or subsection (b) of this section, the trust and any transfer of property by a settlor to the trust, or any disposition made subject to the terms of the trust, shall not be void, voidable, set aside or deemed defective in any manner for any reason including:

(i) That the law of a foreign jurisdiction prohibits or does not recognize the concept of a trust; or

(ii) That the trust, transfer of property by a settlor to the trust, or disposition made subject to the terms of the trust avoids or defeats any forced heirship or legitime right, claim or interest under the law of a foreign jurisdiction.

4-10-504. Discretionary trusts; effect of standard.

(b) When the terms of the trust provide that the trustee may only make discretionary distributions to a beneficiary, whether or not the trust contains a spendthrift provision, a creditor or assignee of the trust beneficiary, including a creditor bringing a claim for forced heirship or legitime, may not compel the trustee to distribute any income or principal, or both, from the trust or reach or attach the interest of the beneficiary unless and until a trust distribution is received by the beneficiary, even if:

(g) Terms of a trust providing a trustee may make discretionary distributions to a beneficiary, whether or not the discretionary distributions are pursuant to a standard of distribution, shall not create ~~no~~ any property interest in the beneficiary or any enforceable right to a distribution for the beneficiary.

4-10-505. Standards of distribution.

(b) Except as provided in subsection (a) of this section, a creditor or assignee of a beneficiary, including a creditor bringing any claim for forced heirship or legitime, may not compel distributions from the trust or attach distributions to be made to a beneficiary until the distributions are received by the beneficiary, if the terms of the trust limit the trustee's ability to make distributions by a standard of distribution, even when the beneficiary is also a trustee or cotrustee of the trust.

(d) Except as otherwise provided in the terms of the trust, the trustee shall not consider the assets or resources of a beneficiary in determining whether to make a distribution of trust income or principal.

4-10-506. Creditor's claim against settlor.

(a) Whether or not the terms of a trust contain a spendthrift provision, the following rules apply:

(ii) Except for discretionary trusts created in accordance with W.S. 4-10-504(f) or irrevocable trusts providing that the trustee may only make discretionary distributions to the settlor, a creditor or assignee of the settlor of an irrevocable trust without a spendthrift provision, other than a creditor bringing any claim for forced heirship or legitime, may attach the maximum amount that can be distributed to or for the settlor's benefit. If a trust has more than one (1) settlor, the amount the creditor or assignee of a particular settlor may attach shall not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution.

(c) With respect to irrevocable trusts providing that the trustee may only make discretionary distributions to the settlor, a creditor or assignee of the right of a settlor, including a creditor bringing any claim for forced heirship or legitime, are limited by W.S. 4-10-504(b) if:

4-10-517. Rights of creditors or others with respect to qualified spendthrift trust.

(a) Notwithstanding any law to the contrary, a creditor or assignee of a settlor of a qualified spendthrift trust, or an agent of a creditor or settlor, has only those rights with respect to the qualified trust property as are provided in W.S. 4-10-514 through 4-10-523 and no creditor, assignee or agent may have any claim or cause of action against the trustee, trust protector, trust advisor or other fiduciary of the trust, or against any person involved in the counseling, drafting, administration, preparation, execution or funding of the trust unless the creditor, assignee or agent can prove by clear and convincing evidence that the transfer of property to the trust was a fraudulent transfer pursuant to the provisions of the Uniform Fraudulent Transfers Act. In the absence of clear and convincing proof, the property transferred is not subject to the claims of the creditor, assignee or agent. Proof by one (1) creditor, assignee or agent that a transfer of property to a qualified spendthrift trust was fraudulent or wrongful does not constitute proof as to any other creditor, assignee or agent and proof of a fraudulent or wrongful transfer of property as to one (1) creditor, assignee or agent shall not invalidate any other qualified transfer of property.

(b) A creditor or assignee of a settlor of a trust or a beneficiary of a qualified spendthrift trust shall have no right to raise a claim for forced heirship or legitime. No creditor, assignee or agent shall have any claim or cause of action for forced heirship or legitime against the trustee, trust protector, trust advisor or other fiduciary of the qualified spendthrift trust or against any person involved in the counseling, drafting, administration, preparation, execution or funding of the trust. Any property transferred to the qualified spendthrift trust is not subject to the claims of a creditor, assignee or agent for forced heirship or legitime.

4-10-814. Discretionary powers; tax savings.

(e) A court may review a trustee's exercise of discretion concerning a discretionary distribution only if the trustee acts dishonestly, with improper motive or fails to use judgment.

Section 2. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 45

**PRINCIPAL AND INCOME ACT-PRINCIPAL PLACE OF
ADMINISTRATION**

Original House Bill No. 33

AN ACT relating to trusts and estates; specifying when a trust or estate is subject to the Wyoming Uniform Principal and Income Act; and providing for an effective date.

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

Section 1. W.S. 2-3-834 is amended to read:

2-3-834. Application of act to trusts and estates; principal place of administration.

This act applies to every trust ~~or that has its principal place of administration in Wyoming and to every~~ decedent's estate ~~existing on the effective date of this act probated in Wyoming~~ except where the trust or will expressly applies the principal and income act of another state or as otherwise expressly provided in the will or terms of the trust or in this act.

Section 2. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 46

MIDWIFE SERVICES-MEDICAID

Original House Bill No. 43

AN ACT relating to medical assistance; requiring medical assistance to provide coverage for midwife services as specified; and providing for an effective date.

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

Section 1. W.S. 42-4-103(a)(ix) is amended to read:

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(ix) ~~Nurse~~ Midwife services; provided by a:

(A) Certified nurse midwife licensed by the board of nursing;

(B) Midwife licensed by the board of midwifery.

Section 2. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 47

RULE AGAINST PERPETUITY AMENDMENTS

Original House Bill No. 31

AN ACT relating to property, conveyances and security transactions; amending the applicability of the rule against perpetuities to interests in real estate; eliminating the requirement to opt out of the rule for property held in trust other than real property; and providing for an effective date.

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

Section 1. W.S. 34-1-139(a), (b)(intro), (iii), by creating new paragraphs (iv) and (v) and by creating a new subsection (e) is amended to read:

34-1-139. Perpetuities; time limits for vesting; restrictions on selected lives; legislative intent.

(a) No interest in real ~~or personal~~ property shall be ~~good~~ valid unless it must vest not later than twenty-one (21) years after some life in being at the creation of the interest and any period of gestation involved in the situation to which the limitation applies. The lives selected to govern the time of vesting must not be so numerous nor so situated that evidence of their deaths is likely to be unreasonably difficult to obtain. It is intended by ~~the enactment of this statute~~ subsection to make effective in this state the American common-law rule against perpetuities for interests in real property.

(b) ~~Subsection (a) of this section shall not apply to~~ A trust created after July 1, 2003, if owning or holding property other than or in addition to interests in real property, shall continue for up to one thousand (1,000) years after the trust's creation, unless some earlier term is expressly set forth in the trust instrument, so long as:

(iii) ~~The trust is governed by the laws of this state; and~~

(iv) ~~The trustee maintains a place of business, administers the trust in this state or is a resident of this state; and~~

(v) The trust terms require that any power of appointment over the trust property, other than interests in real property, terminate and all such interests in trust property vest or terminate no later than one thousand (1,000) years after the trust's creation or such earlier date as is set forth in the trust instrument.

(e) If a trust owns or holds both interests in real property and interests in property other than real property, subsection (a) of this section shall apply to any real property interests held in the trust and subsection (b) shall apply to the remaining property of the trust.

Section 2. W.S. 34-1-139(b)(i), (ii), (c) and (d) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 15, 2019.

Chapter 48

VETERANS CEMETERY-USE OF FUNDS

Original Senate File No. 25

AN ACT relating to defense forces and affairs; allowing use of federal burial reimbursement funds for operations and maintenance expenses at the state veterans' cemetery; and providing for an effective date.

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

Section 1. W.S. 19-14-108(c) is amended to read:

19-14-108. Veterans' cemetery; acquisition and maintenance; eligibility for burial.

(c) Any veteran who received any discharge, other than a dishonorable discharge, from the armed forces of the United States is eligible for burial in the state veterans' cemetery and any indigent veteran shall be buried in the cemetery without charge except ~~such funds as may be that any funds that are made~~ available from the veteran's administration and the social security burial allowance, ~~if any~~, shall be paid to the cemetery director. Such funds collected shall be applied to the cemetery for capital improvements, operations or maintenance and shall not be paid to the general fund of the state.

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

Approved February 18, 2019.

Chapter 49

ALTERNATE PENALTIES & PRETRIAL RELEASE FOR ALCOHOL CRIMES

Original Senate File No. 7

AN ACT relating to criminal procedure and motor vehicles; amending 24/7 sobriety program provisions to increase access to the program and technology; creating a restricted driver's license for participants in 24/7 programs; removing restriction on state funding for the 24/7 administrator; providing additional driving privilege sanctions for driving while under the influence; providing penalties for violations; clarifying credit for time spent using ignition interlock devices; amending provisions relating to persons prohibited from driving without an interlock device; creating an account; repealing the sunset date for the 24/7 program; making conforming amendments; and providing for effective dates.

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

Section 1. W.S. 31-7-501 and 31-7-502 are created to read:

ARTICLE 5 24/7 LICENSES

31-7-501. 24/7 licenses; definitions; account; administration and enforcement.

(a) For purposes of this article:

(i) "24/7 administrator" means the 24/7 sobriety program director authorized by W.S. 7-13-1710. In the absence of a 24/7 sobriety program director, the 24/7 administrator shall mean the attorney general or his designee;

(ii) “24/7 restricted driver’s license” means a driver’s license issued under W.S. 31-7-109(m);

(iii) “24/7 sobriety program” means the program created under W.S. 7-13-1701 through 7-13-1710;

(iv) “Department” means the Wyoming department of transportation;

(v) “Indigent person” means a person able to produce evidence that he is eligible and qualified to participate in the federal supplemental nutrition assistance program.

(b) The department shall prescribe reasonable rules and regulations and prescribe forms related to the issuance and revocation of 24/7 restricted driver’s licenses as provided in this article.

(c) The department shall establish a fee chargeable to every person applying for a 24/7 restricted driver’s license. The fee shall compensate the department for all the costs directly associated with administering 24/7 restricted driver’s licenses required by this article, but in no event shall the fee exceed one hundred twenty-five dollars (\$125.00). The fee shall not be collected from any indigent person.

(d) There is created the 24/7 restricted driver’s license account. All monies received by the department under subsection (c) of this section shall be deposited into the 24/7 account. Interest earned on monies in the account shall be credited to the account. All monies in the account including earned interest are continuously appropriated to the department and shall be expended only for the purpose of administering 24/7 restricted driver’s licenses required by this article.

31-7-502. 24/7 restricted license requirements; revocation; penalties.

(a) A person ordered to participate pursuant to W.S. 31-5-233(n) in a 24/7 sobriety program as an alternative to the requirements of W.S. 31-5-233(f)(ii) through (iv) shall not be eligible to receive an unrestricted driver’s license until he has held the 24/7 restricted license for the period required by W.S. 31-5-233(n). The time during which a person can demonstrate enrollment in and compliance with a 24/7 sobriety program prior to conviction for the same incident shall be credited to the person’s post-conviction restricted license requirements under W.S. 31-5-233(n).

(b) If a person ordered to participate in a 24/7 sobriety program, as described in subsection (a) of this section, fails to comply with the requirements of the program or otherwise ceases to participate in the program prior to completing the program, the 24/7 administrator shall immediately notify the department. Upon receiving notice, the department shall immediately revoke the person’s 24/7 restricted driver’s license.

(c) A person whose 24/7 restricted driver’s license is revoked shall apply to

the department for an ignition interlock restricted license for the balance of the period required by W.S. 31-5-233(n).

(d) A person whose 24/7 restricted driver's license is revoked under subsection (b) of this section shall not drive any motor vehicle on the highways of this state unless the person has been issued an ignition interlock restricted license for the balance of the period required by W.S. 31-5-233(f).

(e) A person who violates subsection (d) of this section is guilty of a misdemeanor and shall:

(i) For a first offense, be imprisoned for not less than seven (7) days nor more than six (6) months, and shall not be eligible for probation, suspension of sentence or release on any other basis until serving at least seven (7) days in jail. In addition, the person may be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00);

(ii) For a second or subsequent violation of subsection (d) of this section during the same license revocation period, be imprisoned for not less than thirty (30) days nor more than six (6) months, and shall not be eligible for probation, suspension of sentence or release on any other basis until serving at least thirty (30) days in jail. In addition, the person may be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00).

Section 2. W.S. 7-13-304(d), 7-13-1702(a) by creating new paragraphs (vi) and (vii), 7-13-1703(b), 7-13-1704(b), 7-13-1707(a), 7-13-1708(a), 7-13-1709(a), 7-13-1710, 31-5-233(f)(intro), (ii) through (iv) and by creating a new subsection (n), 31-7-109 by creating a new subsection (m), 31-7-402(a), (b) and by creating new subsections (e) and (f) and 31-7-404(a) and (c)(intro) are amended to read:

7-13-304. Imposition or modification of conditions; performance of work by defendant.

(d) As a condition of probation or suspension of sentence, the court may require a defendant to complete successfully a court supervised treatment program qualified under W.S. 7-13-1601 through 7-13-1615, a 24/7 sobriety program under W.S. 7-13-1701 through ~~7-13-1711~~ 7-13-1710, or both.

7-13-1702. Definitions.

(a) As used in this article:

(vi) “Remote electronic alcohol monitoring device” means any electronic instrument that is attached to a person and is capable of determining and monitoring the presence of alcohol in the person's body, including any equipment necessary for the device to perform properly;

(vii) “Remote breath testing device” means an unsupervised mobile breath testing device with the ability to confirm the identify, location and presence of

alcohol in a person and is capable of scheduled, random and on demand tests that provide immediate results to a participating agency.

7-13-1703. 24/7 sobriety program created.

(b) The program shall provide for frequent and certain testing for drug or alcohol use. The testing methods may include breath testing, drug patch testing, urinalysis, ~~continuous or transdermal alcohol monitoring use of a remote breath testing device~~ or a remote electronic alcohol monitoring device or other testing methods as provided by rule.

7-13-1704. Inclusion in program.

(b) The sheriff shall establish the testing locations and times for his county but shall have at least one (1) testing location and two (2) daily testing times approximately twelve (12) hours apart unless the sheriff utilizes a remote electronic alcohol monitoring device that complies with rules promulgated by the attorney general pursuant to W.S. 7-13-1705.

7-13-1707. 24/7 sobriety program account.

(a) There is created a 24/7 sobriety program account. The account shall be used by the attorney general to defray all the costs of the program to the state, including the costs of the attorney general in administering this article. Disbursements from the account shall not exceed the monies credited to it. All monies in the account are continuously appropriated to the attorney general to be used solely for the administration of the program and for no other purpose. After paying participating vendors, the attorney general shall return no less than seventy-five percent (75%) of the remaining fees collected under W.S. 7-13-1706 to the sheriff who collected the fee. The sheriff shall utilize the funds only to administer or enhance the county's 24/7 sobriety program. 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.

7-13-1708. Authority of court to order participation in program.

(a) Upon a ~~second or subsequent~~ charge or offense for conduct committed while intoxicated or under the influence of a controlled substance, a court may order participation in the program as a condition of pretrial release, bond, suspension of sentence, probation or other conditional release.

7-13-1709. Apprehension of violators.

(a) Upon the failure of a person to submit to or pass a test under the program or upon a positive test for alcohol or controlled substance in violation of the program, a peace officer or a probation and parole agent shall complete a written statement establishing the person, in the judgment of the officer or agent, violated a condition of release by failing to submit to or pass a test. A peace officer shall immediately arrest the person without warrant after completing or

receiving the written statement.

7-13-1710. 24/7 sobriety program director; appointment.

The attorney general may appoint a director to administer the program. The appointment shall be subject to senate confirmation in the manner provided for in W.S. 28-12-101 and 28-12-102 for gubernatorial appointments. The director shall receive an annual salary determined by the department of administration and information human resources division. ~~No state funds shall be used to fund the salary or benefits of the director.~~

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

(f) Any person convicted under this section or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v), or whose prosecution under this section is deferred under W.S. 7-13-301, shall, in addition to the penalty imposed:

(ii) Except as provided in subsection (n) of this section, for a first conviction, or for a prosecution deferred under W.S. 7-13-301, where the department's administrative action indicates the person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of six (6) months. For purposes of this paragraph, the department's administrative action shall be deemed to indicate a person had an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more only after the person is notified of and given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105;

(iii) Except as provided in subsection (n) of this section, for a second conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of one (1) year;

(iv) Except as provided in subsection (n) of this section, for a third conviction, operate only vehicles equipped with an ignition interlock device, pursuant to W.S. 31-7-401 through 31-7-404, for a period of two (2) years;

(n) The court may, as an alternative or in addition to the requirements of W.S. 31-5-233(f)(ii) through (iv), require a person otherwise restricted to operating only motor vehicles equipped with an ignition interlock device under W.S. 31-5-233(f)(ii) through (iv) to participate in a program established under the 24/7 Sobriety Program Act, W.S. 7-13-1701 et seq., for the period specified in W.S. 31-5-233(f)(ii) through (iv). A person required to participate in a 24/7 sobriety program as an alternative to the requirements of W.S. 31-5-233(f)(ii) through (iv) shall be granted a restricted driver's license under W.S. 31-7-109(m) upon proper application under rules established by the department and provided that the person enrolls in and complies with the requirements of the 24/7 sobriety program.

31-7-109. Classes of licenses.

(m) The restricted driver's license "24/7" authorizes the driver to operate a vehicle as provided in W.S. 31-5-233(n). This restricted license shall not permit a driver to operate a motor vehicle that requires a commercial driver's license.

31-7-402. Issuance of ignition interlock restricted license; eligibility.

(a) A person whose driver's license has been suspended pursuant to W.S. 31-7-128(b)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or whose license is otherwise suspended and is required to operate only vehicles equipped with an ignition interlock device, ~~and who has served at least forty-five (45) days of the suspension period~~ shall apply to the department for an ignition interlock restricted license for ~~the balance of the suspension period or other period required by law.~~

(b) A person whose driver's license has been revoked pursuant to W.S. 31-7-127(a)(ii) as a result of a violation related to operating a vehicle under the influence of alcohol, or whose license is otherwise suspended and is required to operate only vehicles equipped with an ignition interlock device, ~~and who has served at least forty-five (45) days of the suspension or revocation period~~ or who is required to operate only vehicles equipped with an ignition interlock device under W.S. 31-5-233(f)(ii) shall apply to the department for an ignition interlock restricted license for ~~the balance of the suspension or revocation period or other period required by law.~~

(e) A person required to apply for an ignition interlock restricted license under subsection (a) or (b) of this section shall not be eligible to receive a driver's license without an ignition interlock restriction until he has held the ignition interlock license for the period required by law. If a person required to apply for an ignition interlock license resides in another state, the person may meet the ignition interlock license requirement by completing the ignition interlock program in another state for the period required by Wyoming law.

(f) The time during which a person can demonstrate installation and compliance with a department approved ignition interlock device prior to conviction for the same incident shall be credited to the person's post-conviction ignition interlock restricted license requirements.

31-7-404. Driving without interlock device.

(a) No person licensed ~~under this article~~ shall drive any motor vehicle, without a functioning and certified ignition interlock device: if:

(i) He is licensed under this article;

(ii) He is required to apply for an interlock restricted license under W.S. 31-7-402(a) or (b); or

(iii) His driving privileges have been restricted to operating vehicles with an interlock device by a court or by operation of law.

(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:

Section 3. W.S. 7-13-1711 is repealed.

Section 4. On or before July 1, 2019, the department of transportation shall promulgate rules and prescribe forms as required by W.S. 31-7-501(b) as created by section 1 of this act.

Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

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

Approved February 18, 2019.

Chapter 50

WYOMING COWBOY CHALLENGE ACADEMY ENDOWMENT

Original Senate File No. 54

AN ACT relating to the administration of defense forces and affairs; creating the Wyoming national guard youth challenge program endowment account to be administered by the state treasurer; authorizing the receipt of donations and gifts as specified; authorizing distribution of investment earnings as specified; specifying an alternate designation; and providing for an effective date.

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

Section 1. W.S. 19-7-207 is created to read:

19-7-207. Wyoming national guard youth challenge program endowment account; administration; distributions; purposes.

(a) The Wyoming national guard youth challenge program endowment account is created. The state treasurer is authorized to accept cash gifts for the account. Funds within the account including all funds deposited to the account from any source are intended to be inviolate and constitute a permanent or perpetual trust fund. The state treasurer shall invest funds within the endowment account in accordance with law. Fifty percent (50%) of investment earnings from funds in the endowment account shall be credited to the endowment account. Fifty percent (50%) of investment earnings shall be distributed in accordance with subsection (b) of this section.

(b) The state treasurer shall semiannually distribute fifty percent (50%) of investment earnings from the Wyoming national guard youth challenge program endowment account to the Wyoming military department. Funds distributed under this subsection shall only be expended for the operation

and facility needs of the Wyoming national guard youth challenge program established under W.S. 19-9-701. Funds distributed under this subsection shall be expended pursuant to W.S. 19-9-702.

(c) The Wyoming national guard youth challenge program endowment account created in subsection (a) of this section may be known as the “Wyoming cowboy challenge academy endowment account.”

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

Approved February 18, 2019.

Chapter 51

DEATH BENEFITS-WYOMING RETIREMENT PLANS

Original Senate File No. 89

AN ACT relating to retirement plans administered by the board of the Wyoming retirement system; amending death benefits paid under specified retirement plans for future nonvested members who are not employed by a participating employer at the time of death; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-3-421(a), (d) and by creating a new subsection (e) is amended to read:

9-3-421. Death benefits; monthly benefit option; refund of excess employee contributions plus interest; medical insurance premiums.

(a) If a member dies before retirement under the system, except as provided in subsection (e) of this section, the member’s account plus an additional amount equal to the member’s account shall be paid to the member’s designated beneficiaries, or in the absence of designated beneficiaries to his estate. If the member is vested, instead of a lump sum payment, a beneficiary may elect to receive the actuarial equivalent of the lump sum of any benefit for life which is available to a retired member as provided in this article. A beneficiary, who is the surviving spouse of the deceased member and who elects to receive the actuarial equivalent of the lump sum, as a life benefit may, within eighteen (18) months of the death of the member, elect to receive the lump sum death benefit otherwise provided in this subsection plus interest accumulated on that amount less any payments received by the surviving spouse.

(d) For purposes of determining a member’s account under subsection (a) through (c) of this section, if a member dies before the member has vested under the system, the member’s account shall consist of the contributions and interest that accrue in the manner for which contributions and interest accrue

for a member who is vested.

(e) If a member initially employed on or after July 1, 2019 who is not vested and is not a current employee at the time of death, which occurs before retirement under the system, only the member's account shall be paid to the member's designated beneficiaries, or in the absence of designated beneficiaries to the member's estate.

Section 2.

(a) This act shall apply to the distribution of benefits subject to this act made on and after the effective date of this act.

(b) Nothing in this act shall be construed to modify or impair existing contracts or other obligations executed prior to the effective date of this act.

Section 3. This act is effective July 1, 2019.

Approved February 18, 2019.

Chapter 52

NONVESTED MEMBER ACCOUNTS-WYOMING RETIREMENT PLANS

Original Senate File No. 90

AN ACT relating to retirement plans administered by the retirement board of the Wyoming retirement system; amending provisions related to interest paid on nonvested member's accounts 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. 9-3-402(a)(i)(A) through (C), 9-3-617(a) and 9-3-709 are amended to read:

9-3-402. Definitions.

(a) As used in this article:

(i) "Account" or "member account" means:

(A) For a member who has a minimum of four (4) years of service or a member initially employed before July 1, 2018, the member's contributions, the member's contributions paid by an employer under W.S. 9-3-412 and any amounts transferred to the system from a terminated system on behalf of the member, plus interest compounded annually at a rate determined by the board not to exceed the average annual investment yield earned on the assets of the system, subject to subparagraph (C) of this paragraph;

(B) For a member who has fewer than four (4) years of service and who is initially employed on or after July 1, 2018, only the member contributions paid by a reduction in cash salary of the member together with the interest on

those contributions, subject to subparagraph (C) of this paragraph;

(C) Commencing July 1, 2019 for a member who has fewer than four (4) years of service, no interest shall accrue to the member account during any period in which the member is not employed by a participating employer.

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

(a) Except as provided in this subsection and subsection (c) of this section, any employee covered by this article who terminates his employment and elects not to continue to be covered by the retirement program is entitled to a refund of his member account together with the regular rate of interest specified by the retirement board. Commencing July 1, 2019 for an employee who has fewer than six (6) years of service, no interest shall accrue to the member account during any period in which the employee is not employed by a participating employer. Refunds may be made only upon written request to the board. Any employee who withdraws from the retirement program under this subsection shall forfeit all rights to further benefits, employer contributions and service credit under this article.

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

Any employee covered by this act who terminates his employment is entitled to a refund of his member account plus interest thereon, except that commencing July 1, 2019 for an employee who has fewer than four (4) years of service to his credit, no interest shall accrue to the member account during any period in which the employee is not employed by a participating employer. The refunds shall be made only upon written request to the board. Any employee who withdraws from the system under this section shall forfeit all rights to further benefits, employer matching contributions and service credit under the system. Any person who later returns to service covered by this act may redeposit the amount of the contributions withdrawn, in lump sum, together with interest, if any, and upon earning not less than two (2) years credited service, may reestablish his service credits as of the time of withdrawal of his contributions. Any redeposit payment pursuant to this section shall be made not later than ten (10) years following the date of reemployment or prior to retirement, whichever first occurs.

Section 2. This act shall apply to the distribution of benefits subject to this act made on and after the effective date of this act.

Section 3. This act is effective July 1, 2019.

Approved February 18, 2019.

Chapter 53

WILD HORSE HIGHWAY-DESIGNATION

Original Senate File No. 112

AN ACT relating to highways; designating the Wild Horse Highway; requiring signage; and providing for an effective date.

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

Section 1. W.S. 24-1-137 is created to read:

24-1-137. Wild Horse Highway.

United States highway 14/16/20 between Wyoming state highway 32 and the city boundary of Cody, Wyoming shall be known as the “Wild Horse Highway.”

Section 2. The department of transportation shall install appropriate signage, in compliance with applicable federal and state law, to identify the Wild Horse Highway.

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

Approved February 18, 2019.

Chapter 54

COURT PROCEDURE AMENDMENTS

Original Senate File No. 8

AN ACT relating to courts; amending terms of court for district courts; amending duties of court commissioners as specified; amending provisions in the Code of Civil Procedure, the Probate Code and drainage district laws related to terms of court and court actions in vacation; repealing provisions related to terms of court; and providing for an effective date.

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

Section 1. W.S. 1-8-101, 1-8-103, 2-2-104, 2-2-106, 2-2-108, 2-2-109, 2-2-201(c)(intro), (i), (d)(i) and (ii), 2-2-202(a)(intro) and (c), 2-4-203(a)(iii), 2-6-119(b), 5-3-101(a)(intro), (i), (ii)(intro), (iii)(intro), (iv)(intro), (v)(intro), (vi)(intro), (vii), (viii)(intro), (ix)(intro) and by creating a new subsection (b), 5-3-106 and 41-9-270 are amended to read:

1-8-101. Trial docket.

The clerk shall make a trial docket ~~on the first day of each term,~~ on which shall appear all cases in which the issues have been joined. The cases shall be set for trial in the order in which they stand on the appearance docket. The clerk shall not place upon the trial docket any case in which nothing remains to be done except to execute an order for the sale of real or personal property, and to

distribute the proceeds as directed by the order, but if it becomes necessary, the case may be redocketed upon the application of either party, whereupon it shall stand in all respects as if it had remained on the docket.

1-8-103. Copy of docket for bar.

The clerk shall make a copy of the trial docket for the use of the bar, ~~before the first day of the term.~~

2-2-104. Court to remain open.

For the purpose of granting probate of wills, issuing letters testamentary and of administration, filing reports, accounts and petitions of personal representatives, filing claims against the estate and issuing process and notices required by the Probate Code, the court shall ~~be kept open in the vacation period, and the business pertaining thereto done by the court commissioner and the clerk, shall be subject to the supervision of the court at the next ensuing term~~ operate under the same term of court as specified in W.S. 5-3-101(b).

2-2-106. Powers and duties of court commissioners; generally.

The court commissioner of each district court shall, ~~upon the order of the court in vacation, or upon a general order made for that purpose,~~ examine the bonds filed by the personal representatives, with a view to ascertaining their sufficiency, and may approve the same. He may examine any inventory, sale bill, account current, except final accounts and vouchers filed therewith, or examine into the condition of an estate generally. Upon a specific order of the court, the commissioner may make orders for the sale of personal property at public or private auction, for the compounding of debts, for the settlement of an estate as insolvent, for the approval of bonds and all other orders of an ex parte nature as may facilitate the settlement of estates. The orders shall be in writing, signed by the judge or commissioner issuing the same, and shall be filed and recorded.

2-2-108. Powers and duties of court commissioners; compelling attendance of witnesses; failure to appear or testify.

Any person refusing to appear or testify ~~in vacation, before a commissioner~~ may be cited for contempt and held to bail to answer to the alleged contempt ~~at the next term of court as soon as reasonably possible.~~ The commissioner shall report his findings upon the matter in writing, to the court for its action. Exception may be filed to the report which shall be heard and determined as in other cases.

2-2-109. Authority of other judges to act when district judge sick.

Whenever any judge of the district court is absent from the state, sick or otherwise unable to attend to the duties of his office, any other district judge ~~may, upon application, shall have the same powers as the original judge, including the power to~~ examine into all matters, make all orders; and direct

the affairs of the administration of estates, ~~that are required to be performed by judges in vacation, and shall have the same powers as the original judge would have.~~

2-2-201. Records required to be kept; probate docket; reports to be made by commissioner.

(c) The clerk of court shall prepare for the use of the court ~~at each term~~ a probate docket containing:

- (i) All appointments made; ~~in vacation;~~
- (d) The court commissioner is bound to furnish:
 - (i) The record of all reports and accounts filed; ~~in vacation;~~
 - (ii) All claims against the estate pending for trial; ~~at each term of court;~~

2-2-202. Preparation and contents of probate docket; distribution of copies; call of docket.

(a) ~~Not less than ten (10) days before the first day of the term of the district court~~ At least once every six (6) months, the clerk of the district court in each county of the state shall make a docket of all estates of deceased persons pending in his county which shall include:

(c) The judge of the district court in each county shall, ~~upon the call of the docket after the first day of a regular term of court~~ at least once every six (6) months, read the probate docket in open court and shall make an order in each estate as he deems necessary to expedite the progress and closing thereof.

2-4-203. Persons incompetent to administer.

- (a) No person is competent or entitled to serve as administrator, who is:
 - (iii) Adjudged by the court; or commissioner ~~in vacation;~~ incompetent to execute the duties of the trust.

2-6-119. Duty of custodian to deliver will; failure to comply; order to third persons.

(b) If it is brought to the attention of the court that any will is in the possession of a third person, and the court or the commissioner ~~in vacation~~ is satisfied that the information is correct, an order shall be issued and served upon the person having possession of the will, and if he neglects or refuses to produce it in obedience to the order he may be punished by the court for contempt.

5-3-101. Judicial districts enumerated; terms of court.

(a) The state of Wyoming is divided into judicial districts as follows; ~~with terms as designated:~~

(i) The county of Laramie is the first judicial district; ~~Regular terms of the district court shall be held in Laramie county one (1) term beginning on the fourth Monday in March, and one (1) term beginning on the first Monday~~

in October;

(ii) The counties of Albany and Carbon are the second judicial district; ~~Regular terms of the district court in each county shall be held:~~

(iii) The counties of Sweetwater, Lincoln and Uinta are the third judicial district; ~~Regular terms of the district court in each county shall be held:~~

(iv) The counties of Johnson and Sheridan are the fourth judicial district; ~~Regular terms of the district court in each county shall be held:~~

(v) The counties of Big Horn, Hot Springs, Park and Washakie are the fifth judicial district; ~~Regular terms of the district court in each county shall be held:~~

(vi) The counties of Campbell, Crook and Weston are the sixth judicial district; ~~Regular terms of the district court in each county shall be held:~~

(vii) Natrona county is the seventh judicial district; ~~Regular terms of district court shall be held, one (1) term beginning on the first Tuesday in March, and one (1) term beginning on the first Tuesday in September;~~

(viii) The counties of Converse, Platte, Goshen and Niobrara are the eighth judicial district; ~~Regular terms of the district court in each county shall be held:~~

(ix) The counties of Fremont, Teton and Sublette are the ninth judicial district. ~~Regular terms of the district court in each county shall be held:~~

(b) Notwithstanding any other provision of law, there shall be one (1) continuous term of court for the district courts of the state. The continuous term of court shall in no way affect the power of a court to take action in any cause or matter.

5-3-106. Judges to hold court for each other.

The judges of the several district courts shall hold courts for each other, when from any cause, any judge of a district court is unable to act or to hear, try or determine any cause, ~~or to hold any term or portion of a term of any district court~~ in his district; and in such event the judge so disqualified or unable to act shall call upon one (1) of the other judges of the district court to hear, try and determine such cause, ~~or to hold such term or portion of a term of court,~~ and the said judge so called upon, shall try, hear or determine said cause, ~~or hold such term or portion of a term;~~ with all the jurisdiction, power and authority possessed by the judge of the district court of the district whereto he is called to act as judge.

41-9-270. Drained lands outside of district; filing of commissioners' assessment report; hearing; trial; amendment or confirmation of report.

The commissioners shall file their said report and assessments in court. The court shall by order require said owners to show cause at a time and place

therein fixed, not less than twenty (20) days after the service of said order, why said report and assessments should not be confirmed. And on the hearing on said order to show cause if a jury trial is demanded the court shall frame issues on benefits and damages and empanel a jury or adjourn the hearing thereon until ~~some term of court when~~ a jury is in attendance and take the verdict of a jury on such issues. All other issues arising on said report shall be tried by the court. The court shall order all necessary amendments of said report and make written findings of fact and when said report is amended shall by order confirm the same.

Section 2. W.S. 2-2-105, 5-3-101(a)(ii)(A) and (B), (iii)(A) through (C), (iv)(A) and (B), (v)(A) through (D), (vi)(A) through (C), (viii)(A) through (D) and (ix)(A) through (C), 5-3-103, 5-3-104 and 5-3-105 are repealed.

Section 3. Any term of court existing at the time of the effective date of this act shall continue under the provisions of W.S. 5-3-101(b), as created by this act.

Section 4. This act is effective July 1, 2019.

Approved February 18, 2019.

Chapter 55

OMNIBUS WATER BILL-CONSTRUCTION

Original Senate File No. 59

AN ACT relating to water development projects; providing for a transfer of funds to water development account II; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing appropriations; modifying project descriptions, amounts and terms of appropriations for specified prior projects; transferring funds from the Buffalo Bill dam account; creating an account; and providing for an effective date.

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

Section 1. W.S. 99-3-2401 through 99-3-2407 are created to read:

ARTICLE 24

2019 CONSTRUCTION PROJECTS

99-3-2401. Definitions.

(a) As used in this article:

(i) "Commission" means the Wyoming water development commission;

(ii) "Sponsor" means the municipality, conservancy district, irrigation district, water district, improvement and service district, water and sewer district, watershed improvement district, joint powers board, business council of the Eastern Shoshone Indian tribe or business council of the Northern Arapaho Indian tribe that will receive funding for one (1) or more of the

projects identified in this article;

(iii) “Water development account I” means the account created by W.S. 41-2-124(a)(i);

(iv) “Water development account II” means the account created by W.S. 41-2-124(a)(ii);

(v) “Water development account III” means the account created by W.S. 41-2-124(a)(iii).

99-3-2402. General authorization.

(a) The commission shall contract with each sponsor identified in this article for the design, construction and operation of the project in a manner consistent with this article and administer the contract on behalf of the state of Wyoming.

(b) Upon execution of the contract outlined in subsection (a) of this section, the sponsor may design, construct and operate the project in a manner consistent with the terms and conditions outlined in the contract.

99-3-2403. General conditions for Level III construction projects – new development.

(a) Except as otherwise specifically provided, each Level III new development construction project identified in this article shall be subject to the following general conditions:

(i) Each sponsor shall offer security for the project loan as deemed adequate and acceptable to the attorney general;

(ii) The commission shall establish repayment schedules for project loans in accordance with the conditions prescribed in this section;

(iii) Each sponsor shall supervise design and construction of the project and submit all requests for payment to the commission for approval;

(iv) A sponsor shall not make construction funding commitments until after the commission has reviewed and approved construction budgets and construction plans;

(v) The commission shall make payments directly to the sponsor;

(vi) The sponsor shall be responsible for operation and maintenance of the project;

(vii) The sponsor is responsible for all project expenditures in excess of the total project appropriation;

(viii) If the commission determines that any sponsor has, without good cause, abandoned completion of the project, that sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state treasurer in an amount equal to the interest that would have accrued on

the expended grant funds in the water development account from the date of expenditure;

(ix) Principal and interest payments made in repayment of loans shall be deposited in water development account I;

(x) There shall be no lease, sale, assignment or transfer of ownership of water from the project for purposes other than the designated project purpose without prior written approval of the commission and the state engineer or board of control. If such a transaction is approved, the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project shall be utilized to retire principal on the project loan. After that loan is paid in full, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project cost paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project cost paid by the project grant;

(xi) There shall be no lease, sale, assignment or transfer of ownership of any project until the project loan is paid in full, and until prior written approval is obtained from the commission. If these conditions are met, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project cost paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project cost paid by the project grant. Before the sponsor may lease, sell, assign or transfer ownership of the project, the state of Wyoming shall be given a one (1) year first right of refusal option to purchase the sponsor's interest in the project for an amount equal to the principal, interest, maintenance and replacement costs incurred by the sponsor at the date the option is exercised;

(xii) After the project loan is paid in full, the sponsor may purchase the position of the state of Wyoming, as described in paragraphs (x) and (xi) of this subsection, for the amount of the project grant plus the interest that would have accrued on the grant amount in the water development account from the date the project was substantially completed as defined by the commission. The interest that would have accrued on the grant amount shall be established by the state treasurer;

(xiii) Any revenues generated by the state from the lease, sale, assignment or transfer of ownership of any project or project water shall be deposited in water development account I.

99-3-2404. Level III construction projects – new development.

(a) Authorization is granted for the Level III new development construction

projects identified in this section.

(b) Project – Buffalo Wells and Transmission 2019:

(i) Project sponsor: City of Buffalo;

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

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

(iv) Total project budget: One million eight hundred forty-eight thousand dollars (\$1,848,000.00);

(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 thirty-eight thousand one hundred sixty dollars (\$1,238,160.00) 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 thirty-eight thousand one hundred sixty dollars (\$1,238,160.00) 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, 2024;

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

(c) Project – Clearmont Well Connection 2019:

(i) Project sponsor: Town of Clearmont;

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

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

(iv) Total project budget: Four hundred ninety-one thousand dollars (\$491,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred twenty-eight thousand nine hundred seventy dollars (\$328,970.00) 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 twenty-eight thousand nine hundred seventy dollars (\$328,970.00) 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, 2024;

(vii) Special conditions:

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

(B) The sponsor is responsible for acquiring one hundred percent (100%) of the total well purchase price from other sources;

(C) The commission shall sell and 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.

(d) Project – Etna Storage Tank 2019:

(i) Project sponsor: Etna Water and Sewer District;

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

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

(iv) Total project budget: One million four hundred ninety-five thousand dollars (\$1,495,000.00);

(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 one thousand six hundred fifty dollars (\$1,001,650.00) 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 one thousand six hundred fifty dollars (\$1,001,650.00) 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, 2024;

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

(e) Project – GR/RS/SC JPWB Pump Station 2019:

(i) Project sponsor: Green River-Rock Springs-Sweetwater County Joint Powers Water Board;

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

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

(iv) Total project budget: Eleven million one hundred ninety thousand dollars (\$11,190,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed seven million four hundred ninety-seven thousand three hundred dollars (\$7,497,300.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission seven million four hundred ninety-seven thousand three hundred dollars (\$7,497,300.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2024;

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

(f) Project – Lander Storage Tanks and Pump Station 2019:

(i) Project sponsor: City of Lander;

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

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

(iv) Total project budget: Three hundred forty thousand dollars (\$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, project land procurement of the project an amount not to exceed two hundred twenty-seven thousand eight hundred dollars (\$227,800.00) 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 two hundred twenty-seven thousand eight hundred dollars (\$227,800.00) 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, 2024;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring thirty-three percent (33%)

of the total project budget from other sources;

(B) The sponsor shall provide to the commission an adequate feasibility study of the proposed project prior to commencing the design phase.

(g) Project – Northwest Rural Water System Improvements 2019:

(i) Project sponsor: Northwest Rural Water District;

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

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

(iv) Total project budget: One million five hundred seventy-five thousand dollars (\$1,575,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million fifty-five thousand two hundred fifty dollars (\$1,055,250.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission one million fifty-five thousand two hundred fifty dollars (\$1,055,250.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2024;

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

(h) Project – Rolling Hills Well No. 7 Connection 2019:

(i) Project sponsor: Town of Rolling Hills;

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

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

(iv) Total project budget: Four hundred eight thousand dollars (\$408,000.00);

(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 seventy-three thousand three hundred sixty dollars (\$273,360.00) 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 seventy-three thousand three hundred sixty dollars (\$273,360.00) 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, 2024;

(vii) Special conditions:

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

(B) The sponsor is responsible for acquiring one hundred percent (100%) of the total well purchase price from other sources;

(C) The commission shall sell and 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.

(j) Project – Weather Modification Medicine Bow Mountains 2019-2020:

(i) Project sponsor: The state of Wyoming;

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

(iii) Project description: Conduct an operational winter snowpack augmentation program during the 2019-2020 fall, winter and spring seasons;

(iv) Total project budget: Six hundred thirty-four thousand dollars (\$634,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office five hundred eighty-nine thousand dollars (\$589,000.00) 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, 2021;

(vi) Special conditions:

(A) The Wyoming water development office shall manage and provide oversight of the program. Five thousand dollars (\$5,000.00) of the total appropriation is allocated for this purpose;

(B) Prior to commencing project operations, the Wyoming water development office shall acquire funding commitments from Wyoming water users or other interested parties for a minimum of seven percent (7%) of actual project operations costs;

(C) The Wyoming water development office is authorized to enter into contracts with Colorado organizations to extend aerial weather modification efforts into Colorado provided these organizations pay one hundred percent (100%) of the additional costs associated with operations in Colorado.

(k) Project – Weather Modification Wind River Mountains 2019-2020:

(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 2019-2020 fall, winter and spring seasons;

(iv) Total project budget: Four hundred sixty-five thousand dollars (\$465,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office one hundred seventy-five thousand dollars (\$175,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2021;

(vi) Special conditions:

(A) The Wyoming water development office shall manage and provide oversight of the program. Five thousand dollars (\$5,000.00) of the total appropriation is allocated for this purpose;

(B) The state of Wyoming shall participate at a rate of thirty-seven percent (37%) of actual project operations costs not to exceed one hundred seventy thousand dollars (\$170,000.00);

(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 sixty-three percent (63%) of actual project operations costs;

(D) If the Wyoming water development office 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.

99-3-2405. General conditions for Level III construction projects – rehabilitation.

(a) Except as otherwise specifically provided, each Level III rehabilitation construction project identified in this article shall be subject to the following general conditions:

(i) Each sponsor shall offer security for the project loan as deemed adequate and acceptable to the attorney general;

(ii) The commission shall establish repayment schedules for project loans in accordance with the conditions prescribed in this section;

(iii) Each sponsor shall supervise design and construction of the project

and submit all requests for payment to the commission for approval;

(iv) Sponsors shall not make construction funding commitments until after the commission has reviewed and approved construction budgets and construction plans;

(v) The commission shall make payments directly to the sponsor;

(vi) The sponsor shall be responsible for operation and maintenance of the project;

(vii) The sponsor is responsible for all project expenditures in excess of the total project appropriation;

(viii) If the commission determines that any sponsor has, without good cause, abandoned completion of the project, that sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state treasurer in an amount equal to the interest that would have accrued on the expended grant funds in the water development account from the date of expenditure;

(ix) Principal and interest payments made in repayment of loans shall be deposited in water development account II.

99-3-2406. Level III construction projects – rehabilitation.

(a) Authorization is granted for the Level III rehabilitation construction projects identified in this section.

(b) Project – Austin-Wall Reservoir Rehabilitation 2019:

(i) Project sponsor: Austin-Wall Irrigation District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of the replacement of reservoir outlet works and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred seventy-four thousand dollars (\$374,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred fifty thousand five hundred eighty dollars (\$250,580.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

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

construction of the project an amount not to exceed one hundred twenty-three thousand four hundred twenty dollars (\$123,420.00) 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 three hundred seventy-four thousand dollars (\$374,000.00) 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, 2024;

(viii) Special conditions: The appropriation of funds for this project is contingent upon the transfer of funds to water development account II as described in section 3 of this act.

(c) Project – Big Horn Canal Wasteway Rehabilitation 2019:

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

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of replacement wasteway/check structure and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred sixty thousand dollars (\$960,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed six hundred forty-three thousand two hundred dollars (\$643,200.00) 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 sixteen thousand eight hundred dollars (\$316,800.00) 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 nine hundred sixty thousand dollars (\$960,000.00) 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, 2024.

(d) Project – Bluff/Upper Bluff System Improvements 2019:

(i) Project sponsor: Bluff/Upper Bluff Irrigation District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of replacement pumps, structure repairs and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred sixty-six thousand dollars (\$366,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred forty-five thousand two hundred twenty dollars (\$245,220.00) 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 forty-five thousand seven hundred eighty dollars (\$45,780.00) or twelve and fifty-one hundredths percent (12.51%) 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 two hundred ninety-one thousand dollars (\$291,000.00) 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, 2024;

(viii) Special conditions: The sponsor is responsible for acquiring twenty and forty-nine hundredths percent (20.49%) of the total project budget from other sources.

(e) Project – Cody Canal Rehabilitation 2019:

(i) Project sponsor: Cody Canal Irrigation District;

(ii) Project purpose: Agricultural 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: Six hundred forty-six thousand six hundred forty-nine dollars (\$646,649.00);

(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 forty-four thousand dollars (\$344,000.00) 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 forty-four thousand dollars (\$344,000.00) 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, 2024;

(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 – Deaver Irrigation District Rehabilitation 2019:

(i) Project sponsor: Deaver Irrigation District;

(ii) Project purpose: Agricultural 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 ninety-nine thousand nine hundred twenty-nine dollars (\$899,929.00);

(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 twenty-four thousand dollars (\$424,000.00) 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 twenty-four thousand dollars (\$424,000.00) 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, 2024;

(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 – Dry Creek Irrigation District Rehabilitation 2019:

(i) Project sponsor: Dry Creek Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million six hundred twenty-eight thousand dollars (\$1,628,000.00);

(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 ninety thousand seven hundred sixty dollars (\$1,090,760.00) 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 five hundred thirty-seven thousand two hundred forty dollars (\$537,240.00) 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 one million six hundred twenty-eight thousand dollars (\$1,628,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2024;

(viii) Special conditions: The appropriation of funds for this project is contingent upon the transfer of funds to water development account II as described in section 3 of this act.

(h) Project – Eden Valley Irrigation District System Improvements 2019:

(i) Project sponsor: Eden Valley Irrigation and Drainage District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of canal lining, sandtrap structure and appurtenances necessary to make the project function in the

manner intended;

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account 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-one thousand dollars (\$351,000.00) or fifty-four percent (54%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission three hundred fifty-one thousand dollars (\$351,000.00) 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, 2024;

(vii) Special conditions:

(A) The sponsor is responsible for acquiring forty-six percent (46%) of the total project budget from other sources;

(B) The appropriation of funds for this project is contingent upon the transfer of funds to water development account II as described in section 3 of this act.

(j) Project – Interstate Diversion Structure Rehabilitation 2019:

(i) Project sponsor: Interstate Irrigation and Reservoir Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four hundred twenty thousand dollars (\$420,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred eighty-one thousand four hundred dollars (\$281,400.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred thirty-eight thousand six hundred dollars (\$138,600.00) or thirty-three percent (33%) of 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 four hundred twenty thousand dollars (\$420,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2024.

(k) Project – Lakeview Carter Creek Siphon/Spillway 2019:

(i) Project sponsor: Lakeview Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Three hundred fifty-one thousand dollars (\$351,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred thirty-five thousand one hundred seventy dollars (\$235,170.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred fifteen thousand eight hundred thirty dollars (\$115,830.00) 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 three hundred fifty-one thousand dollars (\$351,000.00) 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, 2024.

(m) Project – Lovell Moncur Lateral Rehabilitation 2019:

(i) Project sponsor: Lovell Irrigation District;

(ii) Project purpose: Agricultural 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: Two million six hundred thirty-seven thousand four hundred two dollars (\$2,637,402.00);

(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 one million six hundred seventy thousand dollars (\$1,670,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million six hundred seventy thousand dollars (\$1,670,000.00) 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, 2024;

(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.

(n) Project – Midvale Irrigation District Rehabilitation 2019:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agricultural 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 twenty-six thousand dollars (\$826,000.00);

(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 five hundred fifty-nine thousand dollars (\$559,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred fifty-nine thousand dollars (\$559,000.00) 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, 2024;

(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.

(o) Project – Shoshone Irrigation District Rehabilitation 2019:

(i) Project sponsor: Shoshone Irrigation District;

(ii) Project purpose: Agricultural 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 seventy-two thousand dollars (\$472,000.00);

(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 one hundred eighty-one thousand dollars (\$181,000.00) or one hundred percent (100%) of the approved materials costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one hundred eighty-one thousand dollars (\$181,000.00) 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, 2024;

(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.

(p) Project – Wheatland Irrigation District Tunnel Dam Rehabilitation 2019:

(i) Project sponsor: Wheatland Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Three hundred eighty-eight thousand dollars (\$388,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, and project land procurement of the project an amount not to exceed two hundred fifty-nine thousand nine hundred sixty dollars (\$259,960.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement, and project land procurement of the project an amount not to exceed one hundred twenty-eight thousand forty dollars (\$128,040.00) or thirty-three percent (33%) of the 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 II to the commission three hundred eighty-eight thousand dollars (\$388,000.00) 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, 2024.

(q) Project – Wind River Inter-Tribal Council Rehabilitation 2019:

(i) Project sponsor: Business council of the Eastern Shoshone Indian Tribe and business council of the Northern Arapaho Indian Tribe;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of canal laterals, control structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: One million eight hundred fifty-eight thousand dollars (\$1,858,000.00);

(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 nine hundred twenty-nine thousand dollars (\$929,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development

account II to the commission nine hundred twenty-nine thousand dollars (\$929,000.00) 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, 2024;

(vii) Special conditions: The sponsor is responsible for acquiring fifty percent (50%) of the total project budget from other sources.

99-3-2407. General conditions for Level III construction projects – dams and reservoirs.

(a) Except as otherwise specifically provided, each Level III dam and reservoir construction project identified in this article shall be subject to the following general conditions:

(i) Each sponsor shall offer security for the project loan as deemed adequate and acceptable to the attorney general;

(ii) The commission shall establish repayment schedules for project loans in accordance with the conditions prescribed in this section;

(iii) Each sponsor shall supervise design and construction of the project and submit all requests for payment to the commission for approval;

(iv) A sponsor shall not make construction funding commitments until after the commission has reviewed and approved construction budgets and construction plans;

(v) The commission shall make payments directly to the sponsor;

(vi) The sponsor shall be responsible for operation and maintenance of the project;

(vii) The sponsor is responsible for all project expenditures in excess of the total project appropriation;

(viii) If the commission determines that any sponsor has, without good cause, abandoned completion of the project, that sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state treasurer in an amount equal to the interest that would have accrued on the expended grant funds in the water development account from the date of expenditure;

(ix) Principal and interest payments made in repayment of loans shall be deposited in water development account III;

(x) There shall be no lease, sale, assignment or transfer of ownership of water from the project for purposes other than the designated project purpose without prior written approval of the commission and the state engineer or board of control. If such a transaction is approved, the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project

shall be utilized to retire principal on the project loan. After that loan is paid in full, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project paid by the project grant;

(xi) There shall be no lease, sale, assignment or transfer of ownership of any project until the project loan is paid in full, and until prior written approval is obtained from the commission. If these conditions are met, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project paid by the project grant. Before the sponsor may lease, sell, assign or transfer ownership of the project, the state of Wyoming shall be given a one (1) year first right of refusal option to purchase the sponsor's interest in the project for an amount equal to the principal, interest, maintenance and replacement costs incurred by the sponsor at the date the option is exercised;

(xii) After the project loan is paid in full, the sponsor may purchase the position of the state of Wyoming, as described in paragraphs (x) and (xi) of this subsection, for the amount of the project grant plus the interest that would have accrued on the grant amount in the water development account from the date the project was substantially completed as defined by the commission. The interest that would have accrued on the grant amount shall be established by the state treasurer;

(xiii) Any funds generated by the state from the lease, sale, assignment or transfer of ownership of any project or project water shall be deposited in water development account III.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-1106(a)(iv), (vii), (b)(iv) and (vii), 99-3-1804(d)(iv), (v), by creating a new paragraph (vi) and by amending and renumbering (vi) and (vii) as (vii) and (viii), 99-3-1903(c)(vi) and (k)(iv) through (vi), 99-3-1904(f)(vii) and (m)(iv) through (vi), 99-3-2104(c)(iv), (v) and (vii), 99-3-2203(a), (e)(vii)(B), 99-3-2204(a), 99-3-2205(a), (c)(iv), (v) and (vi) by creating a new subparagraph (D), 99-3-2303(a), (b)(iv) through (vi) and (vii)(B), 99-3-2304(a), 99-3-2305(a) and 99-99-1001(a) by creating a new paragraph (x) and by creating a new subsection (o) 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:

(iv) Total project budget: ~~Two million dollars (\$2,000,000.00)~~ Three million dollars (\$3,000,000.00);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~two million dollars (\$2,000,000.00)~~ three million dollars (\$3,000,000.00) 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, 2025; and

(b) Project – Sponsor’s Contingency Fund-Rehabilitation:

(iv) Total project budget: ~~One million three hundred thousand dollars (\$1,300,000.00)~~ Two million dollars (\$2,000,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one million three hundred thousand dollars (\$1,300,000.00)~~ 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 II on July 1, 2025; and

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

(d) Project – Eden Valley Farson Lateral Rehabilitation:

(iv) Total project budget: ~~Four million seven hundred thirty-two thousand dollars (\$4,732,000.00)~~ Five million three hundred thousand nine hundred thirteen dollars (\$5,300,913.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project ~~two million three hundred sixty-six thousand dollars (\$2,366,000.00)~~ or fifty percent (50%) three million seventy-six thousand dollars (\$3,076,000.00) or fifty-eight and four hundredths percent (58.04%) 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 thousand dollars (\$200,000.00) or three and seventy-seven hundredths percent (3.77%) 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 ~~two million three hundred sixty-six thousand dollars (\$2,366,000.00)~~ three million two hundred seventy-six thousand dollars

(\$3,276,000.00) 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~~ 2021;

~~(vii)~~ (viii) Special conditions:

(A) The sponsor is responsible for acquiring ~~fifty percent (50%)~~ thirty-eight and nineteen hundredths percent (38.19%) of the project ~~phase I~~ budget from other sources;

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

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

(c) Project – Casper Zone 3 Improvements:

(vi) Appropriation: There is appropriated from water development account I to the commission three million six hundred eighty-five thousand dollars (\$3,685,000.00) 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;

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

(iv) Total project budget: ~~Five million two hundred thousand dollars (\$5,200,000.00)~~ Nine million two hundred thousand dollars (\$9,200,000.00);

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~two million six hundred thousand dollars (\$2,600,000.00)~~ four million six hundred thousand dollars (\$4,600,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~two million six hundred thousand dollars (\$2,600,000.00)~~ four million six hundred thousand dollars (\$4,600,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account I;

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

(f) Project – Piney & Cruse Canal Piping:

(vii) Appropriation: There is appropriated from water development

account II to the commission eight hundred fifty-five thousand dollars (\$855,000.00) 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, ~~2019~~2022.

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

(iv) Total project budget: ~~Two million two hundred thousand dollars (\$2,200,000.00)~~ Three million six hundred thousand dollars (\$3,600,000.00);

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~one million one hundred thousand dollars (\$1,100,000.00)~~ one million eight hundred thousand dollars (\$1,800,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~one million one hundred thousand dollars (\$1,100,000.00)~~ one million eight hundred thousand dollars (\$1,800,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account II;

99-3-2104. Level III construction projects – rehabilitation.

(c) Project – Cokeville Tri-Diversion Structure:

(iv) Total project budget: ~~Four hundred thousand dollars (\$400,000.00)~~ Six hundred eleven thousand nine hundred forty-five dollars (\$611,945.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~two hundred sixty-eight thousand dollars (\$268,000.00)~~ three hundred eighty-eight thousand nine hundred thirty-five dollars (\$388,935.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account II to the commission ~~four hundred thousand dollars (\$400,000.00)~~ five hundred twenty thousand nine hundred thirty-five dollars (\$520,935.00) 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~~2022.

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, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-103(a)(iii) shall not apply to these projects.

(e) Project – Gillette Regional Extensions 2017:

(vii) Special conditions:

(B) The sponsor shall authorize water use in Crook County, subject to the following conditions:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps. A total of five (5) municipal use, including stock use, taps will be provided from the existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and twelve (12) inch diameter treated water pipelines located generally in the vicinity of the City of Gillette's Madison Well Field in Crook County on a first come, first served basis;

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water. Any additional or existing taps in Crook County, located on the eight (8) and twelve (12) inch diameter treated water pipelines shall be used solely for rural domestic use;

(III) Existing water service agreements in Crook County shall remain in full force and effect;

(IV) Any new water service agreement entered into under this subparagraph shall be similar in form to existing individual and wholesale water service agreements previously executed prior to 2018 in Crook and Campbell counties;

(V) The water rates, connection charges and fees associated with taps provided under this subparagraph shall be identical to similar rates, charges and fees assessed to city of Gillette water customers, in accordance with city ordinances;

(VI) Any additional or future water districts formed in the immediate vicinity of the City of Gillette's Madison Well Field shall be able to connect to the eight (8) and twelve (12) inch diameter treated water pipelines. The water districts shall be served as a regional, wholesale water customer. Any new

district shall own, operate and maintain their system downstream of a master meter. The city shall own the water pipelines and infrastructure from the eight (8) and twelve (12) inch diameter treated water pipelines up to and including the master meter within the control building. The city has no obligation to plan, finance, develop or construct an additional or future regional extension project in Crook County; and

(VII) New water customers from the existing eight (8) and twelve (12) inch diameter treated water pipelines shall be limited to forty thousand (40,000) gallons per month for rural domestic use and eighty thousand (80,000) gallons per month for municipal use, including stock use, during the city's high demand months of June, July, August and September.

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, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-104(a)(iii) shall not apply to these projects.

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, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-106(a)(iii) shall not apply to these projects.

(c) Project – Middle Piney Reservoir:

(iv) Total project budget: ~~Twelve million one hundred sixty-eight thousand dollars (\$12,168,000.00)~~ Fourteen million two hundred twenty-eight thousand dollars (\$14,228,000.00);

(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)~~ fourteen million two hundred twenty-eight thousand dollars (\$14,228,000.00) 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:

(D) Upon approval by the commission, five hundred thousand dollars (\$500,000.00) from this appropriation shall be deposited in the Middle Piney reservoir account created by W.S. 99-99-1001(a)(x).

99-3-2303. 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, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-103(a)(iii) shall not apply to these projects.

(b) Project – Gillette Regional Extensions Phase IV-2018:

(iv) Total project budget: ~~Two million seven hundred thousand dollars (\$2,700,000.00)~~ Two million two hundred fifty-seven thousand dollars (\$2,257,000.00);

(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 eight hundred nine thousand dollars (\$1,809,000.00)~~ one million five hundred twelve thousand one hundred ninety dollars (\$1,512,190.00) 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 eight hundred nine thousand dollars (\$1,809,000.00)~~ one million five hundred twelve thousand one hundred ninety dollars (\$1,512,190.00) 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, 2023;

(vii) Special conditions:

(B) The sponsor shall authorize water use in Crook County, subject to the following conditions:

(I) ~~Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps. A total of five (5) municipal use, including stock use, taps will be provided from the existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and twelve (12) inch diameter treated water pipelines located generally in the vicinity of the City of Gillette's Madison Well Field in Crook County on a first come, first served basis;~~

(II) ~~Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water. Any additional or~~

existing taps in Crook County. located on the eight (8) and twelve (12) inch diameter treated water pipelines shall be used solely for rural domestic use;

(III) Existing water service agreements in Crook County shall remain in full force and effect;

(IV) Any new water service agreement entered into under this subparagraph shall be similar in form to existing individual and wholesale water service agreements previously executed prior to 2018 in Crook and Campbell counties;

(V) The water rates, connection charges and fees associated with taps provided under this subparagraph shall be identical to similar rates, charges and fees assessed to city of Gillette water customers, in accordance with city ordinances;

(VI) Any additional or future water districts formed in the immediate vicinity of the City of Gillette's Madison Well Field shall be able to connect to the eight (8) and twelve (12) inch diameter treated water pipelines. The water districts shall be served as a regional, wholesale water customer. Any new district shall own, operate and maintain their system downstream of a master meter. The city shall own the water pipelines and infrastructure from the eight (8) and twelve (12) inch diameter treated water pipelines up to and including the master meter within the control building. The city has no obligation to plan, finance, develop or construct an additional or future regional extension project in Crook County; and

(VII) New water customers from the existing eight (8) and twelve (12) inch diameter treated water pipelines shall be limited to forty thousand (40,000) gallons per month for rural domestic use and eighty thousand (80,000) gallons per month for municipal use, including stock use, during the city's high demand months of June, July, August and September.

99-3-2304. 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, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-104(a)(iii) shall not apply to these projects.

99-3-2305. 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, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-106(a)(iii) shall not apply to these projects.

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

(a) The following accounts are created:

(x) Middle Piney reservoir account.

(o) All revenues received by the state from the lease, sale, assignment or transfer of ownership of power or water resulting from the state's interest in the Middle Piney reservoir and dam, and associated facilities as provided in W.S. 99-3-2205(c), shall be deposited in the account created by paragraph (a)(x) of this section. The Wyoming water development commission shall administer the account and use any monies in the account to meet the operation, maintenance and replacement obligations of the state related to the Middle Piney reservoir and dam, and associated facilities.

[TRANSFER OF FUNDS]

Section 3. Pursuant to W.S. 99-99-1001(c), the Wyoming water development commission has reviewed the Buffalo Bill dam account and determined there to be five million five hundred thousand dollars (\$5,500,000.00) in funds in excess of that amount needed to meet obligations of the Buffalo Bill dam account as specified in W.S. 99-99-1001(e). The Wyoming water commission is hereby authorized to transfer five million five hundred thousand dollars (\$5,500,000.00) from the Buffalo Bill dam account created by W.S. 99-99-1001(a)(ii) to water development account II created by W.S. 41-2-124(a)(ii).

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

Approved February 18, 2019.

Chapter 56

ADJUTANT GENERAL DUTIES-ACCESS TO FORMS AND RECORDS

Original Senate File No. 24

AN ACT relating to defense forces and affairs; specifying electronic forms and record keeping required of the adjutant general; 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)(v), (xvii) and (xviii) is amended to read:

19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.

(b) The adjutant general of Wyoming shall have powers and duties and be paid a salary as follows:

(v) He shall ~~furnish~~ensure all organizations ~~with~~have access to the

proper blanks, books and forms required and such military instruction books as may be prescribed;

(xvii) He shall ~~furnish to~~ ensure commanders of national guard units; ~~have access to the~~ blank forms, rolls, bonds and other returns ~~required to be made by them~~ they are required to make. He shall explain the principles upon which returns shall be made, and may make such general regulation concerning the same as will best promote uniformity in their rendition;

(xviii) He shall keep physically or electronically the papers, volumes and records of the department in an office provided by the state;

Section 2. This act is effective July 1, 2019.

Approved February 18, 2019.

Chapter 57

PERFORMANCE COMPENSATION

Original House Bill No. 222

AN ACT relating to the administration of government; authorizing the establishment of performance compensation plans for specified employees of the state treasurer's office and the Wyoming retirement system; establishing requirements for the plans; directing the establishment and evaluation of investment benchmarks as specified; authorizing the investment funds committee to engage consultants as specified; making conforming amendments; requiring reports; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-1-409 by creating new subsections (e) and (f), 9-2-1022(b)(intro), 9-3-406(a) and by creating a new subsection (d) and 9-4-720 by creating a new subsection (f) are amended to read:

9-1-409. State treasurer; duties generally; demand accounts; state revenues paid to treasurer.

(e) The state treasurer may implement and administer a performance compensation plan in accordance with this subsection. The plan shall:

(i) Be limited to those at-will employees of the state treasurer's office listed in paragraph (ii) of this subsection who are directly engaged in investing assets of the state;

(ii) Be limited to the following participating employees:

(A) Chief investment officer;

(B) Senior investment officer;

(C) Investment officer;

(D) Senior analyst;

(E) Analyst.

(iii) Seek to maximize total returns net of fees on investments authorized by law and in the best interest of the state;

(iv) Be based solely on investment performance exceeding investment benchmarks as established by the investment funds committee created by W.S. 9-4-720 for each fund and asset class for an investment period. No performance compensation shall be paid under the plan unless the investment funds committee determines that the established benchmarks have been exceeded;

(v) Measure investment performance during an investment period based on the following:

(A) Fifty percent (50%) related to total fund performance. For purposes of this subsection, "total fund" means the total or overall investment portfolio of funds managed by the state treasurer's office, excluding the following:

(I) Funds invested for a specific public purpose;

(II) Investments specifically directed by the state treasurer or state loan and investment board and not made at the recommendation of participating employees.

(B) Fifty percent (50%) related to the performance of the employee's individual assigned asset classes.

(vi) Provide that payments for investment performance for any one (1) investment period shall be as follows:

(A) For payments earned in fiscal year 2020 - the investment performance beginning July 1, 2019 and ending June 30, 2020;

(B) For payments earned in fiscal year 2021 - the arithmetic average of the investment performance beginning July 1, 2019 and ending June 30, 2020 and the investment performance beginning July 1, 2020 and ending June 30, 2021;

(C) For payments earned in fiscal year 2022 and each fiscal year thereafter - the arithmetic average of the annual investment performance beginning that fiscal year and the two (2) immediately preceding fiscal years.

(vii) Be funded from investment returns, with each invested fund's share calculated in proportion to the magnitude of aggregate investment earnings of each fund invested, including interest and dividends, which shall be continuously appropriated for payment of performance compensation as authorized by this subsection;

(viii) Include a limit for total payments to all participating employees for performance compensation earned in any one (1) investment period in an amount not to exceed two percent (2%) of net investment returns above the established benchmark of the total fund for that investment period

for payments pursuant to subparagraph (v)(A) of this subsection and two percent (2%) of net investment returns above the established benchmark of the employee's individual assigned asset classes for that investment period for payments pursuant to subparagraph (v)(B) of this subsection;

(ix) Include a limit for total payments to an individual employee for performance compensation earned in any one (1) investment period in an amount not to exceed the following:

(A) One hundred percent (100%) of a chief investment officer's base salary;

(B) Seventy-five percent (75%) of a senior investment officer's base salary;

(C) Fifty percent (50%) of an investment officer's base salary;

(D) Twenty-five percent (25%) of a senior analyst's or analyst's base salary.

(x) Provide that performance compensation earned in any one (1) investment period will be paid over a three (3) year period as follows:

(A) Twenty-five percent (25%) during the fiscal year immediately following the fiscal year in which the performance compensation was earned;

(B) Twenty-five percent (25%) during the second fiscal year following the fiscal year in which the performance compensation was earned;

(C) Fifty percent (50%) during the third fiscal year following the fiscal year in which the performance compensation was earned.

(xi) Provide that performance compensation shall be forfeited by an employee upon termination of employment subject to an anti-compete agreement for future employment related to asset management. This paragraph shall not apply to termination based on death, disability or retirement;

(xii) Provide that performance compensation shall not be included as compensation for the purpose of computing retirement or pension benefits earned by the employee;

(xiii) Subject participating employees to the following terms and conditions related to leave time:

(A) Chief investment officers, senior investment officers and investment officers shall receive leave time in the same manner and amount as department directors under W.S. 9-2-1706(b);

(B) Senior analysts and analysts shall receive leave time in accordance with standards and rules established or promulgated in accordance with W.S. 9-2-1022(a).

(xiv) Provide that performance compensation shall only be based on

performance criteria occurring on or after the execution of an employment contract in accordance with this subsection. No performance compensation shall be paid other than as provided in the employment contract;

(xv) Be submitted to the joint appropriations committee and the select committee on capital financing and investments for comment, and approved by the human resources division, prior to implementation. The human resources division shall not disapprove a performance compensation plan which complies with the requirements of this subsection;

(xvi) Be submitted and administered by the state treasurer as a separately designated and appropriated budget unit.

(f) The state treasurer shall report to the joint appropriations committee and the select committee on capital financing and investments by November 1 of each year on the plan authorized by subsection (e) of this section. The report shall include:

(i) Payments and methodology of calculating payments under the plan;

(ii) A measurement quantifying the risk resulting from the variation between the prior year's investment benchmarks and the prior year's actual investments;

(iii) An estimate of future payments under the plan and future expected investment benchmarks.

9-2-1022. Duties of department performed through human resources division.

(b) The state compensation plan shall, to the extent not otherwise provided by law, apply to all state executive branch employees except those employees of the University of Wyoming and community colleges. The compensation and classification plan shall be designed to attract and retain a sufficient quantity of quality employees with competitive compensation based on relevant labor markets for each class of employment. The plan shall be based upon principles of fairness and equity and be administered with sound fiscal discipline. The plan shall utilize both fixed and variable compensation as well as noncash reward and recognition programs. All variable compensation benefits under the plan, except as otherwise provided by law, shall be administered by the department as a separately designated and appropriated budget item. The plan shall consist of:

9-3-406. Retirement board; employment and compensation of director, consulting actuary and assistants; director designated secretary; compensation of members; quorum; seal.

(a) The board shall employ a director and a consulting actuary and other professional and clerical assistants necessary for the administration of the retirement system and the Wyoming deferred compensation program

established under W.S. 9-3-501 through 9-3-508. The compensation of employees shall be fixed by the board, subject to confirmation and approval by the ~~personnel~~ human resources division and together with all other necessary expenses of the board shall be paid by vouchers drawn on the state treasurer of Wyoming. The director shall also serve, without additional compensation, as secretary of the board. The board shall have the authority to obtain the financial and criminal background history of an employee or employment applicant of the Wyoming retirement system in accordance with W.S. 7-19-106 and 7-19-201. In fixing compensation of employees the board may implement and administer a performance compensation plan in accordance with this subsection. The plan shall:

(i) Be limited to those at-will employees of the board listed in paragraph (ii) of this subsection who are directly engaged in investing assets of the retirement system;

(ii) Be limited to the following participating employees:

(A) Chief investment officer;

(B) Senior investment officer;

(C) Investment officer;

(D) Senior analyst;

(E) Analyst.

(iii) Seek to maximize total returns net of fees on investments authorized by law and in the best interest of the retirement system;

(iv) Be based solely on investment performance exceeding investment benchmarks established pursuant to this paragraph. The board shall establish investment benchmarks, which shall be approved by the investment funds committee created by W.S. 9-4-720, for each fund and account for an investment period. No performance compensation shall be paid under the plan unless the board determines, subject to review by the investment funds committee, that the established benchmarks have been exceeded;

(v) Measure investment performance during an investment period based one hundred percent (100%) on total fund performance. For purposes of this subsection, "total fund" means the total or overall investment portfolio of the retirement system;

(vi) Provide that payments for investment performance for any one (1) investment period shall be as follows:

(A) For payments earned in fiscal year 2020 - the investment performance beginning July 1, 2019 and ending June 30, 2020;

(B) For payments earned in fiscal year 2021 - the arithmetic average of the investment performance beginning July 1, 2019 and ending June 30, 2020

and the investment performance beginning July 1, 2020 and ending June 30, 2021;

(C) For payments earned in fiscal year 2022 and each fiscal year thereafter - the arithmetic average of the annual investment performance beginning that fiscal year and the two (2) immediately preceding fiscal years.

(vii) Be funded from investment returns, with each invested fund's share calculated in proportion to the magnitude of aggregate investment earnings of each fund invested, including interest and dividends, which shall be continuously appropriated for payment of performance compensation as authorized by this subsection;

(viii) Include a limit for total payments to all participating employees for performance compensation earned in any one (1) investment period in an amount not to exceed two percent (2%) of net investment returns above the established benchmark of the total fund for that investment period;

(ix) Include a limit for total payments to an individual employee for performance compensation earned in any one (1) investment period in an amount not to exceed the following:

(A) One hundred percent (100%) of a chief investment officer's base salary;

(B) Seventy-five percent (75%) of a senior investment officer's base salary;

(C) Fifty percent (50%) of an investment officer's base salary;

(D) Twenty-five percent (25%) of a senior analyst's or analyst's base salary.

(x) Provide that performance compensation earned in any one (1) investment period will be paid over a three (3) year period as follows:

(A) Twenty-five percent (25%) during the fiscal year immediately following the fiscal year in which the performance compensation was earned;

(B) Twenty-five percent (25%) during the second fiscal year following the fiscal year in which the performance compensation was earned;

(C) Fifty percent (50%) during the third fiscal year following the fiscal year in which the performance compensation was earned.

(xi) Provide that performance compensation shall be forfeited by an employee upon termination of employment subject to an anti-compete agreement for future employment related to asset management. This paragraph shall not apply to termination based on death, disability or retirement;

(xii) Provide that performance compensation shall not be included as compensation for the purpose of computing retirement or pension benefits earned by the employee;

(xiii) Subject participating employees to the following terms and conditions related to leave time:

(A) Chief investment officers, senior investment officers and investment officers shall receive leave time in the same manner and amount as department directors under W.S. 9-2-1706(b);

(B) Senior analysts and analysts shall receive leave time in accordance with standards and rules established or promulgated in accordance with W.S. 9-2-1022(a).

(xiv) Provide that performance compensation shall only be based on performance criteria occurring on or after the execution of an employment contract in accordance with this subsection. No performance compensation shall be paid other than as provided in the employment contract;

(xv) Be submitted to the joint appropriations committee and the select committee on capital financing and investments for comment, and approved by the human resources division, prior to implementation. The human resources division shall not disapprove a performance compensation plan which complies with the requirements of this subsection;

(xvi) Be submitted and administered by the board as a separately designated and appropriated budget unit.

(d) The board shall report to the joint appropriations committee and the select committee on capital financing and investments by November 1 of each year on the plan authorized by subsection (a) of this section. The report shall include:

(i) Payments and methodology of calculating payments under the plan;

(ii) A measurement quantifying the risk resulting from the variation between the prior year's investment benchmarks and the prior year's actual investments;

(iii) An estimate of future payments under the plan and future expected investment benchmarks.

9-4-720. Investment funds committee created; duties.

(f) In addition to the duties prescribed under this act, the committee shall establish or approve investment benchmarks and determine or review whether benchmarks have been exceeded as required by W.S. 9-1-409(e) and 9-3-406(a). Notwithstanding subsections (a) and (b) of this section, members of the committee appointed by the governor or the management council may vote on benchmarks. A member of the committee who is also an employee or board member of the state treasurer's office or the Wyoming retirement system shall not vote on any benchmark. The committee through the state treasurer's office may engage the services of consultants on a contract basis for rendering professional assistance and advice in establishing and evaluating benchmarks.

Section 2. The state treasurer and the board of the Wyoming retirement system shall separately submit any performance compensation plan proposed for implementation in fiscal year 2020 to the joint appropriations committee for comment not later than May 1, 2019. The committee shall provide any comments on a submitted plan not later than May 30, 2019.

Section 3. There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the state treasurer's office. 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 engaging the services of consultants under W.S. 9-4-720(f), 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, 2020. This appropriation shall be included in the state treasurer's office 2021-2022 standard biennial budget request.

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

Became law without signature February 19, 2019.

Chapter 58

STATE AMPHIBIAN

Original Senate File No. 50

AN ACT relating to state symbols; declaring the blotched tiger salamander as the state amphibian; and providing for an effective date.

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

Section 1. W.S. 8-3-126 is created to read:

8-3-126. State amphibian.

Ambystoma mavortium melanostictum, commonly known as the blotched tiger salamander, is the state amphibian 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 February 19, 2019.

Chapter 59**ARCHAEOLOGICAL HUMAN BURIAL SITES**

Original Senate File No. 78

AN ACT relating to criminal procedure; requiring notification of law enforcement and the coroner when human remains are discovered; providing for exhumation and reinterment of human remains on state and private lands; providing for notification of the state archaeologist and others of archaeological human remains and burials; requiring development of a protocol for consultation, repatriation and reinterment or other disposition of Native American human remains; creating a misdemeanor; making conforming amendments; requiring county coroners to produce an inventory; and providing for an effective date.

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

Section 1. W.S. 7-4-106 is created to read:

7-4-106. Archaeological human burial sites.

(a) The county coroner shall have jurisdiction over all archaeological human burials discovered in the county on state or private lands.

(b) When human remains are discovered:

(i) The person who discovers the remains shall cease the activity that caused the discovery of the remains and immediately notify law enforcement. If the remains are discovered on private land and the person who discovers the remains is not an agent of the landowner, the individual shall also notify the landowner;

(ii) When law enforcement is notified that human remains have been discovered within the limits of the county, law enforcement shall notify the coroner who shall determine the approximate age of the burial site. If the human remains constitute an archaeological human burial:

(A) On private land, the coroner shall notify the state archaeologist and the landowner;

(B) On state land, the coroner shall notify the state archaeologist and the office of state lands and investments. The office of state lands and investments shall notify any leaseholder;

(C) The state archaeologist's investigation to determine the forensic value and archaeological context shall be:

(I) Commenced within two (2) business days of the discovery to protect the integrity of the remains;

(II) Limited to the discovered human burial site.

(c) When human remains are exhumed:

(i) An archaeological human burial shall only be exhumed under the direction and supervision of the state archaeologist in coordination with the county coroner, and provided:

(A) The coroner shall notify the landowner of exhumation; and

(B) If the state archaeologist determines that the remains are Native American, the state archaeologist shall notify the Eastern Shoshone and Northern Arapaho Tribes before exhumation.

(ii) Absent extraordinary circumstances, exhumation shall be completed not more than six (6) business days from the date the coroner notifies the state archaeologist of the archeological human burial discovery to protect the safety and integrity of the remains.

(d) When human remains are reinterred:

(i) When the state archaeologist determines that an archaeological human burial is Native American, after archaeological human remains are exhumed and before reinterment or repatriation, the state archaeologist and county coroner shall:

(A) Notify and consult with culturally affiliated Native American tribes in accordance with the protocol developed pursuant to subsection (f) of this section; and

(B) Expend reasonable effort to identify present day descendants.

(ii) When the state archaeologist determines that an archaeological human burial is not Native American, the state archaeologist shall expend reasonable effort to identify present day descendants and consult with them before reinterment;

(iii) If no descendants of the person whose remains were exhumed are identifiable, remains may be reinterred on state lands;

(iv) Subject to the notification of law enforcement, the coroner and the state archaeologist and the procedures in this section, nothing in this section precludes a landowner from working with descendants or Native American tribes to reinter human remains on private lands with the landowner's consent.

(e) Human remains shall be treated with respect, dignity and with consideration of religious, spiritual and ethnic evidence present at the burial site.

(f) The state archaeologist in cooperation with the state historic preservation office and county coroners shall work with culturally affiliated tribes including the Eastern Shoshone and Northern Arapaho tribes to develop a protocol for consultation, repatriation and reinterment or other disposition of Native American human remains.

(g) For purposes of this section, "archaeological human burial" includes human remains and funerary objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains at the time of death or later but does not include remains found in

known or marked graves, found in established cemeteries or that demonstrate present medicolegal significance.

(h) A person who knowingly violates this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than five thousand dollars (\$5,000.00), or both.

Section 2. W.S. 6-4-501(b) and 36-4-106(d)(vi) are amended to read:

6-4-501. Opening graves and removing bodies; penalty; exception.

(b) This section does not prohibit exhumation if ordered by a court of competent jurisdiction or if performed in accordance with W.S. 7-4-106(c).

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

(d) There shall be appointed within the department of state parks and cultural resources a state archaeologist, who shall be a member of the department of anthropology of the University of Wyoming. The state archaeologist shall receive an annual salary to be determined by the Wyoming human resources division, which shall be in addition to any compensation received from the university. The state archaeologist may:

(vi) Cooperate with all agencies to the extent of capacity in the protection from vandalism, natural and other kinds of destruction of all objects of archaeological significance, to investigate, exhume and consult regarding archaeological human burials pursuant to W.S. 7-4-106 and to render aid in the enforcement of the Wyoming Antiquities Act;

Section 3.

(a) Not later than January 30, 2020, each county coroner shall provide the state archaeologist an inventory of the archaeological or potential archaeological human remains that the coroner has in the coroner's storage facilities.

(b) The state archaeologist with the county coroner shall act in accordance with W.S. 7-4-106(d) and (e) as created by this act for the disposition of archaeological human remains identified in subsection (a) of this section.

Section 4. This act is effective July 1, 2019.

Approved February 19, 2019.

Chapter 60

SUNSET DATE-WYOMING INVESTMENT IN NURSING PROGRAM

Original House Bill No. 58

AN ACT relating to the administration of government; repealing the sunset date of the Wyoming investment in nursing program; and providing for an effective date.

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

Section 1. W.S. 9-2-123(p)(intro) is amended to read:

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

(p) ~~Notwithstanding subsection (o)~~ For the purposes of this section:

Section 2. W.S. 9-2-123(o) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 19, 2019.

Chapter 61

FINANCIAL TECHNOLOGY SANDBOX

Original House Bill No. 57

AN ACT relating to trade and commerce; making legislative findings; creating the financial technology sandbox for the testing of financial products and services in Wyoming; authorizing limited waivers of specified statutes and rules under certain conditions; establishing standards and procedures for sandbox applications, operations and supervision; authorizing reciprocity agreements with other regulators; requiring criminal history background checks; creating an account; requiring a consumer protection bond; specifying standards for the suspension and revocation of sandbox authorization; authorizing rules and orders; and providing for effective dates.

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

Section 1.

(a) The legislature finds the following:

(i) Financial technology is undergoing a transformational period in which new technologies are providing greater automation, connectivity and transparency for financial products and services;

(ii) Existing legal frameworks are restricting financial technology innovation because these frameworks were largely established at a time when technology was not a fundamental component of financial products and services;

(iii) Financial technology innovators require a supervised, flexible regulatory sandbox to test new products and services using waivers of specified statutes and rules under defined conditions;

(iv) Jurisdictions which establish regulatory sandboxes are more likely to provide a welcoming business environment for technology innovators and may experience significant business growth;

(v) Other jurisdictions have enacted, or are considering, regulatory sandboxes for financial technology innovators in their jurisdictions;

(vi) The state of Wyoming currently offers one of the best business environments in the United States for blockchain and financial technology innovators, and should offer a regulatory sandbox for these innovators to develop the next generation of financial technology products and services in Wyoming.

Section 2. W.S. 13-5-304 and 40-28-101 through 40-28-109 are created to read:

13-5-304. Applicability of chapter.

The Financial Technology Sandbox Act shall apply to this chapter.

CHAPTER 28
FINANCIAL TECHNOLOGY SANDBOX ACT

40-28-101. Short title.

This act may be cited as the “Financial Technology Sandbox Act.”

40-28-102. Definitions.

(a) As used in this act:

(i) “Blockchain” means a digital ledger or database which is chronological, consensus-based, decentralized and mathematically verified in nature;

(ii) “Commissioner” means the state banking commissioner;

(iii) “Consumer” means a person, whether a natural person or a legal entity, in Wyoming who purchases or enters into an agreement to receive an innovative financial product or service made available through the financial technology sandbox;

(iv) “Financial product or service” means a product or service related to finance, including banking, securities, consumer credit or money transmission, which is subject to statutory or rule requirements identified in W.S. 40-28-103(a) and is under the jurisdiction of the commissioner or secretary;

(v) “Financial technology sandbox” means the program created by this act which allows a person to make an innovative financial product or service available to consumers during a sandbox period through a waiver of existing statutory and rule requirements, or portions thereof, by the commissioner or secretary;

(vi) “Innovative” means new or emerging technology, or new uses of existing technology, that provides a product, service, business model or delivery mechanism to the public and has no substantially comparable, widely available analogue in Wyoming, including blockchain technology;

(vii) “Sandbox period” means the period of time, initially not longer than twenty-four (24) months, in which the commissioner or secretary has authorized an innovative financial product or service to be made available

to consumers, which shall also encompass any extension granted under W.S. 40-28-108;

(viii) "Secretary" means the secretary of state;

(ix) "This act" means W.S. 40-28-101 through 40-28-109.

40-28-103. Financial technology sandbox waiver; applicability of criminal and consumer protection statutes; referral to investigatory agencies; civil liability.

(a) Notwithstanding any other provision of law, a person who makes an innovative financial product or service available to consumers in the financial technology sandbox may be granted a waiver of specified requirements imposed by statute or rule, or portions thereof, if these statutes or rules do not currently permit the product or service to be made available to consumers. A waiver under this subsection shall be no broader than necessary to accomplish the purposes and standards set forth in this act, as determined by the commissioner or secretary. The following statutes, and the rules adopted under them, or portions of these statutes and rules, may be waived by the commissioner or secretary for the sandbox period, upon receipt and approval of an application made pursuant to W.S. 40-28-104:

(i) W.S. 13-1-101 through 13-2-904;

(ii) W.S. 13-5-301 through 13-5-703;

(iii) W.S. 17-4-201 through 17-4-412;

(iv) W.S. 17-16-101 through 17-16-1810, provided that no provisions relating to the liability of incorporators, directors and officers shall be eligible for a waiver;

(v) W.S. 17-28-101 through 17-28-111;

(vi) W.S. 17-29-101 through 17-29-1105, provided that no provisions relating to the liability of organizers, managers and members shall be eligible for a waiver;

(vii) W.S. 40-14-101 through 40-14-702;

(viii) W.S. 40-21-101 through 40-21-119;

(ix) W.S. 40-22-101 through 40-22-129;

(x) W.S. 40-23-101 through 40-23-133.

(b) A person who makes an innovative financial product or service available to consumers in the financial technology sandbox is:

(i) Not immune from civil damages for acts and omissions relating to this act; and

(ii) Subject to all criminal and consumer protection laws, including W.S. 40-12-101 through 40-12-114.

(c) The commissioner or secretary may refer suspected violations of law relating to this act to appropriate state or federal agencies for investigation, prosecution, civil penalties and other appropriate enforcement actions.

(d) If service of process on a person making an innovative financial product or service available to consumers in the financial technology sandbox is not feasible, service on the secretary of state shall be deemed service on the person.

40-28-104. Financial technology sandbox application; standards for approval; consumer protection bond.

(a) A person shall apply to the commissioner or secretary to make an innovative financial product or service available to consumers in the financial technology sandbox, based on the office that administers the statute or rule, or portion thereof, for which a waiver is sought. If both the commissioner and the secretary jointly administer a statute or rule, or if the appropriate office is not known, an application may be filed with either the commissioner or the secretary. If an application is filed with an office that does not administer the statute or rule for which a waiver is sought, the receiving office shall forward the application to the correct office. The person shall specify in an application the statutory or rule requirements for which a waiver is sought, and the reasons why these requirements prohibit the innovative financial product or service from being made available to consumers. The application shall also contain the elements required for authorization which are set forth in subsection (f) of this section. The commissioner and secretary shall each, by rule, prescribe a method of application.

(b) A business entity making an application under this section shall be a domestic corporation or other organized domestic entity with a physical presence, other than that of a registered office or agent, in Wyoming.

(c) Before an employee applies on behalf of an institution, firm or other entity intending to make an innovative financial product or service available through the financial technology sandbox, the employee shall obtain the consent of the institution, firm or entity before filing an application under this section.

(d) The individual filing an application under this section and the individuals who are substantially involved in the development, operation or management of the innovative financial product or service shall, as a condition of an application, submit to a criminal history background check pursuant to W.S. 7-19-201.

(e) An application made under this section shall be accompanied by a fee of five hundred dollars (\$500.00). The fee shall be deposited into the financial technology innovation account as provided in W.S. 40-28-105.

(f) The commissioner or secretary, as applicable, shall authorize or deny a financial technology sandbox application in writing within ninety (90) days of receiving the application. The commissioner or secretary and the person

who has made an application may jointly agree to extend the time beyond ninety (90) days. The commissioner or secretary may impose conditions on any authorization, consistent with this act. In deciding to authorize or deny an application under this subsection, the commissioner or secretary shall consider each of the following:

(i) The nature of the innovative financial product or service proposed to be made available to consumers in the sandbox, including all relevant technical details, which may include whether the product or service utilizes blockchain technology;

(ii) The potential risk to consumers and methods which will be used to protect consumers and resolve complaints during the sandbox period;

(iii) A business plan proposed by the person, including a statement of arranged capital;

(iv) Whether the person has the necessary personnel, adequate financial and technical expertise and a sufficient plan to test, monitor and assess the innovative financial product or service;

(v) Whether any person substantially involved in the development, operation or management of the innovative financial product or service has been convicted of, or is currently under investigation for, fraud, state or federal securities violations or any property based offense;

(vi) A copy of the disclosures required under W.S. 40-28-106(c) that will be provided to consumers;

(vii) Any other factor that the commissioner or secretary determines to be relevant.

(g) If an application is authorized under subsection (f) of this section, the commissioner or secretary shall specify the statutory or rule requirements, or portions thereof, for which a waiver is granted and the length of the initial sandbox period, consistent with W.S. 40-28-102(a)(vii). The commissioner or secretary shall also post notice of the approval of a sandbox application under this subsection, a summary of the innovative financial product or service and the contact information of the person making the product or service available through the sandbox on the internet website of the commissioner or secretary.

(h) A person authorized under subsection (f) of this section to enter into the financial technology sandbox shall post a consumer protection bond with the commissioner or secretary as security for potential losses suffered by consumers. The bond amount shall be determined by the commissioner or secretary in an amount not less than ten thousand dollars (\$10,000.00) and shall be commensurate with the risk profile of the innovative financial product or service. The commissioner or secretary may require that a bond under this subsection be increased or decreased at any time based on risk profile. Unless

a bond is enforced under W.S. 40-28-109(b)(ii), the commissioner or secretary shall cancel or allow the bond to expire two (2) years after the date of the conclusion of the sandbox period.

(j) A person authorized under subsection (f) of this section to enter into the financial technology sandbox shall be deemed to possess an appropriate license for the purposes of federal law requiring state licensure or authorization.

(k) Authorization under subsection (f) of this section shall not be construed to create a property right.

40-28-105. Financial technology innovation account.

(a) There is created the financial technology innovation account. 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. The account shall be divided into two (2) subaccounts controlled by the commissioner and secretary, respectively, for the purposes of administrative management. For the purposes of accounting and investing only, the subaccounts shall be treated as separate accounts.

(b) Subject to legislative appropriation, application fees remitted to the account pursuant to W.S. 40-28-104(e) shall be deposited into the subaccount controlled by the commissioner or secretary, as applicable, based on the receiving official. These funds, and any additional funds appropriated by the legislature, shall be used only for the purposes of administering this act, including processing of sandbox applications and monitoring, examination and enforcement activities relating to this act.

40-28-106. Operation of financial technology sandbox.

(a) Except as otherwise provided by W.S. 40-28-108, a person authorized under W.S. 40-28-104(f) to enter into the financial technology sandbox may make an innovative financial product or service available to consumers during the sandbox period.

(b) The commissioner or secretary may, on a case by case basis, specify the maximum number of consumers permitted to receive an innovative financial product or service, after consultation with the person authorized under W.S. 40-28-104(f) to make the product or service available in the financial technology sandbox.

(c) Before a consumer purchases or enters into an agreement to receive an innovative financial product or service through the financial technology sandbox, the person making the product or service available shall provide a written statement of the following to the consumer:

(i) The name and contact information of the person making the product or service available to consumers;

(ii) That the product or service has been authorized to be made available to consumers for a temporary period by the commissioner or secretary, as applicable, under the laws of Wyoming;

(iii) That the state of Wyoming does not endorse the product or service and is not subject to liability for losses or damages caused by the product or service;

(iv) That the product or service is undergoing testing, may not function as intended and may entail financial risk;

(v) That the person making the product or service available to consumers is not immune from civil liability for any losses or damages caused by the product or service;

(vi) The expected end date of the sandbox period;

(vii) The name and contact information of the commissioner or secretary, as applicable, and notification that suspected legal violations, complaints or other comments related to the product or service may be submitted to the commissioner or secretary;

(viii) Any other statements or disclosures required by rule of the commissioner or secretary which are necessary to further the purposes of this act.

(d) A person authorized to make an innovative financial product or service available to consumers in the financial technology sandbox shall maintain comprehensive records relating to the innovative financial product or service. The person shall keep these records for not less than five (5) years after the conclusion of the sandbox period. The commissioner and secretary may specify further records requirements under this subsection by rule.

(e) The commissioner or secretary, as applicable, may examine the records maintained under subsection (d) of this section at any time, with or without notice. All direct and indirect costs of an examination conducted under this subsection shall be paid by the person making the innovative financial product or service available in the financial technology sandbox. Records made available to the commissioner or secretary under this subsection shall be confidential and shall not be subject to disclosure under the Wyoming Public Records Act but may be released to appropriate state and federal agencies for the purposes of investigation.

(f) Unless granted an extension pursuant to W.S. 40-28-108, not less than thirty (30) days before the conclusion of the sandbox period, a person who makes an innovative financial product or service available in the financial technology sandbox shall provide written notification to consumers regarding the conclusion of the sandbox period and shall not make the product or service available to any new consumers after the conclusion of the sandbox period until

legal authority outside of the sandbox exists to make the product or service available to consumers. The person shall wind down operations with existing consumers within sixty (60) days after the conclusion of the sandbox period, except that, after the sixtieth day, the person may:

(i) Collect and receive money owed to the person and service loans made by the person, based on agreements with consumers made before the conclusion of the sandbox period;

(ii) Take necessary legal action; and

(iii) Take other actions authorized by the commissioner or secretary by rule which are not inconsistent with this subsection.

(g) The commissioner and the secretary may, jointly or separately, enter into agreements with state, federal or foreign regulatory agencies to allow persons who make an innovative financial product or service available in Wyoming through the financial technology sandbox to make their products or services available in other jurisdictions and to allow persons operating in similar financial technology sandboxes in other jurisdictions to make innovative financial products and services available in Wyoming under the standards of this chapter.

40-28-107. Revocation or suspension of financial technology sandbox authorization.

(a) The commissioner or secretary may, by order, revoke or suspend authorization granted to a person under W.S. 40-28-104(f) if:

(i) The person has violated or refused to comply with this act or any lawful rule, order or decision adopted by the commissioner or secretary;

(ii) A fact or condition exists that, if it had existed or become known at the time of the financial technology sandbox application, would have warranted denial of the application or the imposition of material conditions;

(iii) A material error, false statement, misrepresentation or material omission was made in the financial technology sandbox application; or

(iv) After consultation with the person, continued testing of the innovative financial product or service would:

(A) Be likely to harm consumers; or

(B) No longer serve the purposes of this act because of the financial or operational failure of the product or service.

(b) Written notification of a revocation or suspension order made under subsection (a) of this section shall be served using any means authorized by law, and if the notice relates to a suspension, include any conditions or remedial action which shall be completed before the suspension will be lifted by the commissioner or secretary.

40-28-108. Extension of sandbox period.

(a) A person granted authorization under W.S. 40-28-104(f) may apply for an extension of the initial sandbox period for not more than twelve (12) additional months. An application for an extension shall be made not later than sixty (60) days before the conclusion of the initial sandbox period specified by the commissioner or secretary. The commissioner or secretary shall approve or deny the application for extension in writing not later than thirty-five (35) days before the conclusion of the initial sandbox period. An application for extension by a person shall cite one (1) of the following reasons as the basis for the application and provide all relevant supporting information that:

(i) Statutory or rule amendments are necessary to conduct business in Wyoming on a permanent basis; or

(ii) An application for a license or other authorization required to conduct business in Wyoming on a permanent basis has been filed with the appropriate office and approval is currently pending.

40-28-109. Rules and orders; enforcement of bond; restitution; applicability of Wyoming Administrative Procedure Act.

(a) The commissioner and secretary shall each adopt rules to implement this act. The rules adopted by the commissioner and secretary under this subsection shall be as consistent as reasonably possible, but shall account for differences in the statutes and programs administered by the commissioner and secretary.

(b) The commissioner or secretary may issue:

(i) All necessary orders to enforce this act, including ordering the payment of restitution, and enforce these orders in any court of competent jurisdiction;

(ii) An order under paragraph (i) of this subsection to enforce the bond posted under W.S. 40-28-104(h), or a portion of this bond, and use proceeds from the bond to offset losses suffered by consumers as a result of an innovative financial product or service.

(c) All actions of the commissioner or secretary under this act shall be subject to the Wyoming Administrative Procedure Act.

Section 3. W.S. 7-19-106(a) by creating a new paragraph (xxx), 7-19-201(a) by creating a new paragraph (xxvi), 13-1-201, 17-4-105, 17-16-102, 17-28-111, 17-29-107, 40-14-106 by creating a new subsection (f), 40-21-104, 40-22-104 by creating a new subsection (b) and 40-23-105 by creating a new subsection (b) are amended to read:

7-19-106. Access to, and dissemination of, information.

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xxx) The banking commissioner or the secretary of state for purposes of obtaining background information on persons specified in W.S. 40-28-104(d) as part of a financial technology sandbox application.

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:

(xxvi) Persons specified in W.S. 40-28-104(d) as part of a financial technology sandbox application.

13-1-201. General applicability.

(a) This act applies to all banks in this state organized under this act and to national banks where specifically provided by the text.

(b) The Financial Technology Sandbox Act shall apply to this act.

17-4-105. Electronic records and signatures; applicability.

(a) This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)). This act authorizes the filing of records and signatures, when specified by provisions of this act or by a rule adopted or order issued under this act, in a manner consistent with section 104(a) of that act (15 U.S.C. § 7004(a)).

(b) The Financial Technology Sandbox Act shall apply to this act.

17-16-102. Reservation of power to amend or repeal; applicability.

(a) The legislature has power to amend or repeal all or part of this act at any time and all domestic and foreign corporations subject to this act are governed by the amendment or repeal.

(b) The Financial Technology Sandbox Act shall apply to this act.

17-28-111. Rules and regulations; applicability.

(a) The secretary of state shall have the power reasonably necessary to perform the duties required of him by this chapter. The secretary of state shall promulgate reasonable rules and regulations necessary to carry out the purposes of this chapter.

(b) The Financial Technology Sandbox Act shall apply to this chapter.

17-29-107. Supplemental principles of law; applicability.

(a) Unless displaced by particular provisions of this chapter, the principles of law and equity supplement this chapter.

(b) The Financial Technology Sandbox Act shall apply to this chapter.

40-14-106. Waiver; agreement to forego rights; settlement of claims; legal rate of interest; applicability.

(f) The Financial Technology Sandbox Act shall apply to this act.

40-21-104. Applicability.

(a) This act applies to any electronic record or electronic signature created, generated, sent, communicated, received or stored on or after July 1, 2001.

(b) The Financial Technology Sandbox Act shall apply to this act.

40-22-104. Exemptions; applicability.

(b) The Financial Technology Sandbox Act shall apply to this act.

40-23-105. Exemptions from license requirements.

(b) The Financial Technology Sandbox Act shall apply to this act.

Section 4. Consistent with W.S. 40-28-109(a), the banking commissioner and the secretary of state shall adopt rules to implement this act on or before January 1, 2020, provided these rules shall not take effect until January 1, 2020.

Section 5.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective January 1, 2020.

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

Approved February 19, 2019.

Chapter 62

USE OF DOGS-RECOVERY OF KILLED OR WOUNDED BIG GAME

Original House Bill No. 73

AN ACT relating to game and fish; allowing a person to use a leashed blood-trailing dog to help recover a killed or wounded big game animal; specifying requirements for any person using a dog to recover a game animal; and providing for an effective date.

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

Section 1. W.S. 23-3-109 by creating new subsections (d) and (e) is amended to read:

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; leashed dogs for tracking.

(d) A person may use one (1) leashed blood-trailing dog to track a wounded or killed big game animal within seventy-two (72) hours of shooting the animal. A person using a dog in this manner:

(i) Shall maintain physical control of the dog at all times by means of a

maximum fifty (50) foot leash attached to the collar or harness of the dog;

(ii) Shall wear fluorescent orange or fluorescent pink consistent with W.S. 23-3-113(a);

(iii) May kill the wounded animal using any weapon authorized under the hunting license;

(iv) Shall, in accordance with W.S. 23-3-104, attach the proper coupon to the carcass of any animal killed under the hunting license.

(e) A person acting solely as a dog handler accompanying the licensed hunter that wounded the game animal is exempt from the licensing requirements of this act. Nothing in this section shall be construed to allow a dog handler to hunt without a license.

Section 2. This act is effective July 1, 2019.

Approved February 19, 2019.

Chapter 63

REAL ESTATE APPRAISERS-LICENSING AMENDMENTS

Original Senate File No. 83

AN ACT relating to real estate appraisers; creating new definitions; authorizing the certified real estate appraiser board to allow temporary permits; modifying exam prerequisites and experience requirements; modifying provisions relating to management company registration and regulation; updating grounds for disciplinary proceedings; and providing for an effective date.

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

Section 1. W.S. 33-39-102(a)(viii), (ix), by creating new paragraphs (xvii) through (xix) and by renumbering (xvii) as (xx), 33-39-106(a)(vi), (vii) and (b), 33-39-108, 33-39-109(a), (c) and (d), 33-39-110(a)(intro), (iii) and by creating a new paragraph (iv), 33-39-112, 33-39-113(a) and (b), 33-39-116 through 33-39-119, 33-39-123(a)(intro), (i), (iv) and by creating a new paragraph (x), 33-39-126(b), 33-39-202(a)(iii), 33-39-203(a), 33-39-209(a) and (b)(iii), 33-39-211(a)(i) and 33-39-224(a)(intro), (i) and (iv) are amended to read:

33-39-102. Definitions.

(a) As used in this act:

(viii) "Permit" means the document issued by the board certifying that the person named thereon has fulfilled all requirements ~~prerequisite~~ for obtaining a permit to practice as a certified real estate appraiser or temporary certified appraiser under this act;

(ix) "Permittee" means any individual who has been issued a permit under this act to practice as a certified general; or residential appraiser, a temporary certified appraiser or a certified appraiser trainee; ~~appraiser;~~

(xvii) “Certified appraiser trainee” means a person who drafts and communicates real estate appraisals and who holds a valid permit for either general or residential real estate training under this act;

(xviii) “Temporary permit” means written permission from the board to an actively certified appraiser in good standing in at least one (1) recognized permitting jurisdiction to conduct the number of appraisal assignments the board allows in the time frame set by the board. A temporary permit shall not require completion of a criminal history record background check and may be abbreviated in other respects as prescribed in board rule;

(xix) “Temporary certified appraiser” means a certified appraiser who has been granted a temporary permit by the board;

(xvii)(xx) “This act” means W.S. 33-39-101 through 33-39-130.

33-39-106. Additional powers and duties of the board; disposition of fees.

(a) The board shall:

(vi) Issue to each permittee a permit ~~and pocket card~~ in the size and form as it may approve. The permit ~~and card~~ shall remain the property of the state, and, upon suspension or revocation of the permit to practice pursuant to this act, shall be returned immediately to the board;

(vii) Require criminal history record background checks on applicants for permits under this act, ~~excluding those who apply for temporary permits.~~

(b) All fees collected by the board shall be deposited in the state treasury. The state treasurer shall deposit the fees to the credit of the certified real estate appraiser board account. Disbursements from the account shall not exceed the monies credited to it. The real estate commission director shall ~~review and pay appropriate charges against the account for services provided to the certified real estate appraiser board by the real estate commission or its staff and for payment of costs of the board~~ appropriately authorize payments for all costs and expenses related to the administration and enforcement of this act with approval from the board. All payments shall be made using fees collected pursuant to this act.

33-39-108. Fees.

Pursuant to W.S. 33-1-201, the board shall establish fees for examinations, original permits, temporary permits, renewals, change of place of business, certifications; and change of contractual association, ~~duplicate permits and duplicate pocket cards~~. The fees shall be used to pay the expense of maintaining and operating the office of the board and the enforcement of this act.

33-39-109. Permit and temporary permit process.

(a) Any person who desires to engage in the practice of certified real estate appraisal in this state or to practice as a certified appraiser trainee shall make

application, in writing, on forms prescribed by the board.

(c) Each applicant for a certified appraiser trainee, certified residential or general permit shall have reached the age of majority.

(d) An application for a permit under this act shall be accompanied by fingerprints and other information necessary for a criminal history record background check as provided under W.S. 7-19-201, excluding applications for temporary permits.

33-39-110. Classes of permits.

(a) There shall be ~~three (3)~~ the following classes of permits for certified real estate appraisers and temporary certified appraisers:

(iii) A ~~real estate appraisal~~ certified appraiser trainee is authorized only to assist a certified general or residential appraiser in the performance of an appraisal assignment;

(iv) A temporary certified appraiser is authorized only to act in accordance with the terms of the temporary permit, shall have a predetermined permit expiration and is not required to submit to a background check.

33-39-112. Examination prerequisites.

(a) Certified general classification. As a prerequisite to taking the examination for a permit to practice as a certified general real estate appraiser, an applicant shall have successfully completed a minimum number of ~~three hundred (300)~~ classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university as prescribed by the appraisal foundation in rule and approved by the board, ~~which shall include fifteen (15) classroom hours related to standards of professional appraisal practice.~~

(b) Certified residential classification. As a prerequisite to taking the examination for a permit to practice as a certified residential real estate appraiser, an applicant shall have successfully completed a minimum number of ~~two hundred (200)~~ classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university as prescribed by the appraisal foundation in rule and approved by the board, ~~which shall include fifteen (15) classroom hours related to standards of professional appraisal practice.~~

(c) Certified appraiser trainee classification. To receive a permit to practice as a certified ~~real estate appraisal~~ trainee, an applicant shall successfully complete a minimum number of ~~seventy-five (75)~~ classroom hours of education in subjects related to real estate appraisal as prescribed by the appraisal foundation in rule and approved by the board, ~~which shall include fifteen (15) classroom hours related to standards of professional appraisal practice. No examination is required.~~

(d) Temporary certified appraiser classification. A temporary certified appraiser is only eligible for a temporary permit. To receive a temporary permit to practice as a temporary certified appraiser, an applicant shall be actively certified in a recognized permitting jurisdiction and satisfy all additional requirements prescribed by the appraisal foundation in rule and approved by the board.

33-39-113. Experience requirement.

(a) Certified general classification. An original permit to practice as a certified general real estate appraiser shall not be issued to any person who does not possess the equivalent of two and one-half (2 ½) years of experience and a minimum of three thousand (3,000) hours in real estate appraisal. The experience or its equivalent shall be acquired within a period of five (5) years immediately preceding the filing of the application for a permit minimum experience criteria as prescribed by the appraisal foundation in rule and approved by the board.

(b) Certified residential classification. An original permit to practice as a certified residential real estate appraiser shall not be issued to any person who does not possess the equivalent of two (2) years of experience and a minimum of two thousand five hundred (2,500) hours in real estate appraisal. The experience or its equivalent shall be acquired within a period of five (5) years immediately preceding the filing of the application for a permit minimum experience criteria as prescribed by the appraisal foundation in rule and approved by the board.

33-39-116. Nonresident permit by reciprocity.

If the board determines that another state-jurisdiction has substantially equivalent requirements and reciprocity exists between the states-jurisdictions, an applicant from such other state-jurisdiction may obtain a permit to practice as a certified real estate appraiser in this state.

33-39-117. Renewal permit.

To obtain a renewal permit to practice as a certified real estate appraiser or certified appraiser trainee, the holder of a current permit shall make application and pay the prescribed fee to the board. With the application for renewal, the certified real estate appraiser or certified appraiser trainee shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal as specified in this act. ~~A trainee is not required to present evidence of continuing education to renew the trainee's permit.~~

33-39-118. Basis for denial.

The board may deny ~~the issuance of a permit as a certified real estate appraiser~~ or certified appraiser trainee to an applicant on any of the grounds enumerated

in this act.

33-39-119. Principal place of business; address.

Each certified real estate appraiser or certified appraiser trainee holding a permit to practice under this act shall advise the board of the address of his principal place of business. Whenever a certified real estate appraiser or certified appraiser trainee changes a place of business, he shall within thirty (30) days give written notification of the change to the board, and pay the required change of address fee.

33-39-123. Disciplinary proceedings.

(a) The board shall upon a written sworn complaint or may upon its own motion investigate the actions of any certified real estate appraiser or certified appraiser trainee and may impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense, censure the permittee, place the permittee on probation and set the terms of the probation, deny, suspend or revoke any permit issued under this act for any of the following:

(i) Procuring, or attempting to procure, a permit to practice pursuant to this act by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a permit or through any form of fraud or misrepresentation;

(iv) Violating any rules or regulations of the board or any provision of this chapter;

(x) Use of the services of an appraisal management company not registered with the board.

33-39-126. Certified real estate appraiser education account created; initial monies; fees.

(b) ~~Beginning January 1, 1990,~~ Every person obtaining or renewing a certified appraiser trainee or certified real estate appraiser's permit shall pay an additional fee of twenty dollars (\$20.00) which shall be deposited in the certified appraiser education account.

33-39-202. Definitions.

(a) As used in this article:

(iii) "Appraisal management company" means, in connection with valuing properties collateralizing ~~mortgage~~ loans or mortgages incorporated in a securitization, an external third party authorized either by a creditor of a consumer credit transaction secured by real estate or by an underwriter of or other principal in the secondary mortgage markets that directly or indirectly performs appraisal management services;

33-39-203. Registration required.

(a) No person ~~or entity~~ shall engage in the business or act in the capacity of an appraisal management company regarding property located in this state without an active Wyoming registration ~~therefore, unless exempted from this article, any single act described within the definition of “appraisal management services” is sufficient to constitute “engaging in the business” within the meaning of this article.~~ Any person who engages in the business or acts in the capacity of an appraisal management company regarding property located in this state, ~~with or without a Wyoming appraisal management company registration,~~ has thereby submitted to the jurisdiction of the state of Wyoming and to the administrative jurisdiction of the board, and shall be subject to all penalties and remedies available under Wyoming law for any violation of this ~~article~~ chapter.

33-39-209. Owner requirements.

(a) No appraisal management company shall be eligible for registration in this state if the company, ~~has more than ten percent (10%) ownership in whole or in part, directly or indirectly, is owned by any person who has had a license or certificate to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of revocation in this state or in any other state unless the certificate or license has been reinstated~~ any jurisdiction for a substantive cause as determined by the board.

(b) Each person who owns more than ten percent (10%) of an appraisal management company performing appraisal management services regarding real estate located in this state shall:

(iii) Certify to the board that the person has never had a certificate or license to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of revocation in this state or in any other ~~state unless the certificate or license has been reinstated~~ jurisdiction.

33-39-211. Designated contact person; requirements.

(a) In order to serve as a contact person of an appraisal management company, a person shall:

(i) Certify to the board that the person has never had a certificate or a license issued by the board of this state, or the board of any other ~~state~~ jurisdiction, to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of revocation; ~~unless such certificate or license was subsequently granted or reinstated;~~

33-39-224. Disciplinary proceedings.

(a) The board shall upon a written sworn complaint or may upon its own motion investigate the actions of any appraisal management company and may impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate violation, censure the company, place the

company on probation and set the terms of the probation, deny, suspend or revoke any registration issued under this article for any of the following:

(i) Procuring, or attempting to procure, a registration pursuant to this ~~article~~ chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a registration or through any form of fraud or misrepresentation;

(iv) Violating any provision of this ~~article~~ chapter or rule or regulation of the board;

Section 2. W.S. 33-39-102(a)(xiii) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 19, 2019.

Chapter 64

ROADSIDE GEOLOGY

Original Senate File No. 136

AN ACT relating to the collection of geologic information from bedrock geologic formations exposed as a byproduct of highway construction; establishing a state policy concerning the treatment of and access to bedrock geologic formations exposed by highway construction; providing exceptions; providing authority to the Wyoming department of transportation; providing duties to the state geologist; and providing for an effective date.

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

Section 1. W.S. 9-2-803(c)(iv) and by creating a new paragraph (vi) and 24-1-118 are amended to read:

9-2-803. State geologist; appointment; term; removal; pecuniary interest in mineral property in state prohibited; duties; powers.

(c) The state geologist shall:

(iv) Keep in his office full and complete records of all work done by him or under his supervision, all of which shall be the property of the state; ~~and~~

(vi) Regarding roadside bedrock geological formations shall:

(A) Receive, investigate and attempt to resolve any complaints under W.S. 24-1-118(b)(iii);

(B) Report complaints to the joint minerals, business and economic development interim committee as provided in W.S. 24-1-118(b)(iii);

(C) Consult with the department of transportation as provided in W.S. 24-1-118(b)(iv) on the appropriateness of any signage identifying roadside bedrock geological formations.

24-1-118. Construction and maintenance to be performed at expense of state; geologic formations.

(a) Excepting as such work may be performed through mutual agreement with other entities, either public or private, the construction and maintenance of all state highways, including all bridges, and culverts thereon, shall be performed at the expense of the state and by and under the supervision of the commission and the director of the department of transportation or his authorized representative.

(b) When a new permanent highway cut is made that exposes a bedrock geological formation:

(i) It shall be the policy of the state to leave the bedrock geological formation exposed and not to cover it with soil and planted vegetation except when:

(A) There are safety requirements that require another treatment;

(B) The exposure occurs on private, tribal or federal land that will be private, tribal or federal land once the construction is completed and the landowner desires a different reclamation; or

(C) There are cost of construction or operational reasons to remove or cover the exposed formation.

(ii) After completion of highway construction, for any exposed bedrock geological formation site within the highway right-of-way, with exceptions for site specific safety needs, an individual wishing to understand the local geology for economic, educational or private curiosity reasons may examine the cut and the exposed formation and may remove any geologic samples as may be gathered by hand or collected using geological hammers or other hand held tools;

(iii) The department of transportation shall work with the state geologist to address and resolve any grievances raised under subsection (b) of this section;

(iv) For exposed bedrock geologic formations of interest to the public, the department of transportation may install appropriate signage, in compliance with applicable federal and state law, to identify the geological formation and may consult with the state geologist on the appropriateness of the signage.

Section 2. This act is effective November 1, 2019.

Approved February 19, 2019.

Chapter 65

MALT BEVERAGE AND CATERING PERMITS-FEES

Original Senate File No. 138

AN ACT relating to alcoholic beverages; decreasing the fee for malt beverage and catering permits; and providing for an effective date.

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

Section 1. W.S. 12-4-502(e) is amended to read:

12-4-502. Twenty-four hour malt beverage permit and catering permit; restrictions; application procedure; fees.

(e) The fee for the malt beverage permit and the catering permit shall be not less than ten dollars (\$10.00) nor more than ~~one hundred dollars (\$100.00)~~ fifty dollars (\$50.00) per twenty-four (24) hour period, payable to the appropriate licensing authority.

Section 2. This act is effective July 1, 2019.

Approved February 19, 2019.

Chapter 66

STATE PARKS-VENDOR CONTRACTS

Original Senate File No. 116

AN ACT relating to state parks and cultural resources; requiring uniform procedures, forms, contract provisions and other requirements between the department of state parks and cultural resources and vendors in state parks; requiring rulemaking; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 36-4-110 is amended to read:

36-4-110. Power to lease or rent concessions.

(a) The department, in consultation with the commission, is empowered to lease, enter into contracts and assess fees for concessions, cabin sites, boat clubs, and other services of all lawful kinds and nature on state outdoor recreation areas or facilities to persons, partnerships, and corporations for a valuable consideration upon ~~such~~ terms and conditions as the department deems fit and proper. Funds received by the department pursuant to this section shall be deposited and expended in accordance with W.S. 36-4-121(h).

(b) The department, with the advice of the commission, shall promulgate rules that shall apply to any for profit business concession with a five (5) year or greater contract or lease term to promote the uniform and effective administration of state outdoor recreation areas and facilities. Rules adopted under this subsection shall specify:

(i) Uniform procedures for bidding, entering into leases or contracts and assessing fees under this section, consistent with W.S. 9-2-1016(b)(iv), and making any forms available in electronic format on the department website;

(ii) Uniform guidelines for bonding and other obligations of service providers;

(iii) Uniform contract and lease guidelines, including ranges within which to negotiate contract or lease terms including the duration of contracts and leases; and

(iv) Any additional and prudent site-specific conditions and requirements.

Section 2. The department of state parks and cultural resources shall promulgate rules necessary to implement this act on or before December 31, 2019.

Section 3.

(a) This act and the rules required under this act shall apply to all new, renewed or renegotiated contracts or leases with for profit business concessions that have a five (5) year or greater contract or lease term provided that:

(i) Any existing contract or lease shall expire when its current term ends without renewal and any new or replacement contract or lease shall comply with this act and any rules required under this act;

(ii) For any existing contract or lease that expires between the effective date of this section and January 1, 2020, no new or replacement contract or lease shall be executed except that an interim contract or lease may be managed on a month to month basis subject to paragraph (iii) of this subsection;

(iii) Any expired contract or lease that is being managed on a month to month basis shall terminate on or before January 1, 2020 and any new or replacement contract or lease shall comply with this act and any rules required under this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective January 1, 2020.

(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 February 19, 2019.

Chapter 67**MUNICIPAL SOLID WASTE CEASE AND TRANSFER-APPROPRIATION****Original Senate File No. 121**

AN ACT relating to municipal solid waste facilities cease and transfer projects; providing an appropriation; and providing for an effective date.

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

Section 1. There is appropriated seven million dollars (\$7,000,000.00) from the general fund to the municipal solid waste cease and transfer grant account created in W.S. 35-11-529(a). This appropriation shall only be expended on the prioritized list of qualified projects authorized by the legislature pursuant to the municipal solid waste facilities cease and transfer program created by W.S. 35-11-528. This appropriation shall be reduced by the amount of all appropriations, if any, to the municipal solid waste cease and transfer grant account provided in 2019 House Bill 0001 as enacted into law.

Section 2. This act is effective March 31, 2019.

Approved February 19, 2019.

Chapter 68**FREESTANDING EMERGENCY CENTER LICENSING-TIME EXTENSION****Original Senate File No. 4**

AN ACT relating to public health and safety; extending the deadline for the licensure of freestanding emergency centers as specified; and providing for an effective date.

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

Section 1. W.S. 35-2-913(b) is amended to read:

35-2-913. Exceptions.

(b) On and before June 30, ~~2019~~2025, freestanding emergency centers operated by a hospital district or rural health care district shall not require licensure under this act provided a hospital transfer agreement is in place.

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 19, 2019.

Chapter 69

LANDOWNER AND LESSEE LIABILITY LIMITATIONS

Original Senate File No. 70

AN ACT relating to recreation liability; specifying that a landowner is not liable for damages or injuries to a third party caused by a person using the land for recreational purposes; specifying conditions under which a state lands lessee is not liable to users of improvements on those lands; and providing for an effective date.

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

Section 1. W.S. 34-19-103(a)(intro) and (iii), 34-19-107 and 36-5-117 are amended to read:

34-19-103. Limitations on landowner's liability.

(a) Except as specifically recognized by or provided in W.S. 34-19-105, an owner of land, including a lessee of state land, who either directly or indirectly invites or permits without charge any person to use the land for recreational purposes ~~or a lessee of state lands~~ does not thereby:

(iii) Assume responsibility for or incur liability for any damage or injury to person or property, including to a third party, whether or not on the property, caused by an act ~~of or~~ omission of the person using the land.

34-19-107. User liability for damages.

Any person using the land of another for recreational purposes, with or without permission, shall assume the inherent risk of using the land for recreational purposes and shall be liable for any damage or injury to property, livestock or crops which may be or to a third party, whether or not on the property, caused by the person while on the property.

36-5-117. Lessee's liability.

(a) A state lands lessee's liability to users of those lands is limited as specified in W.S. 34-19-101 through ~~34-19-106~~ 34-19-107. A state lands lessee's liability to users of improvements upon those lands is limited to the same extent, provided that:

(i) The improvement is properly authorized under W.S. 36-5-110 or has otherwise been authorized by the board of land commissioners; and

(ii) The lessee did not charge the user to use the improvement.

Section 2. This act is effective July 1, 2019.

Approved February 19, 2019.

Chapter 70**WAGE GARNISHMENT****Original House Bill No. 89**

AN ACT relating to civil procedure and trade and commerce; amending garnishment provisions to extend protections for exempt funds; specifying applicability; providing definitions; and providing for an effective date.

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

Section 1. W.S. 1-15-102(a) by creating a new paragraph (xiv), 1-15-408(a) and 40-14-505 by creating new subsections (d) and (e) are amended to read:

1-15-102. Definitions.

(a) As used in this chapter unless otherwise defined:

(xiv) “Financial institution” means as defined in W.S. 13-1-401(a)(ii).

1-15-408. Garnishment of earnings for personal services.

(a) A writ of post judgment garnishment attaching earnings for personal services shall attach that portion of the defendant’s accrued and unpaid disposable earnings, specified in subsection (b) of this section. The writ shall direct the garnishee to withhold from the defendant’s accrued disposable earnings the amount attached pursuant to the writ and to pay the exempted amount to the defendant at the time his earnings are normally paid. A defendant’s disposable earnings shall remain exempt to the extent provided in subsection (b) of this section if the earnings were deposited in the defendant’s account with a financial institution within twenty (20) calendar days prior to service of a writ of garnishment against the defendant’s account with the financial institution, on the day of service of the writ or within ten (10) business days after service of the writ. This subsection does not create any obligation on the part of a financial institution to conduct an investigation of the defendant’s account or otherwise make any determination about a judgment creditor’s rights to funds in the account other than the financial institution’s obligation to file with the court and serve on the defendant an answer to the writ of garnishment. A judgment creditor may request that the court issue writs of garnishment to a defendant’s employer and the defendant’s financial institution at the same time; provided, however, that should the judgment creditor successfully garnish earnings as shown on a defendant’s pay advice, then the remaining proceeds from such pay advice deposited into an account with a financial institution shall be entirely exempt from execution, notwithstanding subsection (b) of this section. Earnings for personal services shall be deemed to accrue on the last day of the period in which they were earned or to which they relate. If the writ is served before or on the date the defendant’s earnings accrue and before the same have been paid to the defendant, the writ shall be deemed to have been served at the time the periodic earnings accrue. If more than one (1) writ is

served, the writ first served shall have priority. Notwithstanding any other provision of this subsection, an income withholding order for child support obtained pursuant to W.S. 20-6-201 through 20-6-222 shall have priority over any other garnishment.

40-14-505. Limitation on garnishment.

(d) An individual's disposable earnings shall remain exempt to the extent provided in subsection (b) of this section if the earnings were deposited in the individual's account with a financial institution within twenty (20) calendar days prior to service of a writ of garnishment against the individual's account with the financial institution, on the day of service of the writ or within ten (10) business days after service of the writ. This subsection does not create any obligation on the part of a financial institution to conduct an investigation of the individual's account or otherwise make any determination about a judgment creditor's rights to funds in the account other than the financial institution's obligation to file with the court and serve on the individual an answer to the writ of garnishment. A judgment creditor may request that the court issue writs of garnishment to an individual's employer and the individual's financial institution at the same time; provided, however, that should the judgment creditor successfully garnish earnings as shown on an individual's pay advice, then the remaining proceeds from such pay advice deposited into an account with a financial institution shall be entirely exempt from execution, notwithstanding subsection (b) of this section.

(e) As used in this section, "financial institution" means as defined in W.S. 13-1-401(a)(ii).

Section 2. This act shall apply only to writs of garnishment issued on or after the effective date of this act.

Section 3. This act is effective July 1, 2019.

Approved February 19, 2019.

Chapter 71

ENVIRONMENTAL QUALITY COUNCIL-AMENDMENTS

Original House Bill No. 32

AN ACT relating to environmental quality; amending staffing requirements, duties and procedures for the environmental quality council; amending the duties of the director of the department of administration and information and the director of the department of environmental quality related to the environmental quality council; amending duties of the department of environmental quality's advisory boards; and providing for an effective date.

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

Section 1. W.S. 9-2-1003 by creating a new subsection (f), 35-11-111(d),

35-11-112(a)(ii), (d) and (e) and 35-11-114(b) are amended to read:

9-2-1003. Director and division administrators; appointment; removal; powers of director.

(f) The director shall administer through his office or through a division of the department the duties required under W.S. 35-11-112(d).

35-11-111. Independent environmental quality council created; removal; terms; officers; meetings; expenses.

(d) The council shall hold at least four (4) regularly scheduled meetings each year. Special meetings may be called by the chairman, and special meetings shall be called by the chairman, upon a written request submitted by the director or three (3) or more members. Four (4) members shall constitute a quorum. All matters shall be decided by a majority vote of those on the council.

35-11-112. Powers and duties of the environmental quality council.

(a) The council shall act as the hearing examiner for the department and shall hear and determine all cases or issues arising under the laws, rules, regulations, standards or orders issued or administered by the department or its air quality, land quality, solid and hazardous waste management or water quality divisions. At the council's request the office of administrative hearings may provide a hearing officer for any rulemaking or contested case hearing before the council, and the hearing officer may provide recommendations on procedural matters when requested by the council. Notwithstanding any other provision of this act, including this section, the council shall have no authority to promulgate rules or to hear or determine any case or issue arising under the laws, rules, regulations, standards or orders issued or administered by the industrial siting or abandoned mine land divisions of the department. The council shall:

(ii) Conduct hearings as required by the Wyoming Administrative Procedure Act for the adoption, amendment or repeal of rules, regulations; or standards or orders when recommended by the director after the director consults with the advisory boards through and the administrators, and the director. The council shall approve all rules, regulations; and standards or orders of the department before they become final;

~~(d) The director and his staff shall provide the council with~~ council may employ an executive officer and staff who shall serve at the pleasure of the council. The executive officer and other staff members shall perform duties as the council may assign, including preparing meeting facilities; and completing administrative, secretarial or clerical assistance, supplies and such other assistance as the council may require in the performance of its duties and other functions. The department of administration and information shall provide suitable office space for the executive officer and other staff members and shall ensure that any employment authorized under this subsection complies with title 9, chapter 2, article 10 of the Wyoming statutes. The council may negotiate

and enter into appropriate memoranda of understanding with the department of administration and information to facilitate administrative support, accounting functions and staffing needs required under this subsection.

(e) ~~Upon request, The attorney general shall provide such legal assistance as the council may require in the conduct of its hearings, writing of its decisions or the enforcement of its orders. The council may employ independent legal assistance as necessary to the proper performance of its duties.~~

35-11-114. Powers and duties of the advisory boards.

(b) The advisory board shall ~~recommend to the council through~~ consult with and advise the administrator and director on the adoption of rules, regulations and standards to implement and carry out the provisions and purposes of this act which relate to their divisions, and variances therefrom.

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 19, 2019.

Chapter 72

RETAIL PURCHASES OF ALCOHOLIC LIQUORS FOR RESALE

Original Senate File No. 113

AN ACT relating to the sale of alcoholic liquors; authorizing purchases from retail liquor licensees for resale as specified; and providing for an effective date.

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

Section 1. W.S. 12-2-301(a) and 12-4-201(a) and by creating a new subsection (j) are amended to read:

12-2-301. Generally.

(a) The division is the exclusive wholesale distributor and seller of alcoholic liquor within Wyoming. It is granted the sole right to sell alcoholic liquors at wholesale, and no licensee or permittee who is granted the right to sell, distribute or receive alcoholic liquors at retail shall purchase any alcoholic liquors from any source other than the division, unless as authorized pursuant to W.S. 12-4-201(j) or as otherwise expressly authorized by state law. Any out-of-state shipment of alcoholic liquor or malt beverage into this state is prohibited unless otherwise expressly authorized by state law.

12-4-201. Retail liquor licenses and malt beverage permits; population formulas; fees.

(a) A retail liquor license is the authority under which a licensee is permitted

to sell alcoholic liquor or malt beverages for use or consumption but not for resale, except as otherwise provided for by this section.

(j) Licensees authorized to sell alcoholic liquors at retail may purchase for resale not more than nine (9) liters of alcoholic liquors per week from a retail licensee authorized pursuant to this section. Purchases of alcoholic liquors authorized pursuant to this subsection shall be conducted in accordance with the following:

(i) The seller shall record on a form furnished by the division all of the following:

(A) The name and signature of the licensee making the purchase;

(B) The date and time of the purchase;

(C) The purchaser's Wyoming state tax resale number.

(ii) The form collected pursuant to paragraph (i) of this subsection shall be provided to the Wyoming state liquor division within thirty (30) days of the sale and shall be maintained by the seller of the alcoholic liquor for not less than one (1) year after the date of the sale. The form shall be available upon request for the division to inspect.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 73

FELONY FLEEING OR ELUDING POLICE

Original Senate File No. 127

AN ACT relating to regulation of traffic on highways; amending provisions relating to fleeing or attempting to elude police officers; providing a penalty; and providing for an effective date.

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

Section 1. W.S. 31-5-225(b) and by creating new subsections (c) and (d) is amended to read:

31-5-225. Fleeing or attempting to elude police officers; penalty.

(b) Except as provided in subsection (d) of this section, every person convicted of fleeing or attempting to elude a police officer shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than six (6) months, or both.

(c) A driver commits aggravated fleeing or attempting to elude a police officer if:

(i) The driver has previously been convicted of fleeing or eluding a police

officer under either subsection (a) of this section or this subsection; or

(ii) In the course of committing a violation under subsection (a) of this section the driver:

(A) Attempts to cause or intentionally or knowingly causes bodily injury to any other person; or

(B) Causes property damage to the property of any other person in an amount exceeding ten thousand dollars (\$10,000.00).

(d) Every person convicted of aggravated fleeing or attempting to elude a police officer shall be guilty of a felony and shall be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or both.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 74

PASSING STOPPED SCHOOL BUS-RECORDED IMAGES

Original Senate File No. 80

AN ACT relating to motor vehicles; providing for enforcement of violations related to passing a stopped school bus; clarifying access to and the use of recordings from video systems installed on a school bus; providing a fine for vehicles passing a stopped school bus; providing defenses; and providing for an effective date.

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

Section 1. W.S. 21-3-131(b)(x) and 31-5-507 by creating new subsection (e) are amended to read:

21-3-131. School bus standards; operators; vehicle operation; liability limited.

(b) Each district shall establish and maintain minimum standards for the operation of school buses, including:

(x) Effective school year 2016-2017, and each school year thereafter, all school buses transporting students to and from school and to and from student activities, as defined under W.S. 21-13-320(b)(i) and (ii), shall be equipped with an external video system and may be equipped with an internal video system. Equipment specifications shall be prescribed by rule and regulation of the department. Recordings or images from a video system installed under this paragraph shall not be a public record under the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205. Recordings or images may be entered into evidence for a violation of W.S. 31-5-507(a) as provided in W.S. 31-5-507(e) and may be discoverable for other criminal actions. Recordings or images

made from a video system under this paragraph shall be destroyed within one (1) year of the date the recording was made.

31-5-507. Meeting or passing stopped school bus; markings and visual signals.

(e) A recording of images produced by a video system equipped on a school bus under W.S. 21-3-131(b)(x) shall be prima facie evidence of the facts contained in it. A recorded image evidencing a violation of subsection (a) of this section shall be admissible in a judicial or administrative proceeding to adjudicate liability for the violation. If the identity of the driver of a vehicle that violates subsection (a) of this section is unknown, the registered owner of the vehicle recorded by a video system as provided in this subsection shall be fined one hundred ninety-five dollars (\$195.00) provided that:

(i) A fine issued to a registered owner of a vehicle under this subsection shall not be considered a moving violation for the purpose of suspending a driver's license under W.S. 31-7-129 and shall not be considered a conviction under W.S. 31-5-1201 or as a prior conviction for any other purpose; and

(ii) It shall be a defense to enforcement of a fine issued under this subsection that the registered owner of the vehicle:

(A) Did not provide express or implied consent to the person who was operating the vehicle at the time of the violation; or

(B) Transferred ownership of the vehicle to a new owner prior to the observed violation.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 75

2019 LARGE PROJECT FUNDING

Original Senate File No. 77

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 2019; specifying conservation easements shall include the state of Wyoming as a third party beneficiary; authorizing distributions from the Wyoming wildlife and natural resource trust income account for approved large projects; providing for reversion of funds; repealing statutes authorizing large projects that are completed; 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) "Board" means the Wyoming wildlife and natural resource trust

account board created by W.S. 9-15-104;

(ii) "Income account" means the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b).

(b) Pursuant to the authority granted under W.S. 9-15-104(k) and subject to each recipient's certification under W.S. 9-15-103(r), authorization is granted for funding of the large projects provided for in subsections (c) through (m) of this section.

(c) Double Bar E Conservation Easement:

(i) Project sponsor: Jackson Hole Land Trust;

(ii) Project purpose: Removal of residential development rights of approximately five hundred (500) acres in Sublette county in order to:

(A) Maintain key seasonal habitats for mule deer, elk, antelope and greater sage grouse;

(B) Maintain primary migration corridors for native ungulates;

(C) Maintain core population areas for greater sage grouse and other sagebrush obligate species;

(D) Conserve valuable riparian, wetland, grassland and intermediate shrubland ecotypes;

(E) Maintain agricultural production and opportunity on high quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: One million eighty thousand dollars (\$1,080,000.00);

(v) Project grant: The board is authorized to grant two hundred sixty thousand dollars (\$260,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred sixty thousand dollars (\$260,000.00) or as much thereof as is necessary to carry out the purposes of this subsection;

(vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).

(d) Big Fork Canal:

(i) Project sponsor: Wyoming Game and Fish Commission;

(ii) Project purpose: River restoration and replacement of headgate structure on the Shoshone river near Lovell to eliminate debris dams and assure delivery of water to the Yellowtail habitat area and adjacent irrigators

on approximately one thousand (1,000) acres in Big Horn county in order to:

(A) Maintain wetland habitats for mule deer, white-tailed deer, turkey, pheasants, waterfowl and other species;

(B) Maintain and enhance recreational opportunities for hunters and fishermen on a highly used area in northern Wyoming;

(C) Reduce the threat of infrastructure failure and catastrophic flooding;

(D) Restore natural stream function on a major waterway.

(iii) Project description: River restoration;

(iv) Total project budget: Eight hundred fourteen thousand four hundred forty-five dollars (\$814,445.00);

(v) Project grant: The board is authorized to grant three hundred twenty-five thousand dollars (\$325,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred twenty-five thousand dollars (\$325,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(e) Richie Ranch Conservation Easement II:

(i) Project sponsor: Wyoming Stock Growers Land Trust;

(ii) Project purpose: Removal of residential development rights of approximately one thousand three hundred thirty (1,330) acres in Sublette county in order to:

(A) Maintain key seasonal habitats for mule deer, elk, antelope and greater sage grouse;

(B) Maintain primary migration corridors for native ungulates;

(C) Maintain core population areas for greater sage grouse and other sagebrush obligate species;

(D) Conserve valuable riparian, wetland, grassland and intermediate shrubland ecotypes;

(E) Maintain agricultural production and opportunity on high quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million one hundred thirty-six thousand two hundred dollars (\$2,136,200.00);

(v) Project grant: The board is authorized to grant three hundred fifteen thousand dollars (\$315,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred fifteen thousand dollars (\$315,000.00) or as much thereof as is necessary to carry out the purposes of this subsection;

(vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).

(f) Richie Ranch Conservation Easement III:

(i) Project sponsor: Wyoming Stock Growers Land Trust;

(ii) Project purpose: Removal of residential development rights of approximately two thousand six hundred eighty (2,680) acres in Sublette county in order to:

(A) Maintain key seasonal habitats for mule deer, elk, moose, native fish and greater sage grouse;

(B) Maintain primary migration corridors for native ungulates;

(C) Conserve valuable grassland, riparian and mountain shrubland ecotypes;

(D) Maintain agricultural production and opportunity on high quality farm and ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: Three million one hundred seventy-eight thousand one hundred forty dollars (\$3,178,140.00);

(v) Project grant: The board is authorized to grant three hundred eighty-eight thousand dollars (\$388,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred eighty-eight thousand dollars (\$388,000.00) or as much thereof as is necessary to carry out the purposes of this subsection;

(vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).

(g) Encampment River WYCO Dam:

(i) Project sponsor: Trout Unlimited;

(ii) Project purpose: Restoration of dam infrastructure and construction of a fish passage channel on the Encampment river in Carbon county in order to:

(A) Maintain migration and fish passage;

(B) Restore irrigation infrastructure to maintain a major water delivery

system in the Saratoga valley.

(iii) Project description: River restoration;

(iv) Total project budget: One million two hundred forty-three thousand dollars (\$1,243,000.00);

(v) Project grant: The board is authorized to grant two hundred twenty thousand dollars (\$220,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board two hundred twenty thousand dollars (\$220,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.

(h) Dunham Ranch Conservation Easement:

(i) Project sponsor: Wyoming Stock Growers Land Trust;

(ii) Project purpose: Removal of residential development rights of approximately two thousand (2,000) acres in Sublette county in order to:

(A) Maintain key seasonal habitats for mule deer, elk, moose, native fish and greater sage grouse;

(B) Maintain primary migration corridors for native ungulates;

(C) Conserve valuable grassland, riparian and shrubland ecotypes;

(D) Maintain agricultural production and opportunity on high quality farm and ranch lands;

(E) Maintain fisheries on four (4) miles of Cottonwood creek.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million seven hundred eighty thousand dollars (\$2,780,000.00);

(v) Project grant: The board is authorized to grant three hundred thirty-eight thousand dollars (\$338,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thirty-eight thousand dollars (\$338,000.00) or as much thereof as is necessary to carry out the purposes of this subsection;

(vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).

(j) Lower Swift Creek:

(i) Project sponsor: Trout Unlimited;

(ii) Project purpose: Restoration of stream channel and adjacent wetland habitats on Swift creek in Lincoln county in order to:

- (A) Maintain migration and fish passage for native cutthroat trout;
 - (B) Improve irrigation infrastructure to reduce erosion and loss of valuable farm and ranch lands;
 - (C) Reduce impacts to the Salt river fishery.
- (iii) Project description: River restoration;
 - (iv) Total project budget: One million two hundred eighty-four thousand nine hundred twenty-seven dollars (\$1,284,927.00);
 - (v) Project grant: The board is authorized to grant two hundred thousand dollars (\$200,000.00) to the sponsor for the purposes specified in this subsection;
 - (vi) Appropriation: There is appropriated from the income account to the board two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.
- (k) Sublette Cheatgrass:
 - (i) Project sponsor: Sublette County Weed and Pest District;
 - (ii) Project purpose: Chemical, mechanical and other treatments of noxious weeds and grasses of the genus Bromus on approximately one hundred eighty thousand (180,000) acres in Sublette county in order to:
 - (A) Improve habitats for native wildlife species;
 - (B) Reduce and eliminate the potential for catastrophic wildfire;
 - (C) Improve habitats for greater sage grouse in core population areas;
 - (D) Enhance rangelands for livestock use.
 - (iii) Project description: Invasive species elimination;
 - (iv) Total project budget: Two million four hundred sixty-five thousand five hundred ninety-five dollars (\$2,465,595.00);
 - (v) Project grant: The board is authorized to grant three hundred thousand dollars (\$300,000.00) to the sponsor for the purposes specified in this subsection;
 - (vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purposes of this subsection.
 - (m) Gun Barrel Flats Conservation Easement:
 - (i) Project sponsor: Jackson Hole Land Trust;
 - (ii) Project purpose: Removal of residential development rights of approximately one hundred (100) acres in Teton county in order to:
 - (A) Maintain key seasonal habitats for moose, elk, mule deer and other

wetland species;

(B) Maintain primary migration corridors for native ungulates between the Absaroka and Teton ranges;

(C) Maintain aquatic resources and fisheries on the Buffalo Fork drainage;

(D) Conserve valuable riparian, wetland, grassland and intermediate shrubland ecotypes;

(E) Maintain agricultural production and economic opportunity on historic ranch lands.

(iii) Project description: Conservation easement;

(iv) Total project budget: Two million eight hundred thirty-one thousand five hundred forty dollars (\$2,831,540.00);

(v) Project grant: The board is authorized to grant three hundred thousand dollars (\$300,000.00) to the sponsor for the purposes specified in this subsection;

(vi) Appropriation: There is appropriated from the income account to the board three hundred thousand dollars (\$300,000.00) or as much thereof as is necessary to carry out the purposes of this subsection;

(vii) The conservation easement funded in part under this subsection shall provide that the state of Wyoming is a third party beneficiary to the easement as required by W.S. 9-15-103(n).

(n) Unexpended and unobligated funds appropriated under this section shall revert to the income account on June 30, 2022.

Section 2. W.S. 9-15-201, 9-15-301 through 9-15-311, 9-15-401 through 9-15-410, 9-15-501 through 9-15-508, 9-15-601 through 9-15-614, 9-15-701 through 9-15-712, 9-15-801 through 9-15-817, 9-15-901 through 9-15-905, 9-15-909, 9-15-1001, 9-15-1003 and 9-15-1004 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 26, 2019.

Chapter 76

SEXUAL ASSAULT BIOLOGICAL EVIDENCE REPORTING

Original Senate File No. 72

AN ACT relating to criminal history records; requiring statistical reports relating to sexual assault biological evidence and the status of laboratory analysis; providing for publication; amending payment obligations

for examination costs; prohibiting the destruction of evidence as specified; providing definition; making conforming amendments; and providing for effective dates.

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

Section 1. W.S. 7-19-407 is created to read:

7-19-407. Sexual assault biological evidence reports.

(a) Beginning January 1, 2020, each criminal justice agency shall report to the division all investigations in which sexual assault biological evidence is gathered. The report shall include the type of crime involved, whether the evidence was submitted to a laboratory for analysis, the name of the lab, whether lab analysis has been completed, and if not submitted, the reasons for nonsubmission and any other information required by the division. Reports shall not include the names of any of the persons involved in an incident or any information which would serve to identify any individual person.

(b) At least annually, the division shall compile a statistical report that shall include the information received pursuant to subsection (a) of this section. Copies of the statistical report shall be published in the “Uniform Crime Reporting, Crime in Wyoming” publication and shall be made available to the public upon request.

Section 2. W.S. 6-2-309(g)(intro) and by creating a new subsection (n) and 7-19-401(a) by creating a new paragraph (xii) and by amending and renumbering (xii) as (xiii) are amended to read:

6-2-309. Medical examination of victim; costs; use of report; minors; rights of victims; reimbursement.

(g) Except as provided by subsection (j) of this section, the costs of any examination relating to the investigation or prosecution of a sexual assault shall be billed to and paid by the victim services division of the office of the attorney general contingent upon available funding. The victim services division shall promulgate any rules necessary to effectuate payments required under this subsection. If victim services division funds are no longer available to meet the purposes of this subsection, the cost of any examination relating to the investigation or prosecution of sexual assault shall be billed to and paid by the investigating law enforcement agency. These examination costs shall include the following:

(n) No evidence collected under subsection (a) of this section shall be destroyed until all applicable statutes of limitation have expired or a court orders the destruction.

7-19-401. Definitions.

(a) For purposes of this act:

(xii) “Sexual assault biological evidence” includes DNA samples and evidence gathered during an examination conducted under W.S. 6-2-309;

(xii)(xiii) “This act” means W.S. 7-19-401 through ~~7-19-406~~7-19-407.

Section 3. On or before September 1, 2019, the division shall prescribe a form for the report required by W.S. 7-19-407(a) and promulgate any rules necessary to effectuate the reporting required by this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(b) Sections 3 and 4 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 February 26, 2019.

Chapter 77

PROTECTION OF CHILDREN-CHILD ENDANGERMENT AMENDMENTS

Original Senate File No. 60

AN ACT relating to the protection of children; amending when a child may be taken into protective custody as specified; and providing for an effective date.

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

Section 1. W.S. 14-3-206 by creating a new subsection (d) and 14-3-405(a) are amended to read:

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

(d) Any physician, physician’s assistant or nurse practitioner examining a child and finding reasonable cause to believe the child is a victim of child abuse or neglect and having reasonable cause to believe that other children residing in the same home may also be a victim of child abuse or neglect shall report to law enforcement the results of the examination and facts supporting reasonable cause with respect to the other child or children. Law enforcement may then bring any other child residing in the same home to a physician, physician’s assistant or nurse practitioner for examination. The examination shall take place within twenty-four (24) hours. Any physician, physician’s assistant, nurse practitioner or law enforcement officer denied access to a child for the purposes of examination under this subsection may seek an appropriate court order by ex parte proceedings or other appropriate proceedings to provide for the examination. After receiving the timely results of the examination, the examining physician, physician’s assistant, nurse practitioner or law enforcement officer shall consider whether temporary protective custody is

necessary under W.S. 14-3-405.

14-3-405. Taking of child into custody; when permitted.

(a) A child, or any other child residing in the same household, may be taken into custody by a law enforcement officer without a warrant or court order and without the consent of the parents, guardians or others exercising temporary or permanent control over the child when:

(i) There are reasonable grounds to believe a child is abandoned, lost, suffering from illness or injury or seriously endangered by ~~his~~the child's surroundings and immediate custody appears to be necessary for his protection;
or

(ii) The child's conduct or behavior seriously endangers himself and immediate custody appears necessary;
or

(iii) The child is as evidenced by an examination being abused or neglected by a parent, guardian or legal custodian, a member of the parent's, guardian's or legal custodian's household or any other person known to the parent, guardian or legal custodian.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 78

REPEAL-HOSPITAL RECORDS AND INFORMATION STATUTES

Original Senate File No. 96

AN ACT relating to public health and safety; repealing provisions related to hospital record confidentiality and disclosure; recreating provisions related to medical staff committees as specified; amending references to repealed sections; and providing for an effective date.

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

Section 1. W.S. 35-2-618 is created to read:

35-2-618. Medical staff committees; record confidentiality.

(a) All reports, findings, proceedings and data of medical staff committees shall be confidential and privileged. No claim or action shall accrue against any hospital, medical staff member or any employee of either arising out of the denial of staff privileges to any applicant or out of the suspension of, expulsion of or any other restrictive or disciplinary action against any medical staff member or hospital employee unless the action is arbitrary, capricious and without foundation in fact.

(b) For the purpose of subsection (a) of this section, "medical staff committee" means any committee within a hospital, consisting of medical staff members

or hospital personnel, which is engaged in supervision, discipline, admission, privileges or control of members of the hospital's medical staff, evaluation and review of medical care, utilization of the hospital facilities or professional training.

Section 2. W.S. 7-13-1607(c), 7-13-1610, 9-2-125(a), 9-2-1035(a)(v)(A), 25-5-131(b)(vi) and 26-34-108(c) are amended to read:

7-13-1607. Participation in court supervised treatment program; conditions; extended probation.

(c) Participation in a program shall only be with the consent of the referring judge, the participant and the prosecuting attorney, and acceptance of the participant by the program team in accordance with a written agreement between the participant and the program team. The agreement shall include the participant's consent to release of medical and other records relevant to his treatment history and assessment that meets the requirements of 42 U.S.C. 290dd-2(b); or 42 C.F.R. part 2.31, or W.S. 35-2-607(c), as applicable. Prior to a participant's entry into a written agreement, the participating judge shall inform the participant that he may be subject to a term of probation that exceeds the maximum term of imprisonment established for the particular offense charged, as provided in W.S. 5-9-134 and 7-13-1614.

7-13-1610. Confidentiality of treatment records.

Program staff shall be provided with access to all records of any state or local government relevant to the participant's treatment. The records and reports shall be maintained in a confidential file not available to the public and the contents thereof shall not be disclosed to any person outside the program without a court order. Program staff shall comply with the confidentiality rules contained in 42 U.S.C. 290dd-2; or 42 C.F.R. part 2, and W.S. 35-2-606; as applicable.

9-2-125. Client treatment records; confidentiality; limited disclosure permitted; definitions.

(a) Client registration records and treatment records relating to persons receiving mental health or substance abuse treatment at a treatment facility under contract with the department shall remain confidential, except as provided in this section, W.S. 7-4-201(f), 28-8-107, 28-8-108; and 28-8-111, and 35-2-605 through 35-2-617.

9-2-1035. Definitions.

(a) As used in this act:

(v) "Public financial information" means official public records as defined in W.S. 16-4-201(a)(vi)(A) that are required to be made available on the Wyoming public finance and expenditure of funds website as required by this act, but shall not include any information:

(A) Provided pursuant to W.S. 26-34-129, 26-34-130, 28-8-108, 35-2-605 through 35-2-617, 35-2-910 or 35-17-105;

25-5-131. Confidentiality of records; exceptions; penalties for violations.

(b) The administrator may provide access to the records of a client, former client or proposed client by:

(vi) A person as required by law, including the ~~Wyoming Hospital Records and Information Act~~, the Health Insurance Portability and Accountability Act and the Medicaid program.

26-34-108. Quality assurance program.

(c) The organization shall record proceedings of formal quality assurance program activities and maintain documentation in a confidential manner. Quality assurance program minutes shall be available to the administrator. Contents of the minutes shall be confidential to the extent confidentiality is provided under the provisions of W.S. 16-4-203(d)(i) and (vii), 26-34-129, 26-34-130, 35-2-605 through 35-2-617, 35-2-910 or 35-17-105.

Section 3. W.S. 35-2-605 through 35-2-617 are repealed.

Section 4. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 79

WYOMING UNDERGROUND FACILITIES NOTIFICATION ACT- AMENDMENTS

Original House Bill No. 152

AN ACT relating to underground public utility facilities; modifying requirements for architectural and engineering plans that call for excavation; requiring premarking of an area or path of excavation as specified; requiring emergency services for contact with or damage to underground facilities as specified; providing exemptions from notice requirements as specified; modifying penalties; providing for definitions; requiring reports; and providing for an effective date.

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

Section 1. W.S. 37-12-307 is created to read:

37-12-307. Architectural or engineering design drawings notice.

(a) Any person preparing or designing architectural or engineering design drawings that call for excavation shall make reasonable efforts to determine at no expense to the operator the nature, location, and depth if known, of underground facilities. If the location of an operator's underground facilities within the proposed excavation area are restricted as classified by the federal or state government, a contacted operator shall disclose to the person the potential presence of the underground facilities in the proposed excavation

area and any known disclosable information about the nature and location of the underground facilities, as well as the contact information, if known, of the federal or state government official who may be able to provide further information. Any person preparing or designing architectural or engineering design drawings that call for excavation shall make the information and location under this subsection a part of the plan by which the excavators operate.

(b) Any person preparing or designing architectural or engineering design drawings that call for excavation for a government entity in a public right-of-way with a project cost greater than seven hundred fifty thousand dollars (\$750,000.00) may schedule one (1) or more predesign meetings. The person shall notify the notification center at least thirty (30) calendar days before the first predesign meeting and provide the person's contact information, the name of the government entity, the scheduled predesign meeting dates, the location of the proposed excavation area and the project's scope of work. The notification center shall provide this information to operators with underground facilities in the proposed excavation area. Any operator or the operator's agent receiving notice pursuant to this subsection shall do any one (1) of the following:

(i) Attend the predesign meeting and provide information on the location of the operator's underground facilities within the proposed excavation area;

(ii) Notify the person that the operator has already or will, within fourteen (14) business days of receipt of the notice, mark the location of the operator's underground facilities within the proposed excavation area in accordance with the standards set forth in W.S. 37-12-302(d);

(iii) Contact the person for conceptual drawings and then mark the location of the operator's underground facilities on the drawings. The operator shall return the marked drawings to the person within thirty (30) calendar days of receipt of the drawings.

Section 2. W.S. 37-12-301(b) by creating new paragraphs (xii) through (xiv) and by amending and renumbering (xii) as (xv), 37-12-302(b), (c)(intro), (g), (h) and by creating a new subsection (m), 37-12-304(b) by creating new paragraphs (x) and (xi), 37-12-305 by creating a new subsection (h) and 37-12-306(g)(i), (iii)(intro) and (iv), (h)(i) through (iii) and (iv)(intro) and by creating a new subsection (j) are amended to read:

37-12-301. Short title; definitions.

(b) As used in this act:

(xii) "Government entity" means any agency, department, board, commission, authority, institution or instrumentality of the state and any county, municipality or other political subdivision of the state;

(xiii) "Public right-of-way" means any public street, road, highway or sidewalk;

(xiv) “Soft digging” means any excavation using tools or equipment that utilize air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation;

(xii)(xv) “This act” means W.S. 37-12-301 through 37-12-306-37-12-307.

37-12-302. Notice of excavation by excavator; information to be supplied upon notice; exceptions; penalty.

(b) Any person ~~requiring preparing~~ or designing architectural or engineering ~~design~~ drawings that call for excavation shall ~~obtain information from operators;~~ as to the nature, location, and depth if known, of underground facilities. If the information is not available, the person requiring or designing architectural or engineering drawings that call for excavation shall determine at their expense the nature and location of the underground facilities. ~~The person requiring or designing architectural or engineering drawings that call for excavation shall make the information and location a part of the plan by which the excavators operate~~ comply with W.S. 37-12-307.

(c) Except as hereafter provided, no excavator shall make or begin excavation without first notifying the notification center of the proposed excavation. Notice shall be given by telephone, e-mail, fax or other electronic medium approved by the notification center at least two (2) full business days, but not more than fourteen (14) business days prior to any excavation to the notification center pursuant to W.S. 37-12-304. ~~Unless the location marks are still visible, If an excavation on a single project lasts more than fourteen (14) business days, the excavator shall give notice at least once each succeeding fourteen (14) business day period. Notice to the notification center is notice to each member thereof in the area. Notification of the following information to the notification center shall be required and shall include the following:~~

(g) Compliance with this section does not excuse an excavator from exercising reasonable care in complying with this act nor does compliance with this section excuse an excavator from liability for damage or injury for failure to so act. When excavating, reasonable care shall require hand digging or soft digging, as necessary, to protect the underground facility.

(h) When any contact with or damage to any underground facility occurs, the excavator shall first immediately call a 911 emergency reporting system as defined by W.S. 16-9-102(a)(iv) and request emergency services if the contacted or damaged underground facility releases gas or a hazardous liquid. In all cases the excavator shall immediately notify the operator of the facility and the notification center, of the location of and extent of damage to the underground facility and shall cooperate with the operator of the damaged underground facility to mitigate the damages incurred to the extent reasonably possible, including the provision of in-kind work where technical or special skills are not required according to the nature of the underground facility. An excavator shall

not conceal or attempt to conceal any dislocation, disturbance or damage to an underground facility and shall not repair or attempt to repair the underground facility unless authorized by the operator of the underground facility. Upon notification of damage to an underground facility from an excavator, the operator of the underground facility shall respond to the notification in a manner reasonably appropriate to the circumstances. The operator shall file a report with the notification center describing the response within seventy-two (72) hours of the initial notification. This requirement of notification shall not relieve the excavator and the operator from compliance with any other state or federal notification obligation. In any dispute concerning the liability for damages to any underground facility, the excavator shall bear the burden of proof concerning its use of reasonable care in conducting the excavation.

(m) Unless an exception in this subsection is applicable, an excavator shall mark the location of the area or path of excavation before the arrival of an operator or agent of an operator to locate their underground facility. The obligations of an operator specified by W.S. 37-12-302(d) shall not apply until an excavator has complied with the requirements of this subsection. Markings may include stakes, flags, marking whiskers, white paint, signage, electronic white lining on digital mapping or any other identifiable marking that clearly marks the location of the area or path of excavation, provided that any marking used cannot be confused with the accepted American National Standards Institute Standard Z535.1 safety color code. An excavator need not premark the location as required by this section if any of the following apply:

(i) There is only one (1) operator with underground facilities in the proposed excavation area and the operator or the operator's agent can determine the location of the area or path of excavation by street address, lot number, global positioning system, latitude and longitude coordinates, mapping or other method agreed to by the excavator and operator;

(ii) The excavator and operator had a meeting at the proposed excavation area before beginning the proposed excavation and exchanged the information on the location of the area or path of excavation as specified in paragraph (i) of this subsection;

(iii) The proposed excavation is of an emergency nature;

(iv) A different method of locating or defining the area or path of excavation has been agreed to by the excavator and all operators within the proposed excavation area.

37-12-304. Notification centers; formation; duties.

(b) The notification center shall:

(x) Upon request, provide to any person preparing or designing architectural or engineering design drawings that call for excavation the names and contact information of operators of underground facilities within the

proposed excavation area;

(xi) Provide a monthly report to the Wyoming attorney general on recent complaints alleging noncompliance with this act, including the contact information of any person or entity alleged to be in noncompliance with this act.

37-12-305. Exemptions.

(h) The following routine maintenance activities in a government entity's public right-of-way are exempt from the provisions of this act:

(i) Snowplowing;

(ii) Adding of granular material to unpaved roads and road shoulders;

(iii) Removal and application of patches to the surface of pavement;

(iv) Cleaning and sealing of road or pavement cracks or joints.

37-12-306. Civil penalties; applicability.

(g) With respect to operators:

(i) Every operator in Wyoming shall join and participate in the notification center pursuant to W.S. 37-12-304(a). Any operator who does not join or participate in the notification center shall be liable for a fine of ~~five hundred dollars (\$500.00)~~ five thousand dollars (\$5,000.00) each year it is not in compliance with this subsection;

(iii) If any underground facility is damaged as a result of the operator's failure to comply with W.S. 37-12-304(a), ~~or the operator's failure to use reasonable care in the marking of the damaged underground facility or the operator's failure to mark the location of its underground facilities within the time period specified in W.S. 37-12-302(d) unless that failure is due to circumstances beyond the operator's control,~~ the operator shall be liable for:

(iv) If an operator, after receipt of a notice from an excavator or notification center pursuant to W.S. 37-12-302(c), fails to mark the location of its underground facilities within the time period specified in W.S. 37-12-302(d), and unless the failure resulted from circumstances beyond the operator's control, ~~the court operator shall impose upon the operator be liable for a civil penalty of up to five hundred dollars (\$500.00) for each violation. For purposes of this paragraph, each day of delay in marking underground facilities shall be a separate violation five thousand dollars (\$5,000.00).~~

(h) With respect to excavators:

(i) Every excavator shall notify the notification center pursuant to W.S. 37-12-302(c) prior to commencing any excavation activity. Any excavator who fails to notify the notification center pursuant to W.S. 37-12-302(c) shall be liable for a civil penalty in the amount of ~~five hundred dollars (\$500.00)~~ five thousand dollars (\$5,000.00);

(ii) If an excavator fails to comply with W.S. 37-12-302(c), (g) or (h) and damages an underground facility during excavation, the excavator shall be liable for a civil penalty up to the amount of five thousand dollars (\$5,000.00) for the first offense and up to twenty-five thousand dollars (\$25,000.00) for a second offense within a twelve (12) month period after the date of the first offense. If an excavator fails to comply with W.S. 37-12-302(c), (g) or (h) on more than two (2) separate occasions within a twelve (12) month period from the date of the first failure to comply with ~~W.S. 37-12-302(c)~~ the appropriate subsection, then the civil penalty shall be up to seventy-five thousand dollars (\$75,000.00). Upon a first offense, the excavator may be required to complete an excavation safety training program with the notification center;

(iii) If an excavator requests a facilities locate on an expedited basis (less than two (2) full business days) for an emergency excavation and the excavation at issue was not an emergency and did not require a locate on an expedited basis, the excavator shall be liable for a civil penalty of up to ~~five hundred dollars (\$500.00)~~ five thousand dollars (\$5,000.00) for each false emergency locate incident;

(iv) If an excavator fails to comply with W.S. 37-12-302(c), (g) or (h) and damages an underground facility during an excavation, or fails to exercise reasonable care in excavating and damages a located underground facility during an excavation, the excavator shall be liable for:

(j) Any provision of an agreement or release that requires an excavator or an operator who has suffered damage or loss due to a violation of this act to indemnify the violator for penalties is unenforceable with respect to any obligation to indemnify the violator for the penalties.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 80

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; requiring reports; making certain appropriations subject to the terms and conditions specified; amending existing law by redirecting revenues for the remainder of the current biennium and the period of the budget; amending a task force; providing for matching funds programs; requiring deposit of funds upon the sale or demolition of certain school facilities as specified; providing transfers of certain funds as specified; creating a task force; directing amendments to the Medicaid state plan; 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 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 water development account I created by W.S. 41-2-124(a)(i);
- (p) “S2” means 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) “S10” means the legislative stabilization reserve account;
- (z) “S13” means the strategic investments and projects account;
- (aa) “S0” means other funds identified by footnote;
- (bb) “T1” means the omnibus permanent land fund;
- (cc) “T2” means the miners’ hospital permanent land income fund;
- (dd) “T3” means the state hospital permanent land fund;

- | APPROPRIATION
FOR | GENERAL
FUND | FEDERAL
FUNDS | OTHER
FUNDS | TOTAL
APPROPRIATION |
|----------------------|-----------------|------------------|----------------|------------------------|
| | \$ | \$ | \$ | \$ |
- (ee) "T4" means the poor farm account within the permanent land fund;
- (ff) "T6" means the university permanent land income fund;
- (gg) "T7" means the state employee group insurance flexible benefits account;
- (hh) "T0" means other expendable trust funds administered by individual agencies for specific functions within the agencies' authority;
- (jj) "TT" means the tobacco settlement trust income account.

Section 2. Sections 001, 004, 006, 007, 010, 011, 015, 024, 027, [037,] 039, 042, 045, 048, 049, 057, 060, 066, 067, 072, 080, 085, 101, 130, 131, 139, 157, 167, 205 and 206 of 2018 Wyoming Session Laws, Chapter 134 are amended to read: [BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 26, 2019 – HOUSE AND SENATE VETO OVERRIDE FEBRUARY 27, 2019.]

Section 001. OFFICE OF THE GOVERNOR ~~18-1~~
[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

PROGRAM

Administration ¹	6,445,348				6,445,348
Tribal Liaison ²	160,000				160,000
	<u>280,000</u>				<u>280,000</u>
Commission on Uniform Laws	94,903				94,903
Special Contingency ³	443,275				443,275
Homeland Security ⁴	2,788,535	20,530,288	860,993	SR	24,179,816
Natural Resource Policy ^{5, 6}	1,000,000				1,000,000
	<u>2,150,000</u>				<u>2,150,000</u>
Endangered Species Admin	1,226,780				1,226,780
Baseline Scientific Assess	<u>307,150</u>				<u>307,150</u>
TOTALS	12,465,991	20,530,288	860,993		33,857,272
	<u>13,735,991</u>				<u>35,127,272</u>

AUTHORIZED EMPLOYEES

Full Time	39
Part Time	<u>1</u>
TOTAL	40

1. Of this general fund appropriation, one hundred twenty thousand dollars (\$120,000.00) shall only be expended if there is a change of governor as a result of the 2018 general election. This appropriation shall only be expended for transition staff salaries, travel, expenses incurred in relocating to and from the governor's mansion and other related office expenses, except that up to twenty

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

thousand dollars (\$20,000.00) of funds subject to this footnote may be expended for purposes of defraying moving expenses for gubernatorial appointees who are required to move to Cheyenne and not more than five thousand dollars (\$5,000.00) shall be expended for any one (1) appointee. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, ~~one hundred sixty thousand dollars (\$160,000.00)~~ two hundred eighty thousand dollars (\$280,000.00) 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. One hundred twenty thousand dollars (\$120,000.00) of this general fund appropriation shall not be included in the governor's 2021-2022 standard budget request.

3. Of this general fund appropriation, one hundred thirty-three thousand dollars (\$133,000.00) is effective immediately.

4. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) is effective immediately.

5. This general fund appropriation shall be deposited into the federal natural resource policy account created by W.S. 9-4-218(a).

7. Of this general fund appropriation, one million one hundred fifty thousand dollars (\$1,150,000.00) shall be deposited into the federal natural resource policy account created by W.S. 9-4-218(a). The appropriation subject to this footnote shall be reduced by an amount equal to the total of all appropriations, if any, to the federal natural resource policy account provided in 2019 House Bill 0054 if enacted into law. The appropriation subject to this footnote shall not be included in the governor's 2021-2022 standard budget request.

[8. Not later than December 1, 2019 the governor shall review and report recommendations to the joint appropriations committee on steps necessary to inflation-proof state permanent funds.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Section 004. STATE TREASURER				
PROGRAM				
Treasurer's Operations ^{1,5}	4,171,318		45,000	SR 4,216,318
	<u>4,211,318</u>			<u>4,256,318</u>
Veterans' Tax Exemption ²	11,089,881			11,089,881
Manager Payments ⁴			52,928,248	SR 52,928,248
			<u>52,974,138</u>	<u>SR 52,974,138</u>
Unclaimed Property			1,821,707	SR 1,821,707
Internal Investments ^{3,4}			5,991,353	SR 5,991,353
			<u>6,088,063</u>	<u>SR 6,088,063</u>
Native American Exemption	<u>692,821</u>			<u>692,821</u>
TOTALS	15,954,020	0	60,786,308	76,740,328
	<u>15,994,020</u>		<u>60,928,908</u>	<u>76,922,928</u>

AUTHORIZED EMPLOYEES

Full Time	35
Part Time	<u>0</u>
TOTAL	35

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended if there is a change of state treasurer as a result of the 2018 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, three hundred eighty-nine thousand four hundred forty-four dollars (\$389,444.00) is effective immediately.

3. The state treasurer shall report on the documented savings resulting from increased use of internal investment personnel and reduced payments for external investment managers to the joint appropriations committee and the select committee on capital financing and investments not later than June 30, 2019 and June 30, 2020. Reported savings shall be limited to foregone expenditures from terminated or renegotiated contracts with external investment managers and funds. The state treasurer shall also include an explanation and accounting of all expenditures relating to the work performed by internal investment personnel. The report shall outline the standards, objectives and investment policies for all funds subject to internal management, and a performance report for the funds, including benchmark comparisons, overall return on the funds, as well as comparative performance from the externally managed funds for an identical timeframe.

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

4. (a) For the period beginning with the effective date of this act and ending June 30, 2020, the maximum annual salary to be paid for each investment staff position classification, as determined by the state treasurer, shall be as follows:

(i) Two hundred fifty thousand dollars (\$250,000.00) for the chief investment officer;

(ii) One hundred eighty-nine thousand dollars (\$189,000.00) for a senior investment officer;

(iii) One hundred thirty-two thousand dollars (\$132,000.00) for an investment officer;

(iv) Ninety-three thousand dollars (\$93,000.00) for a senior analyst;

(v) Seventy thousand dollars (\$70,000.00) for an analyst.

5. Of this general fund appropriation, forty thousand dollars (\$40,000.00) shall only be expended for the purpose of personnel development. The appropriation associated with this footnote shall be considered one-time funding and shall not be included in the agency's 2021-2022 standard budget request.

Section 006. ADMINISTRATION AND INFORMATION

PROGRAM

Director's Office	4,056,431		462,599	SR	4,519,030
	<u>3,993,913</u>		<u>401,793</u>	SR	<u>4,395,706</u>
Professional Licensing Bds			1,055,194	SR	1,055,194
Budget Division	2,315,739				2,315,739
General Services ^{1, [3]}	54,008,928		25,957,714	IS	
	<u>54,161,376</u>				
			228,300	SR	80,194,942
					<u>80,347,390</u>
Human Resources Division	3,310,948				3,310,948
Employees' Group Insurance ²			715,306,368	IS	
			8,000,000	SR	723,306,368
Economic Analysis	1,236,036				1,236,036
State Library	<u>4,191,188</u>	<u>1,171,034</u>	<u>4,067,901</u>	SR	<u>9,430,123</u>
TOTALS	69,119,270	1,171,034	755,078,076		825,368,380
	<u>69,209,200</u>		<u>755,017,270</u>		<u>825,397,504</u>

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

AUTHORIZED EMPLOYEES

Full Time ⁴	212	<u>211</u>
Part Time	<u>1</u>	

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
TOTAL	213	212		

1. This internal service fund 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 fifty thousand (150,000) miles.

2. Of this other funds appropriation, up to three hundred twenty thousand dollars (\$320,000.00)IS shall be expended for contract participation in a volunteer, multi-payer claims database. The department shall make any analysis from the claims database 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 shall require an annual report from the contractor identifying the potential cost savings and recommendations for improved efficiency and savings within the operation of the state employees' and officials' group insurance program. The department shall transmit the report to the joint labor, health and social services interim committee and the joint appropriations committee not later than December 1, 2018 and December 1, 2019.

~~**3. (a) The department shall prepare standard procedures to complete a cost benefit analysis on future state leases. An analysis completed in accordance with this footnote shall consider the costs of the proposed lease and, where applicable, the costs of:**~~

~~(i) Occupying existing state owned property, if available;~~

~~(ii) Leasing other comparable property; or~~

~~(iii) Acquiring new state owned property.~~

~~**(b) The department shall exercise discretion to apply the analysis to leases where alternative properties are available and to consider the total annual cost of the proposed lease against the expenditures and time required to complete the analysis.**~~

~~**(c) Not later than December 1, 2019, the department shall report to the state building commission and the joint appropriations committee on the procedures implemented to evaluate new state leases and a summary of the cost benefit analyses conducted between April 1, 2019 and November 30, 2019.**~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

4. Of these authorized full-time employees, the authority to hire one (1) full-time employee is effective July 1, 2019.

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
Section 007. WYOMING MILITARY DEPARTMENT				
PROGRAM				
Military Dept. Operation	10,403,799			10,403,799
	<u>10,523,466</u>			<u>10,523,466</u>
Air National Guard ¹	847,980	13,678,707		14,526,687
Camp Guernsey			912,661 SR	912,661
Army National Guard ²	39,325	38,876,918	4,487,736 S5	43,403,979
Veterans' Services ^{3,4}	2,817,954	227,515	7,500 SR	3,052,969
	<u>2,923,333</u>			<u>3,158,348</u>
Oregon Trail Cemetery	402,201		20,000 SR	422,201
Military Support	68,166			68,166
Civil Air Patrol	235,717			235,717
	<hr/>	<hr/>	<hr/>	<hr/>
TOTALS	14,815,142	52,783,140	5,427,897	73,026,179
	<u>15,040,188</u>			<u>73,251,225</u>

AUTHORIZED EMPLOYEES

Full Time ^{1,2}	242	<u>243</u>
Part Time	29	
TOTAL	271	<u>272</u>

1. Pursuant to W.S. 19-7-103(b)(xxii), authority is granted to the department to hire up to nine (9) full-time positions or at-will contract positions within this division only when federal funds are received which reimburse the state for one hundred percent (100%) of the costs of each filled position. In the event federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for a position filled pursuant to this footnote, as determined by the United States property and fiscal officer for Wyoming, the position shall be eliminated. The department shall report to the joint appropriations committee on all positions created or eliminated pursuant to this footnote through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

2. Pursuant to W.S. 19-7-103(b)(xxii), authority is granted to the department to hire up to thirteen (13) full-time positions or at-will contract positions within this division only when federal funds are received which reimburse the state for one hundred percent (100%) of the costs of each filled position. In the event that federal funding becomes unavailable to maintain one hundred percent (100%) reimbursement for a position filled pursuant to this footnote, as determined by the United States property and fiscal officer for Wyoming, the position shall be eliminated. The department shall report to the joint appropriations committee on all positions created or eliminated pursuant to

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

this footnote through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b).

3. Of this general fund appropriation, one hundred five thousand three hundred seventy-nine dollars (\$105,379.00) shall only be expended to hire or retain a veteran's service officer and reasonable costs associated with the position. The agency shall include a request for one hundred seventy thousand seven hundred fifty dollars (\$170,750.00) in its base budget for this position in the agency's 2021-2022 budget request.

4. Not later than October 1, 2019 and every year thereafter, the department shall report to the joint transportation, highways and military affairs interim committee and the joint appropriations committee on the work and performance of all veteran's service officers. The report shall include the number of veterans served, the amount of benefits received by veterans, the type of services provided and other work completed by the officers.

Section 010. DEPARTMENT OF AGRICULTURE

PROGRAM

Administration Division ¹	2,589,515		5,000	SR	2,594,515
Ag Education and Info	20,000		20,000	SR	40,000
Consumer Protection Div.	11,680,988	1,286,696	1,188,065	SR	14,155,749
Natural Resources Div.	4,320,392	7,914	656,008	S1	4,984,314
Pesticide Registration	773,671				773,671
State Fair	2,946,279		1,072,673	SR	4,018,952
Weed & Pest Control			856,913	SR	856,913
Predator Management ²	4,808,604				4,808,604
	<u>5,058,604</u>				<u>5,058,604</u>
Wyoming Beef Council			2,245,263	SR	2,245,263
Wyo Wheat Mktg Comm			178,700	SR	178,700
Dry Bean Commission ³			300,000	SR	300,000
Leaf Cutter Bee	<u> </u>	<u> </u>	<u>11,195</u>	SR	<u>11,195</u>
TOTALS	27,139,449	1,294,610	6,533,817		34,967,876
	<u>27,389,449</u>				<u>35,217,876</u>

AUTHORIZED EMPLOYEES

Full Time	78
Part Time	<u>7</u>
TOTAL	85

1. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be expended for agricultural education offered to adults.

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

2. Of this increased general fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended in accordance with chapter 2 of the Wyoming animal damage management board rules.

3. Not later than August 1, 2019, the department of agriculture shall submit a report to the joint appropriations committee regarding the activities of the dry bean commission since creation and compliance with W.S. 11-50-101 through 11-50-108.

Section 011. DEPARTMENT OF REVENUE

PROGRAM

Administration ^{1,5,6}	3,250,068			3,250,068
	<u>4,828,260</u>			<u>4,828,260</u>
Revenue Division ^{2,3,4,7}	8,434,104		790,535 SR	9,224,639
	<u>13,480,912</u>			<u>14,271,447</u>
Valuation Division	4,621,426			4,621,426
Liquor Division			8,364,228 EF	8,364,228
Liquor Sales & Purchases			175,000,000 EF	175,000,000
General Fund Transfers	<u> </u>	<u> </u>	<u>27,000,000</u> EF	<u>27,000,000</u>
TOTALS	16,305,598	0	211,154,763	<u>227,460,361</u>
	<u>22,930,598</u>			<u>234,085,361</u>

AUTHORIZED EMPLOYEES

Full Time	114
Part Time	<u>0</u>
TOTAL	114

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) for professional services related to the technical support of the excise tax and mineral tax information systems shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, five thousand dollars (\$5,000.00) for dues, licenses and registration shall not be included in the agency's 2021-2022 standard budget request.

3. The department shall report to management council, to any select committee or task force created from legislation enacted during the 2018 budget session to improve government efficiencies and to the joint appropriations committee on the effectiveness of adding one (1) position to the excise tax unit and one (1) position to the mineral tax unit. The report shall include the historic trend in tax assessments and collections, the trend in the compliance ratio, the trend in the number of reviews conducted by the department and the potential increase in the amount of collections which may be attributable to the two (2)

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

additional positions referenced in this footnote. The department shall submit a preliminary report not later than December 1, 2019 and a final report as of June 30, 2020.

4. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended to continue the study on the use of discounted cash flow valuation for the ad valorem tax on oil and gas production pursuant to 2017 Wyoming Session Laws, Chapter 143. The department shall provide an update on the study to the joint revenue interim committee not later than November 30, 2018 and shall report the results of the study and final recommendations to the joint revenue interim committee not later than November 30, 2019, as required by 2017 Wyoming Session Laws, Chapter 143.

5. Of this general fund appropriation, six hundred twenty-five thousand dollars (\$625,000.00) shall only be expended for the property tax refund program pursuant to W.S. 39-13-109(c)(v). The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

6. Of this general fund appropriation, one million dollars (\$1,000,000.00) shall only be expended on information technology migrations, information technology enhancements and temporary personnel related to the department's tax collection computer systems. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request. The department shall report to the joint appropriations committee not later than December 1, 2019 on any expenditure of funds subject to this footnote or footnote 7 of this section.

7. Of this general fund appropriation, five million dollars (\$5,000,000.00) shall only be expended for purposes of implementing 2019 House Bill 0220, the National Retail Fairness Act, as enacted into law including information technology acquisitions, contracts, support costs and for temporary employees. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request. This footnote and the appropriation subject to this footnote shall be effective only if 2019 House Bill 0220 is enacted into law.

Section 015. ATTORNEY GENERAL

PROGRAM

Law Office ¹	19,276,004	780,928	35,002	S1	
			1,767,003	S5	
			3,501,471	SR	
			738,021	TT	26,098,429
Criminal Investigations ²	26,104,554	4,404,939	1,020,072	SR	31,529,565

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
	<u>26,026,247</u>			<u>31,451,258</u>
Law Enforcement Academy	5,484,629		1,227,864	EF 6,712,493
Peace Off Stds & Trng	397,009	50,000	38,400	SR 485,409
Casper Field Office	300,279			300,279
Victim Services Division	7,184,967	13,097,367	5,252,006	SR 25,534,340
Governor's Council On DD	<u>434,674</u>	<u>950,262</u>		<u>1,384,936</u>
TOTALS	59,182,116	19,283,496	13,579,839	92,045,451
	<u>59,103,809</u>			<u>91,967,144</u>

AUTHORIZED EMPLOYEES

Full Time	238
Part Time	<u>2</u>
TOTAL	240

1. If 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 for fiscal year 2019 to implement the final agreement shall revert to the budget reserve account. If the agreement is executed during fiscal year 2019, 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 for fiscal year 2019.

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 fifty thousand (150,000) miles.

Section 024. STATE PARKS & CULTURAL RESOURCES

PROGRAM

Administration & Support	3,335,246				3,335,246
Cultural Resources ^{1, 5, 6}	9,266,167	2,758,913	200,000	EF	
	<u>9,726,167</u>				
			2,831,450	SR	15,056,530
					<u>15,516,530</u>
St Parks & Hist. Sites ^{2, 3, 4}	19,011,260	4,258,118	40,000	EF	
			<u>12,101,185</u>	SR	<u>35,410,563</u>
TOTALS	31,612,673	7,017,031	15,172,635		53,802,339
	<u>32,072,673</u>				<u>54,262,339</u>

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

AUTHORIZED EMPLOYEES

Full Time	161
Part Time	<u>.88</u>
TOTAL	249

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall only be expended for the purposes of the “We the People” educational program. The appropriation associated with this footnote shall not be included in the agency’s 2021-2022 standard budget request.

2. Of this general fund appropriation, one hundred fifty thousand dollars (\$150,000.00) shall only be expended for the development and creation of content for an outdoor recreation website. The department shall collaborate with other state entities, including the Wyoming tourism board, the game and fish department, the Wyoming department of transportation, the Wyoming state board of outfitters and other state entities that promote outdoor recreation in the creation of the website to ensure the website enhances and is linked to each state entity’s website. The department shall also request each state entity provide a link to the outdoor recreation website on the state entity’s website.

3. Of this general fund appropriation, three hundred eighty thousand nine hundred nine dollars (\$380,909.00) is effective immediately. The appropriation associated with this footnote shall not be included in the agency’s 2021-2022 standard budget request.

4. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) for the Wyoming conservation corps and the veterans trail crew shall not be included in the agency’s 2021-2022 standard budget request.

5. Of this general fund appropriation, four hundred thousand dollars (\$400,000.00) shall be deposited into the corpus of the Wyoming cultural trust fund created by W.S. 9-2-2304. The appropriation subject to this footnote shall not be included in the agency’s 2021-2022 standard budget request.

6. Of this general fund appropriation, sixty thousand dollars (\$60,000.00) shall only be expended for the purpose of minting and marketing coins celebrating Wyoming’s one hundred fiftieth anniversary of women’s suffrage. The department shall mint silver, gold and alloy coins pursuant to this footnote. The department shall sell silver and gold coins and may sell alloy coins or distribute them for promotional and ceremonial purposes. Proceeds from the sale of the coins are continuously appropriated to the department’s account within the enterprise fund to support projects, programs and events honoring the women of Wyoming and the right, privilege and responsibility of the vote. The appropriation associated with this footnote shall be considered one-time funding and shall not be included in the department’s 2021-2022 standard budget request.

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 027. STATE CONSTRUCTION DEPARTMENT				
PROGRAM				
Operations	1,789,170		4,035,223	\$6 5,824,393
			<u>4,020,915</u>	<u>\$6 5,810,085</u>
School Facilities Div. ^{1,3}			149,040,713	\$6 149,040,713
			<u>150,040,713</u>	<u>\$6 150,040,713</u>
Construction Management ²	1,365,019		170,693	\$0 1,535,712
TOTALS	3,154,189	0	153,246,629	156,400,818
			<u>154,232,321</u>	<u>157,386,510</u>

AUTHORIZED EMPLOYEES

Full Time	28	<u>30</u>
Part Time	<u>0</u>	
TOTAL	28	<u>30</u>

1. In addition to expenditures for major building and facility repair and replacement pursuant to W.S. 21-15-109, a school district may expend up to ten percent (10%) of the amount distributed under this program for the period commencing July 1, 2018 and ending June 30, 2020 for safety and security building and facility needs. No expenditure shall be made under this footnote without the approval of the department.

2. Of this other funds appropriation, one hundred seventy thousand six hundred ninety-three dollars (\$170,693.00)\$0 is appropriated from the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j) for purposes of funding one (1) full-time position and related costs for the period beginning July 1, 2018 and ending June 30, 2020. The appropriation and position associated with this footnote shall not be included in the agency's 2021-2022 standard budget request.

3. (a) Not later than September 1, 2019, all school districts receiving funds from this appropriation shall report to the state construction department for each year for the period beginning July 1, 1997 and ending June 30, 2019 on expenditures related to:

(i) Local enhancements to school buildings and facilities, as defined by W.S. 21-15-111(a)(iii). School districts shall identify the source of funding related to each project under this paragraph;

(ii) Capital construction, by project, and major maintenance, funded from each district's operating balance and cash reserves from the preceding fiscal year;

(iii) Capital construction, by project, and major maintenance from each

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

district's operating balance and cash reserves ending June 30, 1997 as referenced in W.S. 21-13-313(e).

(b) The state construction department shall provide for the form and manner in which information requested from school districts under this footnote is collected.

(c) Not later than October 1, 2019, the state construction department shall compile and summarize the school districts' responses in a report and submit the report to the joint education interim committee and the joint appropriations committee.

[Section 037. STATE ENGINEER

PROGRAM

Administration] ^(a)	[2,065,372			2,065,372
Ground Water Division	3,022,866			3,022,866
Surface Water Division	2,274,487			2,274,487
Board of Control Div.			13,410,021	S1 13,410,021
Support Services Div.	2,183,253			2,183,253
Board of Registration PE			947,809	SR 947,809
Interstate Streams Div.	1,255,279		102,953	S1 1,358,232
Special Projects			17,820	SR 17,820
North Platte Settlement	1,369,760			1,369,760
Well Drillers' Licensing	_____	_____	231,516	SR 231,516
TOTALS	12,171,017	0	14,710,119	26,881,136

AUTHORIZED EMPLOYEES

Full Time	115	<u>113</u>
Part Time	<u>8</u>	
TOTAL	123	<u>121</u>

[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 26, 2019 – HOUSE AND SENATE VETO OVERRIDE FEBRUARY 27, 2019.]

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

~~**[2. (a) The state engineer's office and a superintendent of the board of control shall jointly hold four (4) public meetings in 2019 in each of the four (4) water divisions for the purpose of:**~~

~~**(i) Providing a basic overview of Wyoming water law with specific information on the administration and control of water rights;**~~

~~**(ii) Providing information on where and how water rights information may be obtained from the state engineer's office or the board of control;**~~

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

(iii) Conducting a question and answer session.

(b) Meetings shall be geographically dispersed in each of the four (4) water divisions and shall be held at a place and time that facilitates an opportunity for the greatest number of water rights holders to attend. A summary of the nature and content of the questions shall be reported to the joint appropriations committee and the joint agriculture, state and public lands and water resources interim committee not later than December 1, 2019. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

Section 039. WILDLIFE/NATURAL RESOURCE TRUST

PROGRAM

Administration ¹			7,995,281	SR	7,995,281
	<u>1,200,000</u>				<u>9,195,281</u>
Trust Corpus ²	<u>5,000,000</u>				<u>5,000,000</u>
	-----	-----	-----		-----
TOTALS	0	0	7,995,281		7,995,281
	<u>6,200,000</u>				<u>14,195,281</u>

AUTHORIZED EMPLOYEES

Full Time	2
Part Time	<u>0</u>
TOTAL	2

1. This general fund appropriation shall be deposited into the Wyoming wildlife and natural resource trust income account created by W.S. 9-15-103(b) and is available to the Wyoming wildlife and natural resource trust account board for grants for invasive plant species research and treatment under the Wyoming Wildlife and Natural Resource Funding Act. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

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

Section 042. GEOLOGICAL SURVEY

PROGRAM

Geologic Program ¹	4,582,225			4,582,225
	<u>4,592,225</u>			<u>4,592,225</u>
	-----	-----	-----	-----
TOTALS	4,582,225	0	0	4,582,225

APPROPRIATION FOR	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
	\$	\$	\$	\$
	4,592,225			4,592,225

AUTHORIZED EMPLOYEES

Full Time	21
Part Time	<u>0</u>
TOTAL	21

1. (a) Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended as specified in this footnote for the analyses of previously collected geological samples under the national uranium resources evaluation program. Not later than November 1, 2019, the agency shall report its findings to the joint minerals, business and economic development interim committee. The analyses shall:

(i) Consider the presence of uranium, vanadium, titanium, cobalt, rare earth elements and any other elements of economic value;

(ii) Quantify the potential economic development of the elements listed in paragraph (i) of this footnote.

Section 045. DEPARTMENT OF TRANSPORTATION ^[5:]

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

PROGRAM

Administration ³			3,661,229	S7	3,661,229
Administrative Services		168,150	43,910,138	S7	
			1,836,000	SR	45,914,288
Law Enforcement	160,000	5,690,395	82,846,849	S7	
			305,615	SR	89,002,859
WyoLink ¹⁻			1,365,874	IS	
			2,746,091	S4	
			1,921,102	S7	6,033,067
Aeronautics Admin.		310,300	3,900,708	S7	4,211,008
Operational Services			2,405,010	IS	2,405,010
Aeronautics ^{2,[4:]}	1,000,000	45,225,000	160,394	IS	
			20,702,440	S7	
			<u>15,000,000</u>	<u>S0</u>	<u>67,087,834</u>
					<u>82,087,834</u>
TOTALS	1,160,000	51,393,845	165,761,450		218,315,295
			<u>180,761,450</u>		<u>233,315,295</u>

[BRACKETED LANGUAGE SHOWN IN BOLD WAS VETOED BY GOVERNOR FEBRUARY 26, 2019 – HOUSE AND SENATE VETO OVERRIDE FEBRUARY 27, 2019.]

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

AUTHORIZED EMPLOYEES

Full Time	560
Part Time	<u>0</u>
TOTAL	560

1. Of this other funds appropriation, two million seven hundred forty-six thousand ninety-one dollars (\$2,746,091.00)S4 shall be used to fund the ongoing costs of hardware and software maintenance for the WyoLink system. As a condition of this appropriation, the department shall administer a billing system for the use of the WyoLink statewide public safety interoperable radio system. The appropriation from the local government capital construction account shall be used to pay any charges to local governments until the two million seven hundred forty-six thousand ninety-one dollar (\$2,746,091.00)S4 appropriation is exhausted.

2. (a) Of this general fund appropriation, one million dollars (\$1,000,000.00) shall only be expended to continue the air service enhancement program created by W.S. 10-3-601 under the following conditions:

(i) The department has expended at least two million six hundred twenty-four thousand nine hundred one dollars (\$2,624,901.00)S7 for air service enhancement; and

(ii) The expenditure of this appropriation is necessary to avoid interruption to commercial air service to the communities the air service enhancement program presently serves.

(b) The appropriation associated with this footnote shall be reduced by an amount equal to any appropriation to the aeronautics commission in 2018 Senate File 0040 as enacted into law.

3. Not later than September 1, 2019, the department shall report to the joint transportation, highways and military affairs interim committee and the joint appropriations committee on annual department expenditures related to the tribal employment rights ordinance. The report shall include the purpose of each expenditure and recipient of the expenditure for the period beginning July 1, 2009 and ending June 30, 2019. Within the report, the department shall make recommendations for future expenditures and options for alternative expenditures or fiscal structures, if any, within the constraints of the tribal employment rights ordinance.

4. Of this other funds appropriation, fifteen million dollars (\$15,000,000.00)S0 is appropriated from the Wyoming commercial air service improvement account created by W.S. 10-7-105 to the aeronautics commission. Subject to Section 342 of this act, this other funds appropriation shall only be expended upon the

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

approval of the governor for purposes of the aeronautics commission entering into a long-term contract and associated expenses supporting commercial air service in the state in accordance with the provisions of W.S. 10-7-104 and this footnote. The long-term contract shall define performance measures for air service delivery. Funds subject to this footnote shall only be expended pursuant to the contract when the performance measures are met. Of this other funds appropriation, not more than six million dollars (\$6,000,000.00) shall be expended in any single year of a long-term contract entered into under this footnote. **[The aeronautics commission shall consult with one (1) member of the senate appointed by the president of the senate and one (1) member of the house of representatives appointed by the speaker of the house of representatives, both within thirty (30) days of the effective date of this act, in selecting and negotiating the long-term contract. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.]** [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

[5. (a) The department shall retain an independent consultant to conduct a cost benefit analysis of the continued use of the Cessna Caravan N104WY airplane and determine the most cost effective means of performing the same services the department's use of the airplane has historically provided. The department shall report the findings from the analysis to the joint appropriations committee by November 1, 2019. The analysis shall identify:

(i) The number of flight hours logged annually in the airplane's service to the department since it was acquired;

(ii) The amortized cost of the airplane, including any specialized equipment for the airplane;

(iii) The annual cost of maintaining and operating the airplane, including fuel and the personnel to maintain and operate the airplane;

(iv) The estimated proceeds if the airplane and equipment are sold;

(v) The estimated annual operational savings from maintenance, fuel and personnel if the services currently provided through use of the airplane are contracted;

(vi) The estimated annual costs of contracted services that could be procured from the proceeds of the sale of the airplane and operational savings over a comparative time period; and

(vii) Any other costs or cost savings identified by the consultant for operation and maintenance of the airplane or contracted services.]

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]				
Section 048. DEPARTMENT OF HEALTH				
PROGRAM				
Director's Office ^{1,2,13}	10,581,921 <u>11,839,038</u>	1,848,033	212,814	SR 12,642,768 <u>13,899,885</u>
Health Care Financing ^{2,3,4,5,10,14}	581,070,344 <u>599,875,877</u>	716,443,625 <u>738,677,220</u>	33,733,320 <u>47,733,320</u> 2,000,000 TF <u>2,300,000</u> TT	SR 1,333,247,289 <u>1,388,586,417</u>
Public Health ^{6,7}	40,148,690 <u>40,351,685</u>	60,926,568 <u>61,005,066</u>	80,917 18,027,080 <u>18,125,008</u> 11,019,599	A4 SR 130,202,854 <u>130,582,275</u>
Behavioral Health	244,725,398	9,399,506	50,371,667 461,178 589,600 14,511,175	SR T3 T4 TT 320,058,524
Aging ^{8,11,12}	32,247,295 <u>33,097,295</u>	17,425,952	12,939,377	SR 62,612,624 <u>63,462,624</u>
TOTALS	908,773,648 <u>929,889,293</u>	806,043,684 <u>828,355,777</u>	143,946,727 <u>158,344,655</u>	1,858,764,059 <u>1,916,589,725</u>

AUTHORIZED EMPLOYEES

Full Time ⁵	1,317	<u>1,318</u>
Part Time	<u>68</u>	
TOTAL	1,385	<u>1,386</u>

1. Notwithstanding W.S. 14-8-107(b)(ii) and 35-1-428(b), for the period beginning July 1, 2018 and ending June 30, 2020, the department shall collect a surcharge of five dollars (\$5.00) for each copy of a certificate or record issued pursuant to Title 35, Chapter 1, Article 4 of the Wyoming statutes and five dollars (\$5.00) for each five (5) year period or portion thereof that a search of files or records is undertaken pursuant to Title 35, Chapter 1, Article 4 of the Wyoming statutes. Revenues collected from the surcharge imposed under this footnote shall be deposited by the state treasurer into the Wyoming children's

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

trust fund established under W.S. 14-8-106. This footnote shall not be effective if 2018 House Bill 0170 is enacted into law.

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, 2018 and ending June 30, 2020 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.

(b) This footnote shall be effective only if 2018 House Bill 0076 is enacted into law.

3. If 2018 House Bill 0076 is not enacted into law, one million one hundred thousand dollars (\$1,100,000.00) of this general fund appropriation for state supplemental security income payments shall be transferred to the department of family services.

4. Of this general fund appropriation, ten million dollars (\$10,000,000.00) and of this federal funds appropriation, ten million dollars (\$10,000,000.00) shall only be expended to fund reimbursement rates for Wyoming's developmental disability home and community based waivers at the rebased rates recommended in the report by Navigant Consulting to the department of health, dated January 31, 2018, entitled Comprehensive, Supports and Acquired Brain Injury Waivers SFY 2019 Provider Rate Study. Any additional funds required for purposes of compliance with this footnote shall be expended from the department's health care financing program appropriations.

5. Of this general fund appropriation, two hundred ten thousand five hundred forty-five dollars (\$210,545.00) shall only be expended for three (3) full-time positions and associated expenses for the enhancement of the medication donation program. Of this amount, eighteen thousand five hundred dollars (\$18,500.00) shall not be included in the agency's 2021-2022 standard budget request.

6. No funds appropriated for purposes of the infectious disease epidemiology unit shall be expended on outdoor advertising.

7. Of this total appropriation, not less than eight million dollars (\$8,000,000.00)

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

shall only be expended through unit 0550 to provide grants to counties for activities designed to prevent the use, misuse or abuse of tobacco, alcohol or controlled substances and activities designed to prevent suicide. Of this eight million dollars (\$8,000,000.00), not less than two million dollars (\$2,000,000.00) shall only be expended on grants to counties for suicide prevention.

8. Of this general fund appropriation, twenty-five thousand dollars (\$25,000.00) shall only be expended for expenses of the advisory council on palliative care created by W.S. 35-1-1202.

9. Of this general fund appropriation, three hundred twenty thousand dollars (\$320,000.00) shall only be expended for contract participation in a volunteer, multi-payer claims database. The department shall make any analysis from the claims database 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 shall require an annual report from the multi-payer claims database administrator identifying the potential cost savings and recommendations for improved efficiency and savings within the operation of the state employees' and officials' group insurance program. The department shall submit the report to the joint labor, health and social services interim committee and the joint appropriations committee not later than June 30, 2020.

10. The director of the department, with the consent of the governor, shall enter into negotiations with the United States department of health and human services regarding the expansion of the scope of inpatient and outpatient hospital supplemental payments to physicians and other professional service providers affiliated with a hospital. The director, with the consent of the governor, is authorized to execute any necessary and prudent state Medicaid plan amendments to carry out this footnote. Affiliation with a hospital shall be specified in the state Medicaid plan amendment and shall include public and private hospitals as authorized under federal law. Of this other funds appropriation and of this federal funds appropriation, fourteen million dollars (\$14,000,000.00)SR and fourteen million dollars (\$14,000,000.00) in federal funds shall only be authorized for expenditure if the state Medicaid plan amendment specified by this footnote is approved, and shall be expended solely for purposes of making provider payments or reimbursements under the amended state Medicaid plan.

11. Of this general fund appropriation, four hundred fifty thousand dollars (\$450,000.00) shall only be expended on Wyoming home health services and Wyoming senior services in equal amounts of two hundred twenty-five thousand dollars (\$225,000.00) each.

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

12. Of this general fund appropriation, four hundred thousand dollars (\$400,000.00) shall only be expended for healthcare facility inspections of the Wyoming state hospital and Wyoming life resource center.

13. Of this general fund appropriation, six hundred twenty-five thousand dollars (\$625,000.00) shall only be expended for the tax refund program under W.S. 39-11-109(c). If 2019 House Bill 0127 is enacted into law, the state auditor shall transfer this appropriation to the department of revenue to fund the program established under W.S. 39-11-109(c). The appropriation subject to this footnote shall not be included in either agency's 2021-2022 standard budget request.

14. Of this other funds appropriation, three hundred thousand dollars (\$300,000.00)TT shall only be expended for adolescent health services at in-state freestanding psychiatric hospitals.

Section 049. DEPARTMENT OF FAMILY SERVICES ¹.

PROGRAM

Energy Assistance & WX		14,488,016			14,488,016
		<u>18,634,432</u>			<u>18,634,432</u>
Institutions ⁷	28,434,754	324,643	240,000	SR	28,999,397
	<u>28,662,627</u>				<u>29,227,270</u>
Assistance & Services ^{2, 3, 4, 5, 6, 8}	118,776,798	122,735,434	4,368,317	SR	
	<u>123,802,985</u>	<u>125,536,889</u>	<u>4,643,551</u>	SR	
			4,777,618	TT	250,658,167
					<u>258,761,043</u>
TOTALS	<u>147,211,552</u>	<u>137,548,093</u>	<u>9,385,935</u>		<u>294,145,580</u>
	<u>152,465,612</u>	<u>144,495,964</u>	<u>9,661,169</u>		<u>306,622,745</u>

AUTHORIZED EMPLOYEES

Full Time	687
Part Time	<u>19</u>
TOTAL	706

1. Notwithstanding W.S. 9-2-1005(a) and (c), of the total general fund appropriation in this section, the department, with approval of the governor, is authorized to transfer up to two hundred fifty thousand dollars (\$250,000.00) between any divisions, units or series except from appropriations for community crisis beds funded in unit 5903 or residential treatment, board of cooperative educational services or group home beds funded in unit 5915 to implement appropriations in this section that are less than the amounts requested by the agency and recommended by the governor. All transfers authorized under this

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

footnote shall be reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b). Authority provided under this footnote shall be in addition to any authority specified in Section 305 of this act.

2. (a) Of this general fund appropriation:

(i) One million dollars (\$1,000,000.00) for child care assistance is effective immediately; and

(ii) Five million dollars (\$5,000,000.00) for local services is effective immediately.

3. Of this federal funds appropriation, twenty-one million eight hundred forty-seven thousand nine hundred thirty-two dollars (\$21,847,932.00) is appropriated for Wyoming eligibility system integration and of this amount, seven million thirty-four thousand four hundred ninety-one dollars (\$7,034,491.00) is effective immediately.

4. Of this general fund appropriation, nine million three hundred seventeen thousand four hundred ninety dollars (\$9,317,490.00) is appropriated for Wyoming eligibility system integration and as otherwise authorized by this footnote and of this amount, three million dollars (\$3,000,000.00) is effective immediately and may be expended for either Wyoming eligibility system integration or child care assistance, as determined by the department.

5. (a) In accordance with W.S. 42-2-103(d), the state supplemental security income monthly payment amount for the period beginning July 1, 2018 and ending June 30, 2020 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.

(b) This footnote shall be effective only if 2018 House Bill 0076 is not enacted into law.

6. Funds appropriated to the department to be expended on per diem payments to residential treatment facilities and group homes shall not require a contract but shall be expended in accordance with the department's rules and regulations.

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

7. The department shall include a request for funding in the 2021-2022 fiscal biennium for maintenance of the security systems at the Wyoming boys' school and the Wyoming girls' school including all alarms, cameras, door locks and all other security or surveillance devices, along with all cabling, computer software and computer hardware associated with those systems.

8. For the fiscal biennium commencing July 1, 2018 and ending June 30, 2020, the department shall not expend funds from this appropriation to support the overall capacity of residential and group home beds in excess of the number of certified beds on January 1, 2018.

Section 057. COMMUNITY COLLEGE COMMISSION

PROGRAM

Administration ²	5,126,992		210,146	S5	
	<u>5,741,367</u>		<u>100,625</u>	<u>PR</u>	5,337,138
					<u>6,052,138</u>
State Aid ³	223,311,241				223,311,241
	<u>226,061,241</u>				<u>226,061,241</u>
Contingency Reserve			3,200,000	SR	3,200,000
Adult Education	2,262,668	1,853,928			4,116,596
	<u>2,232,186</u>				<u>4,086,114</u>
WYIN Loan & Grant Prog.	5,227,647				5,227,647
Veterans' Tuition Waiver ¹	1,231,250				1,231,250
WY Teacher Shortage Prog.			95,000	S5	95,000
Public Television	<u>3,436,350</u>		<u>110,000</u>	SR	<u>3,546,350</u>
TOTALS	240,596,148	1,853,928	3,615,146		246,065,222
	<u>243,930,041</u>		<u>3,715,771</u>		<u>249,499,740</u>

AUTHORIZED EMPLOYEES

Full Time	14	<u>13</u>
Part Time	<u>0</u>	
TOTAL	14	<u>13</u>

1. This general fund appropriation shall only be expended to reimburse the University of Wyoming and each community college for costs incurred to provide benefits to eligible persons who are enrolled in the veterans' tuition benefit program created by W.S. 19-14-106 as of the effective date of this section. This footnote shall not be effective if 2018 Senate File 0036 is enacted into law.

2. Not later than October 1, 2019, the community college commission shall report to the joint education interim committee and the joint appropriations

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

committee on the use and performance of the state longitudinal education data system. The report shall list the agencies using the data system and shall summarize any research derived from the data and any educational benefits realized therefrom.

3. Of this general fund appropriation, two million seven hundred fifty thousand dollars (\$2,750,000.00) shall not be included in the agency's 2021-2022 standard budget request.

Section 060. STATE LANDS AND INVESTMENTS

PROGRAM

Operations ^{2,3}	11,826,205	22,665,707	392,800	S5	
	<u>12,497,512</u>				
			4,847,623	SR	39,732,335
					<u>40,403,642</u>
Forestry ^{1,4}	7,296,110	774,933	1,000,000	S0	
	<u>22,296,110</u>				
			2,225,622	SR	11,296,665
					<u>26,296,665</u>
County Emergency Suppr.			2,580,000	SR	2,580,000
Fire ⁵	3,985,729	4,055,197			8,040,926
	<u>4,035,729</u>				<u>8,090,926</u>
Mineral Royalty Grants			33,400,000	S4	33,400,000
Federal Forestry Grants		6,150,000			6,150,000
Transp. Enterprise Fund	<u> </u>	<u> </u>	<u>2,000,000</u>	SR	<u>2,000,000</u>
TOTALS	<u>23,108,044</u>	33,645,837	46,446,045		<u>103,199,926</u>
	<u>38,829,351</u>				<u>118,921,233</u>

AUTHORIZED EMPLOYEES

Full Time	94	95
Part Time	<u>4</u>	
TOTAL	98	99

1. 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 2019-2020 biennium. In each year, funds shall be expended only on or after ~~September~~ July 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. The appropriations subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

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

2. Of this general fund appropriation, up to one hundred seventy-one thousand three hundred seven dollars (\$171,307.00) shall only be expended for one (1) additional full-time engineer to provide technical expertise, infrastructure planning and grant development to political subdivisions. Not later than October 1, 2019, the office of state lands and investments shall report to the joint minerals, business and economic development interim committee and the joint appropriations committee on the work of the engineer conducted pursuant to this footnote. The report shall include a list of the total number of projects, the total amount of grants received and all expertise, planning and other services provided to political subdivisions pursuant to this footnote. The appropriation subject to this footnote, or as much thereof as is necessary, shall be included in the agency’s 2021-2022 standard budget request.

3. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended to address noxious weeds and invasive species. The appropriation subject to this footnote shall not be included in the agency’s 2021-2022 standard budget request.

4. Of this general fund appropriation, fifteen million dollars (\$15,000,000.00) is appropriated to the emergency fire suppression account created by W.S. 36-1-402(a). The appropriation subject to this footnote shall be reduced by an amount equal to the total of all appropriations, if any, provided in 2019 Senate File 0026 if enacted into law.

5. Of this general fund appropriation, fifty thousand dollars (\$50,000.00) shall only be expended if helitack operations are relocated to a controlled airport in the central part of the state. The appropriation subject to this footnote shall not be included in the agency’s 2021-2022 standard budget request.

Section 066. WYOMING TOURISM BOARD

PROGRAM

Wyoming Tourism Board ^{1,2}	25,105,790		23,600	SR	25,129,390
	<u>25,605,790</u>				<u>25,629,390</u>
<hr/>					
TOTALS	25,105,790	0	23,600		25,129,390
	<u>25,605,790</u>				<u>25,629,390</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, two hundred thousand dollars (\$200,000.00) shall only be expended for purposes of a pilot grant for regional

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

marketing efforts to increase tourism targeted at residents of neighboring states by a group of at least three (3) counties within southwest Wyoming. As a condition of the grant associated with this footnote, the Wyoming tourism board shall require the recipient to report, in conjunction with the board, to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations committee not later than November 1, 2019 on the expenditure of the funds, recommendations for future grants and measurable impacts of the efforts, including but not limited to local lodging tax collections and local sales and use tax collections for relevant industry classifications.

2. Of this general fund appropriation, thirty-five thousand dollars (\$35,000.00) shall only be expended for the purpose of a grant to a local government in Campbell county for an evening of fireworks displays in support of tourism related to a national convention. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2020 shall revert as provided by law.

Section 067. UNIVERSITY OF WYOMING ^{6,12.}

PROGRAM

State Aid ^{1,2,3,4,7,8,13,14.}	350,484,172			350,484,172
	<u>352,984,172</u>			<u>352,984,172</u>
School Of Energy Res. ^{5,9.}	19,303,167			19,303,167
	<u>23,303,167</u>			<u>23,303,167</u>
Tier 1 Engineering ^{15.}	8,369,436			8,369,436
	<u>11,369,436</u>			<u>11,369,436</u>
NCAR MOU	1,802,339			1,802,339
Endowments ^{10,11.}	3,000,000			3,000,000
	<u>379,959,114</u>			<u>379,959,114</u>
TOTALS	379,959,114	0	0	379,959,114
	<u>392,459,114</u>			<u>392,459,114</u>

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. 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

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

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 2 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.

2. 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 1 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.

3. (a) Of this general fund appropriation, ~~eight million dollars (\$8,000,000.00)~~ nine million dollars (\$9,000,000.00) 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 including 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, 2018 through June 30, 2020 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

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

and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

4. Of this general fund appropriation, five hundred thirty-four thousand dollars (\$534,000.00), or as much thereof as is necessary, shall be expended so that there is no diminution of employer-paid benefits for 4H educator employees or 4H educator contract employees as compared to other University of Wyoming employees during the period beginning July 1, 2018 and ending June 30, 2020.

5. Of this general fund appropriation, one million dollars (\$1,000,000.00) is effective immediately.

6. The University of Wyoming budget request for the 2021-2022 biennium shall be comprised of both the University of Wyoming (agency 067) and the University of Wyoming-medical education (agency 167) budget requests, including all divisions and units, consolidated into a single agency for purposes of budgeting.

7. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended for design and construction of a covered practice arena, animal stalls, stables and animal handling units associated with University of Wyoming rodeo activities and programs. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

8. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall only be authorized for transfer to the University of Wyoming if a director of the biosafety level three (3) laboratory is hired and the laboratory is at least ninety percent (90%) staffed by March 30, 2020. Not later than June 1, 2019 the University of Wyoming shall submit a report to the joint appropriations committee and joint agriculture, state and public lands and water resources interim committee on the optimal staffing levels for the laboratory and a timeline for achieving the optimal staffing levels. Not later than December 1, 2019, the University of Wyoming shall submit a report to the joint appropriations committee and joint agriculture, state and public lands and water resources interim committee on the university's plan to fully staff the laboratory.

9. Of this general fund appropriation, four million dollars (\$4,000,000.00) shall only be expended for research and development efforts within the school of energy resources for which nonstate funds provide at least a dollar for dollar match. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

10. Of this general fund appropriation, three million dollars (\$3,000,000.00)

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

shall only be expended for the endowment challenge fund program as provided in W.S. 21-16-901 through 21-16-904. Two million five hundred thousand dollars (\$2,500,000.00) of this appropriation shall only be expended for the purposes of the president's endowed scholarship initiative. Five hundred thousand dollars (\$500,000.00) of this appropriation shall only be expended for programs associated with excellence in agricultural education and research for which matching funds are received. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated monies from these appropriations subject to this footnote shall not revert until June 30, 2024. The appropriations subject to this footnote shall not be included in the agency's 2021-2022 standard budget request. Not later than December 1, 2019, the University of Wyoming shall submit a report to the joint appropriations committee on the operation of the president's endowed scholarship initiative including information on the number of students who receive the scholarship, from which communities the students entered the university, the degree programs of the students and other financial resources and aid available to the students that assisted the students in meeting their financial obligations to the university.

11. (a) The annual earnings from the excellence in agricultural education and research endowment initiated in footnote 10 of this section shall be used for ranch and range management programs.

(b) The University of Wyoming shall consult with the joint agriculture, state and public lands and water resources interim committee to identify priority degree programs in agriculture and cooperative extension. Not later than November 1, 2019, the University of Wyoming shall submit a report to the joint appropriations committee and joint agriculture, state and public lands and water resources interim committee on the efforts and outcomes on each of the permissible uses of endowment funds as well as development of priority degrees associated with this footnote.

12. Not later than October 1, 2019, the University of Wyoming shall report to the joint appropriations committee on salary adjustments given to employees under this section and Section 336(a)(ii) of this act. The report shall include a list of all salary adjustments made by position, the amount of each salary adjustment and how the salary adjustments comply with the requirements of Section 336 of this act.

13. Of this general fund appropriation, one million dollars (\$1,000,000.00) shall not be included in the agency's 2021-2022 standard budget request and shall only be expended for programmatic aspects of the science initiative.

14. Of this general fund appropriation, one million dollars (\$1,000,000.00)

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

shall be distributed to the University of Wyoming after the president of the university certifies to the governor that the university's college of education, after consultation and coordination with Wyoming community colleges, has instituted a program to train career and technical education teachers in person and through virtual education.

15. (a) Of this general fund appropriation, three million dollars (\$3,000,000.00) shall not be included in the agency's 2021-2022 standard budget request and shall only be expended for the purpose of raising the stature of the college of engineering and applied sciences toward tier one (1) status. One million dollars (\$1,000,000.00) of the appropriation subject to this footnote shall only be released to the University of Wyoming if the following conditions are met:

(i) The funds are matched by the University of Wyoming in the ratio of one dollar and fifty cents (\$1.50) of appropriated funds for every one dollar (\$1.00) of matching funds from any other funds available to the University of Wyoming; and

(ii) The funds are additionally matched in the ratio of one dollar (\$1.00) of appropriated funds for one dollar (\$1.00) of matching funds from nonstate funds external to the University of Wyoming, but not to exceed one million dollars (\$1,000,000.00) from nonstate funds external to the University of Wyoming.

(b) Funds shall be released to the University of Wyoming under subsection (a) of this footnote in increments of not less than one hundred thousand dollars (\$100,000.00) as required matching ratios have been secured. The general funds subject to this footnote that are not released under subsection (a) of this footnote on or before June 30, 2020 shall revert as provided by law.

Section 072. RETIREMENT SYSTEM

PROGRAM

Administration ¹			15,813,328	PF	15,813,328
			<u>15,896,501</u>	PF	<u>15,896,501</u>
Highway Patrol			51,000	SR	51,000
Game & Fish-Wardens			75,945	SR	75,945
Deferred Compensation			<u>2,121,849</u>	P2	<u>2,121,849</u>
TOTALS	0	0	18,062,122		18,062,122
			<u>18,145,295</u>		<u>18,145,295</u>

AUTHORIZED EMPLOYEES

Full Time	39	<u>42</u>
Part Time	<u>0</u>	
TOTAL	39	<u>42</u>

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

1. (a) For the period beginning on the effective date of this act and ending June 30, 2020, the maximum annual salary to be paid for each investment staff position classification, as determined by the retirement board of the Wyoming retirement system, shall be as follows:

(i) Two hundred fifty thousand dollars (\$250,000.00) for the chief investment officer;

(ii) One hundred eighty-nine thousand dollars (\$189,000.00) for a senior investment officer;

(iii) One hundred thirty-two thousand dollars (\$132,000.00) for an investment officer;

(iv) Ninety-three thousand dollars (\$93,000.00) for a senior analyst;

(v) Seventy thousand dollars (\$70,000.00) for an analyst.

Section 080. DEPARTMENT OF CORRECTIONS ¹

PROGRAM

WDOC Commissaries			4,552,512	EF	4,552,512
WDOC Assistance Fund			939,783	SR	939,783
WDOC Inmate Medical	38,276,502				38,276,502
WDOC Substance Abuse Trt. ^{2,3}	3,292,205	100,000	4,450,078	TT	7,842,283
Corrections Operations ^{5a,6a,7}	20,664,604	301,600	1,522,380	SR	
	<u>25,664,604</u>				
			13,472	TT	22,502,056
					<u>27,502,056</u>
Field Services	37,863,739		3,606,301	TT	41,470,040
Honor Conservation Camp	16,439,057				16,439,057
Women's Center	15,930,383		45,000	SR	15,975,383
Honor Farm	14,316,516		863,379	IS	15,179,895
State Penitentiary ⁴	58,998,111				58,998,111
WY Medium Corr. Inst.	<u>54,258,417</u>				<u>54,258,417</u>
TOTALS	260,039,534	401,600	15,992,905		276,434,039
	<u>265,039,534</u>				<u>281,434,039</u>

AUTHORIZED EMPLOYEES

Full Time	1,226
Part Time	<u>3</u>
TOTAL	1,229

1. The department shall report quarterly to the joint appropriations committee on the amount of funds reappropriated under 2017 Wyoming Session Laws,

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

Chapter 120, Section 2, Section 080, footnote 2 on any expenditure of these funds throughout the period beginning July 1, 2018 and ending June 30, 2020.

2. Of this other funds appropriation, three million dollars (\$3,000,000.00)TT is effective immediately.

3. Of this other funds appropriation, two hundred thousand dollars (\$200,000.00)TT shall not be included in the agency's 2021-2022 standard budget request.

4. The department is authorized to transfer funds within the state penitentiary facility management unit to ensure 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.

5. (a) Not later than November 1, 2019, the department of corrections shall report to the joint appropriations committee and the joint judiciary interim committee on the number of inmates with confirmed cases of hepatitis C, the length of remaining sentence for each inmate known to be infected as of a date certain, the time until each infected inmate is eligible for parole and the level of progression or assessment of severity of the disease to the fullest extent possible. The report shall summarize the information to prevent disclosing personally identifiable information.

(b) The department of corrections shall provide for appropriate medical treatment of emergency cases of inmates with hepatitis C from funds in this appropriation, as determined by the department.

(c) The department shall provide information to all inmates known to be infected with hepatitis C regarding the risk factors for transmission and options for securing medical insurance coverage, including public insurance options.

6. Of this general fund appropriation, five million dollars (\$5,000,000.00) shall only be expended on out-of-facility placements upon approval of the governor. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

7. (a) For the period beginning with the effective date of this act and ending June 30, 2020, the department of corrections shall report monthly to the governor, the joint judiciary interim committee and the joint appropriations committee on:

(i) The number of vacant positions;

(ii) Monthly and biennial budget savings from the vacant positions;

(iii) Monthly and biennial expenditures for out-of-facility inmate

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

placements in Wyoming and out-of-state facilities;

(iv) Monthly and biennial expenditures associated with major maintenance at each of the Wyoming correctional facilities;

(v) Monthly and biennial expenditures on facility maintenance and renovation actions at the Wyoming state penitentiary; and

(vi) Biennial forecasts of expenditures, or savings, for each of the items listed in paragraphs (i) through (v) of this footnote.

Section 085. WYOMING BUSINESS COUNCIL

PROGRAM

Wyoming Business Council (a)(2)(b)	17,244,115	6,224,757	1,748,103	SR	
			<u>3,000,000</u>	<u>\$0</u>	25,216,975
					<u>28,216,975</u>
Investment Ready Comm. (b)(4)	38,588,050				38,588,050
					<u>38,588,050</u>
TOTALS	<u>55,832,165</u>	<u>6,224,757</u>	<u>1,748,103</u>		<u>63,805,025</u>
			<u>4,748,103</u>		<u>66,805,025</u>

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

AUTHORIZED EMPLOYEES

Full Time	0
Part Time	0
TOTAL	0

1. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall only be expended for developing new markets for Wyoming agricultural products and expanding foreign trade efforts in Asia. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

2. Of this other funds appropriation, three million dollars (\$3,000,000.00) \$0 or as much thereof as is available is appropriated from the broadband development subaccount within the economic diversification account created by W.S. 9-12-1404(a)(ii). This appropriation shall only be expended for purposes of providing grants for broadband projects in underserved areas of the state as defined by the state broadband enhancement plan under W.S. 9-12-105(a)(ix). Grant applications from political subdivisions for support of business development in rural areas of Wyoming shall receive priority for grant funds and no first class city shall be eligible to receive grants from funds subject to this footnote. Any grant shall require a match in the ratio of one dollar

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

(\$1.00) of appropriated funds to not less than one dollar (\$1.00) of matching funds from a local government applicant. The local government match may include funds from other grants. Grants from this appropriation shall only be awarded for public private partnership broadband projects. The broadband project shall not result in government owned broadband facilities, except for government owned conduit. The broadband project shall not result in government owned broadband services. This appropriation is intended to fund multiple applications and no single grant application or award shall be for more than fifty percent (50%) of this appropriation. Any unexpended, unobligated monies remaining pursuant to this appropriation shall revert to the broadband development subaccount within the economic diversification account on June 30, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

[3. Of these general fund appropriations, two hundred fifty thousand dollars (\$250,000.00) appropriated to the Wyoming business council program and two million dollars (\$2,000,000.00) appropriated to the business ready community program shall only be expended upon further legislative action. Not later than November 1, 2019, the Wyoming business council shall submit a report to the joint appropriations committee and joint minerals, business and economic development interim committee on economic development efforts within state government. The report shall identify programs and state economic development efforts that are duplicative, assess which economic development activities could be consolidated or streamlined, evaluate the scope of economic development programs and report on the outcomes per dollar of expenditure, by program.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

[4. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall only be expended as provided in this footnote through a joint contract between the state and one (1) or more consortia of Wyoming manufacturers selected by the Wyoming business council and in a manner consistent with contracts executed under W.S. 9-12-105(a)(vii). Pursuant to the terms of the joint contract, the state and the selected consortia shall retain the services of an aerospace and defense manufacturing procurement officer to assist in securing aerospace and federal defense contracts. Prior to expending any funds subject to this footnote, this appropriation shall be matched in the ratio of one dollar (\$1.00) of appropriated funds to not less than one dollar (\$1.00) of matching nonstate funds from the selected consortia.] [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

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

Section 101. SUPREME COURT

PROGRAM

Administration	9,630,914	599,133	2,964,744	SR	13,194,791
			<u>3,003,841</u>	SR	<u>13,233,888</u>
Judicial Nominating Comm.	17,942				17,942
Law Library	1,469,587				1,469,587
Circuit Courts	29,780,851				29,780,851
Court Automation	2,349,714		10,117,439	SR	12,467,153
Judicial Retirement	1,963,193				1,963,193
	<u>2,075,693</u>				<u>2,075,693</u>
Board of Judicial Policy	<u>655,424</u>				<u>655,424</u>
TOTALS	45,867,625	599,133	13,082,183		59,548,941
	<u>45,980,125</u>		<u>13,121,280</u>		<u>59,700,538</u>

AUTHORIZED EMPLOYEES

Full Time	204	
Part Time	25	<u>27</u>
TOTAL	229	<u>231</u>

Section 130. JUDICIAL DISTRICT 7A

PROGRAM

Administration	1,114,348			1,114,348
	<u>1,126,014</u>			<u>1,126,014</u>
TOTALS	1,114,348	0	0	1,114,348
	<u>1,126,014</u>			<u>1,126,014</u>

AUTHORIZED EMPLOYEES

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

Section 131. JUDICIAL DISTRICT 7B

PROGRAM

Administration	1,107,362			1,107,362
	<u>1,119,029</u>			<u>1,119,029</u>
TOTALS	1,107,362	0	0	1,107,362
	<u>1,119,029</u>			<u>1,119,029</u>

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

AUTHORIZED EMPLOYEES

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

Section 139. NATRONA CO DISTRICT 7C

PROGRAM

Administration	1,070,226			1,070,226
	<u>1,081,893</u>			<u>1,081,893</u>
<hr/>				
TOTALS	1,070,226	0	0	1,070,226
	<u>1,081,893</u>			<u>1,081,893</u>

AUTHORIZED EMPLOYEES

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

Section 157. DISTRICT ATTORNEY/JUD DIST #7

PROGRAM

Administration	4,114,051			4,114,051
	<u>4,129,590</u>			<u>4,129,590</u>
<hr/>				
TOTALS	4,114,051	0	0	4,114,051
	<u>4,129,590</u>			<u>4,129,590</u>

AUTHORIZED EMPLOYEES

Full Time	20
Part Time	<u>0</u>
TOTAL	20

Section 167. UW - MEDICAL EDUCATION ¹.

PROGRAM

Family Medical Residency ^{2,4}	15,379,215	16,525,813	SR	31,905,028
	<u>14,971,163</u>	<u>17,662,210</u>	SR	<u>32,633,373</u>
WWAMI Medical Education	12,534,081	3,064,091	SR	15,598,172
Dental Contracts	4,490,418			4,490,418
Nursing Program	221,625			221,625
Administration ³	426,254			426,254
	<u>843,011</u>	<u>301,370</u>	SR	<u>1,144,381</u>
<hr/>				

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	33,051,593	0	19,589,904	52,641,497
	<u>33,060,298</u>		<u>21,027,671</u>	<u>54,087,969</u>

AUTHORIZED EMPLOYEES

Full Time	143	<u>144</u>
Part Time	<u>23</u>	
TOTAL	166	<u>167</u>

1. Funds appropriated for 100 series personal services under section 167 may be transferred and expended for contract services for instructors, physicians and other health care providers for the University of Wyoming family practice residency and WWAMI medical education programs. The University of Wyoming shall report any transfers and expenditures pursuant to this footnote in accordance with Section 307 of this act.

~~2. Of this general fund appropriation, four hundred twenty-eight thousand one hundred forty-four dollars (\$428,144.00) and of this other funds appropriation, one million two hundred sixteen thousand six hundred twenty-two dollars (\$1,216,622.00)SR shall only be for the period beginning July 1, 2018 and ending June 30, 2019.~~

~~3. Of this general fund appropriation, four hundred twenty-six thousand two hundred fifty-four dollars (\$426,254.00) shall only be for the period beginning July 1, 2018 and ending June 30, 2019. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.~~

4. If 2019 House Bill 0221 is enacted into law, the 2021-2022 standard budget request for the family medical residency programs shall be re-designated as expenditure object series funding for grants and aid.

Section 205. EDUCATION-SCHOOL FINANCE

PROGRAM

School Foundation Program ¹			1,718,820,000	S5	1,718,820,000
Court Ordered Placements			17,183,639	S5	17,183,639
Foundation-Specials			5,540,000	S5	5,540,000
Education Reform			9,711,919	S5	9,711,919
Student Performance Data			<u>6,351,539</u>	S5	<u>6,351,539</u>
TOTALS		0	0		1,757,607,097

AUTHORIZED EMPLOYEES

Full Time	3
Part Time	<u>0</u>
TOTAL	3

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

1. (a) In accordance with W.S. 21-13-309(o), this other funds appropriation includes funding for an external cost adjustment to the education resource block grant model for school year 2019-2020 computed as follows:

(i) 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 fifteen thousandths percent (1.415%), based upon the inflationary percentage computed under the 2017 Wyoming Comparable Wage Index;

(ii) 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 five hundred thirty-six thousandths percent (1.536%), based upon the inflationary percentage computed under the 2017 Wyoming High School Comparable Wage Index;

(iii) 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)], three and three hundred thirty-five thousandths percent (3.335%), measured by the BLS Producer Price Index for Office Supplies and Accessories;

(iv) 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)], ten and eight hundred twenty-three thousandths percent (10.823%), measured by the BLS Producer Price Index for Commercial Electric Power weighted at twenty-nine and one-tenth percent (29.1%), the BLS Producer Price Index for Commercial Natural Gas weighted at fifty-eight and fifty-four hundredths percent (58.54%) and the BLS Producer Price Index for Gasoline weighted at twelve and thirty-six hundredths percent (12.36%).

Section 206. DEPARTMENT OF EDUCATION ⁴

PROGRAM

State Board of Education	243,470		417,698	S5	661,168
Leadership, Finance & IT ¹	8,526,825	16,031	200,000	SR	8,742,856
Accountability & Commun ^{2, [5]}	5,782,438	20,228,963	4,844,733	S5	
	<u>5,882,438</u>				
			202,486	SR	
			1,000	T0	31,059,620
					<u>31,159,620</u>
School Support ³	3,639,385	228,335,397	797,916	S5	
			3,109,129	SR	
			<u>468,495</u>	T0	<u>236,350,322</u>

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
TOTALS	48,192,448 18,292,118	248,580,391	10,041,457	276,813,966 276,913,966

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

AUTHORIZED EMPLOYEES

Full Time	107
Part Time	2
TOTAL	109

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be expended if there is a change of state superintendent of public instruction as a result of the 2018 general election and then only for transition staff salaries, travel and other related office expenses. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020. The appropriation subject to this footnote shall not be included in the agency's 2021-2022 standard budget request.

2. Of this general fund appropriation, one million three hundred seventy-one thousand ninety-four dollars (\$1,371,094.00) shall be conditioned upon a report from the department of education to the joint education interim committee and the joint appropriations committee not later than October 1, 2018 on enrollment trends in schools on the Wind River Indian Reservation receiving funds under W.S. 21-4-601 and school districts within Fremont county, including identifiable movement of students between schools, method of calculating enrollment and average daily membership, historic funding trends, by source, for schools receiving funds under W.S. 21-4-601 from the Federal Bureau of Indian Education, annual and per student financial support provided by state governments in states other than Wyoming to schools receiving Federal Bureau of Indian Education funds, recent financial audit results related to schools on the Wind River Indian Reservation, traveling distance between schools in Fremont county to other nearby K-12 schools serving similar-aged populations, the manner in which reimbursements for transportation or special education are incorporated into the calculation of state payments in accordance with W.S. 21-4-601 and student performance and school accountability results under W.S. 21-4-601 for schools on the Wind River Indian Reservation.

3. The department of education shall report to the joint education interim committee and the joint appropriations committee not later than October 1, 2018 regarding the national certification incentive under W.S. 21-7-501(a)

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

through (d), compliance with current statute, administrative structure and historic annual costs by budget series and purpose, payments provided for under W.S. 21-7-501(a) through (d), and any expenditures toward the national certification incentive not specifically authorized under W.S. 21-7-501 and recommended changes to statute.

4. Up to fifty thousand dollars (\$50,000.00) from any appropriation to the department under this section is authorized to be expended by the department during school years 2018-2019 and 2019-2020 to pay for processing costs for Wyoming poultry, lamb, pork, beef or bison donated to a school district to be used in school lunches. Expenditures authorized in this footnote shall be made only if an equal amount of funding has been contributed by a local school district for the processing costs of the donated Wyoming poultry, lamb, pork, beef or bison. The department shall endeavor to provide funding to as many school districts as possible.

~~**5. Of this general fund appropriation, one hundred thousand dollars (\$100,000.00) shall be distributed to establish a pilot principal education program in Sheridan County School District #2 as a component of the statewide system of support. The department shall distribute these funds to the school district on or before July 1, 2019. Sheridan County School District #2 shall use these funds to train Wyoming school principals and may provide a report on the program to the joint education interim committee by June 30, 2020.**~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

Section 3. 2018 Wyoming Session Laws, Chapter 134, Sections 300(f) and (k) and by creating new subsections (m) through (p), 301(a), 303(g), 307 by creating a new subsection (d), 313(a), (d) and by creating new subsections (p) through (t), 320, 323(a) and by creating new subsections (c) and (d), 333(a)(i), (d) and (e) and by creating new Sections 336 through 353 are amended to read:

[BUDGET BALANCERS - TRANSFERS]

Section 300.

(f) The state auditor shall transfer ~~eighty-one million five hundred sixty-two thousand six hundred thirty dollars (\$81,562,630.00)~~ eighty-five million seven hundred eighty-nine thousand seven hundred fifty-six dollars (\$85,789,756.00) from the general fund to the capitol building rehabilitation and restoration account created by W.S. 9-5-109(j). The state auditor shall transfer the cumulative amount of funds in this subsection not later than July 31, 2018-June 30, 2019.

~~(k) The state auditor shall transfer twenty-three million four hundred~~

~~thirty-seven thousand four hundred fifty-six dollars (\$23,437,456.00) from the general fund to an account within the state auditor's office in anticipation of supplemental budget requests from the department of health and the department of family services. Funds within the account shall not be expended without further legislative appropriation.~~

(m) The state auditor shall transfer one million dollars (\$1,000,000.00) from the general fund to the state fair endowment account created by W.S. 11-10-118(a).

(n) The state auditor shall transfer any balance remaining in the national guard health care provider retention account previously created by W.S. 19-9-804 to the state fair endowment account created by W.S. 11-10-118(a). The state auditor shall transfer funds in this subsection not later than June 30, 2019 and permanently terminate the account.

(o) The state auditor shall transfer twenty-five million eight hundred three thousand six hundred fifty-six dollars (\$25,803,656.00) from the general fund to the school capital construction account.

(p) If 2019 House Bill 0279 is not enacted into law, the state auditor shall transfer four million dollars (\$4,000,000.00), or as much thereof as is available from unexpended and unobligated funds from the Wyoming pari-mutuel account to the general fund.

[BORROWING AUTHORITY - CASH FLOW]

Section 301.

(a) The state auditor is authorized to borrow from the legislative stabilization reserve account amounts necessary to assist the state's general fund cash flow. The amounts borrowed shall be repaid when sufficient general fund revenue is available. The auditor shall borrow funds under this subsection only to assist the month-to-month cash flow of the general fund and shall not borrow funds under this subsection when total appropriations together with outstanding encumbrances and obligations for the biennium exceed projected revenues, including transfers from the budget reserve account as authorized by the legislature, for the biennium. Notwithstanding W.S. 9-1-417, no interest shall be charged on any loans to the general fund authorized by this subsection.

[CARRYOVER APPROPRIATIONS]

Section 303.

[EMPLOYEE GROUP HEALTH INSURANCE]

(g) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, of unexpended, unobligated monies appropriated for purposes of employer paid health, dental and life insurance benefits under 2016 Wyoming Session Laws, Chapter 31, as amended by 2017 Wyoming Session Laws, Chapter 120 shall not revert on June 30, 2018, and are hereby reappropriated to the state auditor's office for purposes

provided for in this subsection. Loans or expenditures may be made from this reappropriation only upon determination by the governor that insufficient funds exist from appropriations in this act and all enacted laws for employee group health, dental and life insurance premium increases during the period beginning July 1, 2018 and ending June 30, 2020. Upon notification from the governor, the state auditor shall transfer funds to agencies for purposes of state employees' and officials' group insurance fund cash flow loans or employee group health, dental and life insurance premium increases. Loans shall be repaid with cash balances in excess of eighteen million five hundred thousand dollars (\$18,500,000.00) within the combined state employees' and officials' group insurance pools. Interest charged on the amounts borrowed shall be equal to the interest rate earned on pooled fund investments in the previous fiscal year. All transfers authorized under this subsection shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to W.S. 9-2-1013(b). This reappropriation shall not be loaned, transferred or expended for any other purpose not specified in this subsection and any unexpended, unobligated funds remaining from this reappropriation shall revert as provided by law on June 30, 2020.

[PERSONAL SERVICES TRANSFERS]

Section 307.

(d) In addition to the authority in section 305 of 2018 Wyoming Session Laws, Chapter 134 and notwithstanding W.S. 9-2-1005(a) and (c) and subsections (a) through (c) of this section, the governor is authorized to transfer up to an aggregate of one hundred seventy-five thousand dollars (\$175,000.00) in general funds from any agency or program to any other agency or program and from any expenditure series to any other expenditure series in order to restore any budget reductions contained in this act for the budget period beginning with the effective date of this act and ending June 30, 2020 if the governor determines that the budget reductions are likely to result in adverse impacts to health, welfare or delivery of state services or result in conflict with other law.

[SCHOOL CAPITAL CONSTRUCTION]

Section 313.

(a) This section shall consist of funds appropriated for the 2019-2020 biennial school capital construction appropriation. Appropriations for capital construction projects shall remain in effect until the project is completed, unless otherwise provided.

(d) An estimated schedule for deploying projects funded by amounts appropriated under ~~subsection (g)~~ of this section and projects funded by previous appropriations, as adopted by the school facilities commission and as contained within the 2019-2020 biennial budget submitted by the

commission under W.S. 21-15-119, as modified by the commission's 2019-2020 supplemental budget request, shall be used by the state construction department to guide 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.

(p) The following amounts are appropriated from the school capital construction account to the school facilities commission for the 2019-2020 biennial budget period:

(i) In addition to amounts appropriated for charter school leases under paragraph (g)(i) of this section, up to twenty-seven thousand five hundred eighty dollars (\$27,580.00) for the purpose of a charter school lease for an elementary school in Albany County School District #1 for the 2019-2020 school year and four hundred twelve thousand one hundred seventy-one dollars and twenty cents (\$412,171.20) for the purpose of a charter school lease for a secondary school in Laramie County School District #1 for the 2019-2020 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 any alternative mechanism, including pursuant to W.S. 21-3-110(a)(x). The state construction department, in making payments under this paragraph, shall ensure charter school leases and the cost per square foot calculation under W.S. 21-3-110(a)(x)(B) limiting the maximum payments under this paragraph do not include funding for utilities or routine maintenance as provided within the education resource block grant model as defined in W.S. 21-13-101(a)(xiv);

(ii) Up to seventeen million nine hundred eighty-one thousand three hundred seventy-two dollars (\$17,981,372.00) for the purpose of constructing a satellite high school in Sweetwater County School District #1;

(iii) Notwithstanding 2017 Wyoming Session Laws, Chapter 205, Section 7(a), up to eight million eight hundred twenty-four thousand three hundred sixty dollars (\$8,824,360.00) for the purpose of constructing an alternative high school in Sheridan County School District #2;

(iv) For school safety and security projects and in addition to funds reappropriated under subsection (q) of this section, up to four million nine hundred fifty thousand dollars (\$4,950,000.00). Funds appropriated under this paragraph and reappropriated under subsection (q) of this section shall only be expended on projects approved by the school facilities commission. The commission shall only approve security projects pursuant to a commission established process that ensures that funds distributed under this paragraph maximize improvements to student and staff safety. The commission shall consult with school districts to facilitate, to the extent efficient and practicable, consolidated procurement of school safety and security projects among school districts. **[The commission shall only allow expenditures for priorities one (1) through six (6), eight (8) and eleven (11) as submitted in the 2019**

~~supplemental budget request of the state construction department.]~~
[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS
VETOED BY GOVERNOR FEBRUARY 26, 2019.]

(q) Six million one hundred fifty-two thousand eight hundred ten dollars and ninety-one cents (\$6,152,810.91) or as much thereof as is available as contained in 2014 Wyoming Session Laws, Chapter 82, Section 1(e)(ix), as amended by 2015 Wyoming Session Laws, Chapter 194, Section 1, is hereby reappropriated to the school facilities commission for the purpose of funding school safety and security projects pursuant to paragraph (p)(iv) of this section.

(r) Two hundred seventy-five thousand six hundred sixty-nine dollars (\$275,669.00) or as much thereof as is available as contained in 2016 Wyoming Session Laws, Chapter 25, Section 1(g)(ii)(A), as amended by 2017 Wyoming Session Laws, Chapter 200, Section 1, for modular projects for Converse County School District #1 is hereby reappropriated to the school facilities commission for the purpose of replacing an elementary school modular building in Converse County School District #1.

(s) Not later than September 1, 2019, the state construction department shall report to the joint education interim committee and the joint appropriations committee on school capital construction expenditures related to the tribal employment rights ordinance. The report shall include the purpose of each expenditure and recipient of the expenditure for the period beginning July 1, 2009 and ending June 30, 2019. Within the report, the department shall make recommendations for future expenditures and options for alternative expenditures or fiscal structures, if any, within the constraints of the tribal employment rights ordinance.

(t) For unanticipated costs associated with projects funded under paragraphs (p)(ii) and (iii) of this section, up to one million seventy-two thousand two hundred twenty-nine dollars (\$1,072,229.00) may be expended from unexpended, unencumbered amounts remaining from prior appropriations for unanticipated costs as provided in 2012 Wyoming Session Laws, Chapter 16, Section 1(e), 2013 Wyoming Session Laws, Chapter 129, Section 1(b)(viii) and 2014 Wyoming Session Laws, Chapter 82, Section 1(e)(x) and (xi).

~~[RESERVED-STATE AGENCY POOL INVESTMENTS]~~

Section 320. ~~Reserved.~~

(a) For the period beginning with the effective date of this act and ending June 30, 2020, the state treasurer is authorized to borrow from the general fund up to one million five hundred thousand dollars (\$1,500,000.00) as necessary to meet the cash flow requirements of the unclaimed property income fund referenced by W.S. 34-24-124 as the account to receive all interest income from funds received under the Uniform Unclaimed Property Act. Any loan executed under this subsection shall be repaid to the general fund from revenues

directed to the unclaimed property income fund within five (5) years of the execution date of the loan. Interest charged on the amounts borrowed shall be equal to the interest rate earned on pooled fund investments in the previous fiscal year. The state treasurer shall report to the governor, state auditor and joint appropriations committee immediately upon exercise of the borrowing authority each time a loan is executed and shall report the loan repayments made to the general fund not less than annually until the loan is fully repaid.

(b) If the state realizes net capital losses in fiscal years 2019 or 2020 from pooled fund investments of more than twenty million dollars (\$20,000,000.00) in any month, on the first occurrence only there is appropriated one hundred fifty thousand dollars (\$150,000.00) from the general fund to the Montgomery trust fund operating account created to account for proceeds invested from property received for the benefit of the visually handicapped citizens of Wyoming by W.S. 25-6-101(b). The state treasurer shall report to the governor, state auditor and the joint appropriations committee immediately upon determination of the conditions met to execute this appropriation. Upon receipt of notification by the state treasurer, the state auditor shall deposit the appropriated amounts in this subsection into the Montgomery trust fund operating account.

(c) If the state realizes net capital losses in fiscal years 2019 or 2020 from pooled fund investments of more than twenty million dollars (\$20,000,000.00) in any month, on the first occurrence only there is appropriated one hundred five thousand dollars (\$105,000.00) from the corpus of the Wyoming children's trust fund created by W.S. 14-8-106 for grants and board expenses as determined by the Wyoming children's trust fund board. The state treasurer shall report to the governor, state auditor and joint appropriations committee immediately upon determination of the conditions met to execute this appropriation. Upon receipt of notification by the state treasurer, the state auditor shall notify the department of family services and the Wyoming children's trust fund board of the funds available for expenditure.

[LANDFILL REMEDIATION AND CEASE AND TRANSFER PROGRAMS]

Section 323.

(a) There is appropriated two million dollars (\$2,000,000.00) from the municipal solid waste landfill remediation account created under W.S. 35-11-535(a) to the municipal solid waste cease and transfer grant account created under W.S. 35-11-529(a). This appropriation shall only be expended on the most recent prioritized list of qualifying projects approved by the legislature: prioritized list of qualified projects authorized by the legislature pursuant to the municipal solid waste facilities cease and transfer program created by W.S. 35-11-528.

(c) There is appropriated fourteen million dollars (\$14,000,000.00) from the general fund to the municipal solid waste cease and transfer grant account

created under W.S. 35-11-529(a). This appropriation shall only be expended on the prioritized list of qualified projects authorized by the legislature pursuant to the municipal solid waste facilities cease and transfer program created by W.S. 35-11-528.

(d) On April 1, 2019, the aggregate sum of any funds appropriated in subsection (c) of this section and 2019 Senate File 0121 as enacted into law in excess of fourteen million dollars (\$14,000,000.00) are hereby reappropriated to the fund from which appropriated in proportionate amounts to the total appropriations in subsection (c) of this section and 2019 Senate File 0121.

[BLOCKCHAIN TASK FORCE]

Section 333.

(a) There is created the blockchain task force. The task force shall be composed of:

(i) ~~Two (2)~~ Three (3) members of the senate, appointed by the president of the senate, and ~~two (2)~~ three (3) members of the house of representatives, appointed by the speaker of the house. Not more than ~~three (3)~~ four (4) of the legislative members of the task force shall be from the same political party;

(d) There is appropriated ~~twenty thousand dollars (\$20,000.00)~~ thirty-three thousand dollars (\$33,000.00) from the general fund to the legislative service office for the period beginning with the effective date of this section and ending June 30, 2020. This appropriation shall only be expended for funding salary, mileage and per diem of legislative members of the task force for attendance at meetings 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, 2020.

(e) There is appropriated ten thousand dollars (\$10,000.00) from the general fund to the governor's office for the period beginning with the effective date of this section and ending June 30, 2020. This appropriation shall only be expended for funding ~~mileage and per diem of the actual travel expenses of~~ members of the task force appointed by the governor for attendance at meetings 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, 2020.

[EMPLOYEE COMPENSATION]

Section 336.

(a) There is appropriated ten million one hundred twenty thousand dollars (\$10,120,000.00) from the general fund to the state auditor for salary adjustments of generally funded employees whose salary is not prescribed by

law for the fiscal period commencing July 1, 2019 and ending June 30, 2020 as specified in this section. From this appropriation, the state auditor shall distribute the following amounts:

(i) Five million five hundred thousand dollars (\$5,500,000.00) for distribution among the executive branch agencies, including statewide elected officials, pursuant to subsection (b) of this section for employees of the executive branch, the commission on judicial conduct and ethics and the community college commission but not including any agency or entity specified in paragraph (ii) or (iii) of this subsection;

(ii) Two million seven hundred seventy thousand dollars (\$2,770,000.00) to the University of Wyoming pursuant to subsection (b) of this section for employees of the University of Wyoming, the University of Wyoming medical education program and the enhanced oil recovery commission;

(iii) One million five hundred twenty thousand dollars (\$1,520,000.00) to the community college commission to be further distributed pursuant to subsection (b) of this section among the community colleges for employees of the community colleges and Wyoming public television;

(iv) Three hundred thirty thousand dollars (\$330,000.00) to the supreme court to be further distributed pursuant to subsection (b) of this section among the employees of the supreme court, district courts and circuit courts and related subdivisions.

(b) Funds appropriated under subsection (a) of this section shall be uniformly distributed to employees within each paragraph under subsection (a) of this section to provide for salary and employer paid benefit increases in a uniform percentage for the portion of an employee's or position's generally funded salary that is less than or equal to eighty thousand dollars (\$80,000.00) per year. No funds appropriated in this section shall be expended to provide for a percentage increase for the portion of an employee's or position's salary that exceeds eighty thousand dollars (\$80,000.00) per year.

(c) For state executive and judicial branch employees whose compensation is paid from nongeneral fund sources, to the extent funds are available, there is appropriated from those accounts and funds amounts necessary to provide payment of comparable percentage salary increases and employer paid benefits as that which is distributed to employees within each paragraph under subsection (a) of this section and subject to the limitations in subsection (b) of this section. For state executive and judicial branch employees, general funds shall only be expended for compensation increases in the same proportion as the employee's budgeted salary is paid by state general funds.

(d) Notwithstanding any other provision of law, the appropriation under this section shall not be transferred or expended for any purpose other than as specified in this section. Any unexpended, unobligated funds remaining from

the appropriation under this section shall revert as provided by law on June 30, 2020.

[UW SCHOOL OF ENERGY RESOURCES-
ADVANCING COAL TECHNOLOGIES]

Section 337.

(a) There is appropriated five million dollars (\$5,000,000.00) from the general fund to the school of energy resources within the University of Wyoming for the design and construction of a pilot project utilizing advanced coal-based generated technology that captures not less than seventy-five percent (75%) of carbon emissions from a Wyoming coal fired power plant of at least five (5) megawatts. The expenditure of this appropriation shall be subject to the following:

(i) The governor shall approve any expenditure and shall take any actions necessary to ensure the legality of an expenditure of this appropriation. Expenditures shall only be made upon a determination by the governor that the construction of the pilot project will result in substantial benefit to the public. No expenditures shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith;

(ii) The state of Wyoming shall have a free, non-exclusive license to any intellectual property developed during the design and construction of any pilot plant supported by the appropriation made by this section. Furthermore, the state of Wyoming has the right of first refusal to assume sole ownership of the physical pilot project facility constructed with this appropriation. State ownership shall not extend to the real property on which the physical plant is located nor to any improvement, equipment or fixture purchased with funds from sources other than the state of Wyoming;

(iii) The school of energy resources shall establish a cooperative effort for the construction, management and operation of the facility between any institution, instrumentality or political subdivision of the state and any accepted partner in the pilot project;

(iv) A signed written agreement between the state of Wyoming and every partner in the pilot project. The agreement shall provide that all data, information, studies, analysis and intellectual property of any kind produced utilizing facilities constructed with funds from this appropriation or matching funds shall only be licensed or transferred to a licensee or transferee who agrees in writing to make every reasonable effort to implement or market the data, information, studies, analysis or intellectual property to manage carbon capture and sequestration in a commercial capacity;

(v) Signed agreements between all partners in the pilot project and the state of Wyoming retaining sovereign immunity and providing indemnification from any liability, damages and legal fees incurred by the state of Wyoming from any claims, causes of action, injuries or judgments resulting from use of the facilities by an employee, contractor or guest of a partner, researcher or lessor;

(vi) The governor may request a determination by the school of energy resources that the construction of the pilot project has a reasonable likelihood of any of the following:

(A) Increasing the knowledge base within the state of Wyoming on the capture, sequestration and management of carbon emissions from coal fired power plants with the potential benefit of improving the future marketability of Wyoming carbon-based energy sources;

(B) Increasing the national and international exposure of the state of Wyoming and its institutions, instrumentalities and political subdivisions as participants and locations for innovation in the use of energy;

(C) Adding ancillary or supplemental value to Wyoming products or by-products;

(D) Inducing the development of methods or products which may advance the future use of Wyoming carbon based natural resources.

(vii) The governor may prohibit or suspend the expenditure of funds for the pilot project if the governor or the school of energy resources determine at any time that construction of the pilot project will not result in the satisfaction of one (1) or more of the elements of paragraph (vi) of this subsection. If the governor exercises authority to prohibit or suspend expenditures under this paragraph, any funds remaining from the general fund appropriation under this section shall revert as provided by law on June 30, 2020.

[REVIEW OF SUSTAINED HOSPITAL VIABILITY]

Section 338.

(a) There is appropriated two hundred thirty thousand dollars (\$230,000.00) from the general fund to the department of health. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. The department of health shall only expend this appropriation to contract with qualified persons to provide the studies, analyses and reports required by this section, to assemble, reproduce and distribute the reports and to convene working groups.

(b) The department of health, with the assistance of qualified persons or contractors, shall study and report on all of the following:

(i) Identification of medical services provided through Wyoming public and private hospitals, if any, which are at risk of no longer being economically

or medically viable in Wyoming or geographic regions of Wyoming;

(ii) Identification of the health risks to Wyoming residents which may result from the lack of medical services identified under paragraph (i) of this subsection;

(iii) Strategies and opportunities to maintain the highest quality and broadest range of medical services through existing public and private hospitals in Wyoming;

(iv) Duplication and competition of medical services and efforts among public and private hospitals within a proximate geographic area based upon populations served;

(v) The report shall include recommendations concerning:

(A) Efficient distribution of hospital medical services;

(B) Whether development of specialized centers of excellence or regionally provided hospital services within Wyoming would improve the viability of Wyoming's public and private hospitals; and

(C) Sustaining and growing, efficient, cost-effective medical services within Wyoming's public and private hospitals.

(c) The department may convene working groups to solicit input. If one (1) or more working groups is created, the groups shall, at minimum, include representatives of the following:

(i) Medical services community;

(ii) Patient groups;

(iii) Insurance companies;

(iv) Legislators, as appointed by the speaker of the house and president of the senate;

(v) Hospital board members; and

(vi) Health policy experts.

(d) Members of any group convened under subsection (c) of this section who are government employees or public officials shall be considered on official business of their agency or of the legislature when performing duties as members of the group. Members of the legislature shall receive salary, mileage and per diem from the amounts appropriated in this section as provided under W.S. 28-5-101. Members of any group convened under subsection (c) of this section who are not members of the legislature, public officials or government employees shall receive mileage and per diem as provided under W.S. 28-5-101.

(e) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office. This appropriation shall only be expended pursuant to subsection (d) of this section for members of the

legislature who may be appointed to any group convened under subsection (c) of this section.

(f) The department of health or at the department of health's direction, the persons or consultants contracted by the department pursuant to this section, shall compile all reports and analyses required by this section, together with any recommendations developed under this section, into a single report that shall be provided to the joint labor, health and social services interim committee and the joint appropriations committee on or before October 1, 2019.

[EARLY CHILDHOOD PROGRAMS]

Section 339.

(a) There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the department of education for grants available to school districts or other nonprofit service providers to facilitate community early childhood collaboratives promoting high standards for early learning opportunities and maximizing use of resources.

(b) The department of education shall establish by rule a process for grant administration under this section in coordination with the governor's early childhood state advisory council established through executive order 2010-2. Any rule shall be promulgated in sufficient time to enable awarding of grants to applicant school districts and nonprofit service providers during school year 2019-2020.

(c) Grants awarded in accordance with this section shall be matched in the ratio of one dollar (\$1.00) of appropriated funds to every four dollars (\$4.00) of matching funds from the applicant, which may include local tax dollars, federal dollars, parent tuition, philanthropic contributions and in-kind donations of facilities, equipment and services required as part of the programs such as food services or health screenings.

(d) The governor's early childhood state advisory council shall assist the department of education with the implementation and evaluation of grants awarded in accordance with this section. The department of education shall report on the grants awarded to the joint appropriations committee and joint education interim committee not later than October 1, 2019. The department of education's standard budget for the 2021-2022 biennium shall not include continuation of this grant program.

[RESERVED]

Section 340. [Reserved.]

[WILDLIFE TRUST CHALLENGE ACCOUNT]

Section 341.

(a) The Wyoming wildlife trust challenge account created by 2006 Wyoming

Session Laws, Chapter 35, Section 320 is continued. The state treasurer shall invest funds within the account and shall deposit the earnings from investment of the account to the general fund. There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the wildlife trust challenge account.

(b) To the extent funds are available in the wildlife trust challenge account, the state treasurer shall match gifts actually received by the Wyoming wildlife and natural resource trust account board during the donation period provided in this subsection. A match shall be paid under this section by the state treasurer following any accumulated gift amounts in a total of five thousand dollars (\$5,000.00) or more. The match shall be made by transferring from the Wyoming wildlife trust challenge account to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) an amount equal to the accumulated amount of the gift. The match applies to gifts received during the donation period commencing with the effective date of this act and ending June 30, 2020.

(c) The state treasurer shall make transfers to the Wyoming wildlife and natural resource trust account created by W.S. 9-15-103(a) not later than the end of the calendar quarter following the quarter during which gifts total at least five thousand dollars (\$5,000.00). If gifts are made through a series of payments or transfers, no matching funds shall be transferred under this section until the total value of all payments or transfers actually received totals at least five thousand dollars (\$5,000.00).

(d) Matching funds paid under this section shall not be distributed to or encumbered by the Wyoming wildlife and natural resource trust account board in excess of the amount in the Wyoming wildlife trust challenge account and shall not be transferred to the Wyoming wildlife and natural resource trust account by the state treasurer except to match gifts actually received by the board.

(e) For the purpose of computing the matching amount, the state treasurer shall use the value of a gift based upon its fair market value at the time the gift is received by the Wyoming wildlife and natural resource trust account board. The board shall provide evidence of fair market value for any gift if requested by the state treasurer and shall fund the cost of providing any requested evidence.

[AIR SERVICE]

Section 342. If a long-term contract for commercial air service in the state is not executed in accordance with the provisions of W.S. 10-7-104 on or before June 30, 2019, three million dollars (\$3,000,000.00) of the other funds subject to Section 2, Section 045, footnote 4 of this act are reappropriated on July 1, 2019 to the Wyoming air services enhancement account. These reappropriated funds shall only be expended through the air service enhancement program

under W.S. 10-3-601 and 10-3-602 for purposes of maintaining existing commercial air service contracts in the state through June 30, 2020.

[RESERVED]

Section 343. [Reserved.]

[MEDICAID APPROVED SERVICES FOR SCHOOL DISTRICTS]

Section 344.

(a) In addition to the services and supplies authorized under W.S. 42-4-103(a), subject to approval under subsection (b) of this section, the state plan for Medicaid shall include all services authorized under federal law which may be provided in a school based setting to eligible students, including services delivered pursuant to an individualized education plan or individualized family service plan for speech and language therapy, physical therapy, nursing, occupational therapy, mental health interventions and services provided by a school psychologist.

(b) The director of the department of health, with the consent of the governor, shall negotiate with the United States department of health and human services regarding necessary amendments to the state Medicaid plan, or any necessary waiver under 42 U.S.C. § 1315, to provide the services specified under subsection (a) of this section. Any state Medicaid plan amendments or waiver under this subsection shall be effective July 1, 2020.

(c) Not later than October 1, 2019, the department of education and the department of health shall report to the joint education interim committee and the joint labor, health and social services interim committee on the planned implementation of services specified under subsection (a) of this section. The report shall identify any statutory amendments and other regulatory amendments necessary to allow reimbursement of services specified under subsection (a) of this section to Wyoming school districts to begin with the 2020-2021 school year, including specific school district reporting and claims processing requirements.

(d) The department of health and the department of education shall include an exception budget request for the 2021-2022 biennium to implement the purposes of this section. The exception budget request shall include state and federal funds sufficient to pay for services specified under subsection (a) of this section billed by school districts using the assumption that that state Medicaid plan will contain authority for school districts to bill the state for special education services under the state's Medicaid plan for the 2021-2022 biennium.

[ENERGY PRODUCING STATES COALITION]

Section 345.

(a) There is appropriated twenty-five thousand dollars (\$25,000.00) from the general fund to the legislative service office to maintain the Wyoming

legislature's participation in the energy producing states coalition.

(b) The participation of Wyoming legislators in the energy producing states coalition, authorized by 2011 Wyoming Session Laws, Chapter 92, Section 1 and reauthorized by 2012 Wyoming Session Laws, Chapter 82, Section 1, 2015 Wyoming Session Laws, Chapter 142, Section 4, Section 349 and 2016 Wyoming Session Laws, Chapter 47, Section 1, is hereby continued.

[WYOMING'S TOMORROW TASK FORCE]

Section 346:

(a) There is created a Wyoming's tomorrow task force to consist of the following members:

(i) One (1) representative of the University of Wyoming, appointed by the governor;

(ii) One (1) representative of the Wyoming community colleges, appointed by the governor;

(iii) One (1) representative of the community college commission appointed by the commission;

(iv) Two (2) representatives from business and industry, appointed by the governor;

(v) One (1) representative of the public, appointed by the governor;

(vi) One (1) representative from the Wyoming K-12 educational community appointed by the state superintendent of public instruction;

(vii) One (1) representative from the Wyoming department of education appointed by the state superintendent of public instruction;

(viii) Two (2) members of the Wyoming senate, appointed by the president of the senate;

(ix) Two (2) members of the Wyoming house of representatives, appointed by the speaker of the house.

(b) The task force shall study the Tennessee Promise program and consider other scholarship or grant programs in order to inform the development of potential education scholarship or grant programs to be funded through a state created endowment fund. The task force shall include in its review 2019 Senate File 0034, Senate File 0043 and Senate File 0122 and House Bill 0132, House Bill 0133, House Bill 0137 and House Bill 0263 if not enacted into law. The task force shall also review existing state funded economic development, diversification and workforce development programs and consider potential alignment of and need for those programs with the implementation of the Wyoming's tomorrow program. The goal of the task force shall be to make recommendations to the Wyoming legislature for future legislation needed for scholarship or grant programs and to make

undergraduate post secondary education in Wyoming as free as possible to Wyoming residents. The task force shall provide recommendations for a program which is not based on scholastic achievement for entry to the program. The task force may consider scholastic achievement based components for entry and continued enrollment in the program. The task force shall review potential contributions the program can make to economic development and diversification efforts of the state considering workforce needs within the state. The task force shall consider and make recommendations as to the following:

(i) The amount of tuition, fees and other education related expenses incurred by Wyoming resident students at the university and community colleges for undergraduate degrees and certificates;

(ii) The establishment of a higher education endowment fund and the amount of funding necessary to provide Wyoming residents with tuition and mandatory fees at each community college and the university for two (2) years of undergraduate attendance considering current and anticipated growth in enrollment and increases in tuition and fees;

(iii) Requirements for continued enrollment and reentry requirements for students failing to maintain satisfactory academic progress;

(iv) Dual post secondary and K-12 enrollment modifications or early graduation provisions in order for the state education system to be more responsive to the state's workforce needs and funding modifications associated with dual enrollment modifications or early graduation provisions;

(v) Waiver provisions, if any, regarding continuing scholarship requirements;

(vi) Administrative oversight of the program;

(vii) An implementation date for the program;

(viii) Potential increases in required state funding for the university and community colleges as a result of projected increases in enrollment, tuition and fees;

(ix) Reallocation of state funding for existing educational scholarship and grant programs and economic development and diversification efforts funded with state funds. The task force shall consider reallocation of Hathaway funds made available as a result of Wyoming's tomorrow program to the Hathaway student scholarship program in order to increase Hathaway scholarship amounts;

(x) A means for private funding for the program, whether such contribution should be a requirement for implementation of the program and recommended terms and conditions for that private funding;

~~(xi) Other additional funding sources or options for the program, with a goal of providing funding in an amount sufficient to provide Wyoming residents free tuition and mandatory fees for two (2) years of undergraduate education at the University of Wyoming or a Wyoming community college:~~

~~(c) Subject to available funding, the task force may retain consultants as necessary to fulfill its duties under this section. The task force shall be staffed by the legislative service office. State agencies shall provide information to the task force as requested in order to fulfill the task force's duties. The legislative members of the task force shall receive compensation, per diem and travel expenses in the manner and amount prescribed by W.S. 28-5-101. Members of the task force who are employees of the state of Wyoming, a community college or a school district shall be considered on official business of their agency or office and shall receive mileage and per diem in the manner provided by their agency or office. Any other member of the task force shall be paid no salary but shall receive mileage and per diem at the same rate as members of the Wyoming legislature under W.S. 28-5-101 for each day of actual task force meetings and travel to those meetings.~~

~~(d) The task force shall report its initial findings and recommendations to the governor, the joint appropriations committee and the joint education interim committee by November 1, 2019 and, if the committee determines modifications to its initial findings and recommendations are appropriate, again by June 30, 2020. Either legislative committee may sponsor legislation for introduction in the 2020 budget session and 2021 general session implementing the Wyoming's tomorrow program in whole or in part as the legislative committee determines appropriate.~~

~~(e) The task force shall terminate June 30, 2020.~~

~~(f) There is appropriated thirty thousand dollars (\$30,000.00) from the general fund to the legislative service office for per diem, mileage and salary as authorized for members of Wyoming's tomorrow 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, 2020.~~

~~(g) This section shall be effective only if 2019 House Bill 0310 is not enacted into law.~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

[FEDERAL MINERAL ROYALTY DIVERSION-AMENDMENTS]

Section 347.

(a) W.S. 9-4-601(k) as amended and created by 2018 Wyoming Session Laws, Chapter 134, Section 316, is further amended to read:

9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.

(k) For the period beginning March 15, 2018 for fiscal years 2018, 2019 and 2020, any revenue received under subsection (a) of this section in excess of five hundred million dollars (\$500,000,000.00) shall be distributed as follows:

(i) For fiscal years 2018 and 2019, two-thirds (2/3) and for fiscal year 2020 one-half (1/2) to the school foundation program account; and

(ii) For fiscal years 2018 and 2019, one-third (1/3) and for fiscal year 2020 one-half (1/2) to the budget reserve account.

[FLOOD MITIGATION PUBLIC FACILITY GRANT]

Section 348. The legislature recommends to the state loan and investment board that the first five million dollars (\$5,000,000.00) in abandoned mine land funds available for public facility grants under W.S. 35-11-1202(a)(v), 35-11-1202(c) and chapter 15 of the state loan and investment board rules be awarded for construction and improvements related to flood mitigation associated with bitter creek in southwest Wyoming, if the project is deemed qualified pursuant to those statutes and rules. [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

[COAL CONVERSION TECHNOLOGY CENTER]

Section 349.

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the governor to administer a dollar for dollar matching fund program as provided in this section.

(b) The state treasurer shall authorize expenditure of funds under this section for the purpose of providing a state match for funds dedicated by a local government for the development, construction and operation of a publicly funded coal conversion technology center. Expenditures shall only be made upon a determination by the governor that the project will result in substantial benefit to the public. No expenditures shall be made without the written opinion of the attorney general certifying the legality of the transaction and all documents connected therewith.

(c) State matching funds appropriated under this section shall be expended only after the expenditure of all dedicated matching local government funds.

(d) Notwithstanding any other provision of law, the appropriation under this section shall not be transferred or expended for any purpose other than as specified in this section. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds remaining from the appropriation

under this section shall revert as provided by law on June 30, 2022.

[EMPLOYEE COMPENSATION-2]

Section 350.

(a) There is appropriated one million eight hundred forty thousand five hundred dollars (\$1,840,500.00) from the general fund to the state auditor for salary adjustments of generally funded employees whose salary is not prescribed by law for the fiscal period commencing July 1, 2019 and ending June 30, 2020 as specified in this section. The appropriation in this section shall be distributed among executive branch agencies by the state auditor as determined by the department of administration and information consistent with executive branch pay tables adjusted as nearly as possible to the 2017 market for executive branch positions, not including the community colleges, University of Wyoming, University of Wyoming medical education program and the enhanced oil recovery commission. The appropriation shall be further distributed within agencies and shall only be expended to fund the increase in salaries and employer paid benefits of employees affected by the adjusted pay tables.

(b) For state executive branch employees whose compensation is paid from nongeneral fund sources, to the extent funds are available, there is appropriated from those accounts and funds amounts necessary to provide payment to fund comparable increase in salaries and employer paid benefits of employees affected by the adjusted pay tables as that which is distributed to employees under subsection (a) of this section.

(c) Notwithstanding any other provision of law, the appropriation under this section shall not be transferred or expended for any purpose other than as specified in this section. Any unexpended, unobligated funds remaining from the appropriation under this section shall revert as provided by law on June 30, 2020.

[~~MILITARY HOUSING~~]

~~**Section 351. Five hundred thousand dollars (\$500,000.00) is appropriated from the general fund to the Wyoming business council for the purpose of providing matching funds for the design and construction of infrastructure to facilitate and encourage the development of housing for military personnel in southeastern Wyoming. Any expenditure of funds under this section shall be matched in the ratio of one dollar (\$1.00) of appropriated funds to not less than one dollar (\$1.00) of matching funds, which may include exchange, transfer or lease of real property of comparable value selected by the applicant for exchange, transfer or lease to the state or a political subdivision for public buildings or other public purposes.**~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

[HIGHER EDUCATION STUDY]

Section 352.

~~(a) The University of Wyoming, the seven (7) community colleges and the community college commission shall study and make recommendations on how to increase the availability of bachelor of applied science programs throughout the state. The study shall consider how bachelor of applied science programs offered at the community colleges may improve economic development in the state. The study shall also consider the organizational structure, services and funding required to offer bachelor of applied science programs throughout the state.~~

~~(b) The University of Wyoming, the seven (7) community colleges and the community college commission shall submit a joint report summarizing the study and recommendations to the joint appropriations committee and the joint education interim committee on or before September 1, 2019. The joint appropriations committee and the joint education interim committee shall consider the study and the recommendations and develop appropriate legislation, if any, for consideration by the legislature in the 2020 budget session.~~

~~(c) The department of workforce services, the department of education, the economically needed diversity options for Wyoming executive council, the Wyoming business council and the governor's council on higher education shall provide information and assistance to the University of Wyoming, the seven (7) community colleges and the community college commission to conduct the study required by this section.~~

~~(d) If either 2019 Senate File 0111 or 2019 House Bill 0263 is enacted into law, this section shall not be effective.~~ [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR FEBRUARY 26, 2019.]

[SCHOOL DISTRICT SALES AND DEMOLITION OF BUILDINGS AND FACILITIES]

Section 353.

(a) Notwithstanding any other requirements of law, for the period beginning with the effective date of this act and ending June 30, 2020:

(i) Any school district selling a school building or facility as defined by W.S. 21-15-111(a)(vi) shall remit to the state construction department the lesser of:

(A) The state funds expended for or provided to the school district for the initial purchase or construction of the school building or facility; or

(B) The net proceeds from the sale.

(ii) If state funds are expended for or provided to the school district for the demolition of a school building or facility as defined in W.S. 21-15-111(a)(vi) and if any portion of the land on which the demolished building or facility stood is subsequently sold, the school district selling the land shall remit to the state construction department the lesser of:

(A) The amount of the state funds expended for or provided to the school district for the demolition; or

(B) The net proceeds from the sale.

(b) Funds remitted to the state construction department under this section shall be deposited into the school capital construction account.

[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 February 26, 2019.

Chapter 81

HATHAWAY EXPAND WYOMING SCHOLARSHIPS

Original House Bill No. 133

AN ACT relating to education; providing for scholarships to out-of-state students to attend Wyoming institutions of higher education; specifying scholarship amounts, eligibility requirements and other elements of the scholarships; providing for resident tuition for scholarship recipients; creating a selection committee; creating accounts; making the award of scholarships contingent on funding as specified; and providing for an effective date.

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

Section 1. W.S. 21-16-1312 is created to read:

21-16-1312. Hathaway expand Wyoming scholarship; eligibility requirements and conditions; selection.

(a) There is created the Hathaway expand Wyoming scholarship. The scholarship shall be administered by the department in accordance with this section and rules adopted by the department. Hathaway expand Wyoming scholarship recipients shall be selected by a committee comprised of the governor, state superintendent of public instruction, president of the University of Wyoming and executive director of the community college commission, or their designees.

(b) Each year up to two (2) students from each state contiguous to Wyoming may be awarded a Hathaway expand Wyoming scholarship, not to exceed an aggregate of twenty-four (24) active awards at any time. Awards of Hathaway

expand Wyoming scholarships shall be contingent on available funds and anticipated revenue to the Hathaway expand Wyoming scholarship expenditure account. Minimum initial qualifications for a Hathaway expand Wyoming scholarship shall be all initial requirements applicable to a Hathaway honor scholarship, other than Wyoming residency and graduation from a high school located in Wyoming. In addition to those requirements, recipients shall have:

(i) A minimum cumulative high school GPA of 3.75 and a score equal to or greater than the 2015-2016 national percentile rank of ninety-seven (97) on an examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance;

(ii) At the time of graduation, be a resident of a state contiguous to Wyoming and have successfully completed a curriculum at least as stringent as that imposed under W.S. 21-16-1307 for Hathaway honor scholarships.

(c) A Hathaway expand Wyoming scholarship shall be for the student's cost of attendance at an eligible institution, but not to exceed the maximum dollar amount provided to students receiving a trustee scholarship at the University of Wyoming and subject to reduction in accordance with W.S. 21-16-1309(a). No student shall be eligible for a Hathaway expand Wyoming scholarship for more than the equivalent of eight (8) full-time semesters. Minimum continuing eligibility and reinstatement eligibility requirements for a Hathaway expand Wyoming scholarship shall be the same as requirements for a Hathaway honors scholarship. These minimum requirements may be increased by rule of the department to requirements no more stringent than those imposed by the University of Wyoming for recipients of a trustee scholarship. Hathaway expand Wyoming scholarships may be reduced in the same manner and to lower levels as provided for Hathaway honor scholarships for failure to meet continuing eligibility requirements.

(d) Hathaway expand Wyoming scholarships shall not be subject to the provisions of W.S. 21-16-1308, but shall be administered by the department in accordance with the provisions of this section and the following:

(i) The department shall, in consultation with University of Wyoming and community college admissions officers and financial aid officers, promulgate rules necessary to implement this section. The consultation shall include development of a means for informing students in contiguous states of the availability of Hathaway expand Wyoming scholarships;

(ii) Eligible institutions shall provide information required by the department as necessary to fulfill its duties under this section;

(iii) Students shall apply for Hathaway expand Wyoming scholarships with the department at the time of applying for admission or at an earlier time as established by rule of the department. The application shall contain

information required by rule of the department. The application shall require each applicant to verify under penalty of false swearing under W.S. 6-5-303, that the applicant has not been convicted of a felony in this state or another jurisdiction;

(iv) The department shall determine and certify to the state treasurer the amount of scholarships awarded under this section for attendance at each eligible institution not later than September 1 for the fall semester and not later than January 15 for the spring semester. Upon receipt of the certification the state treasurer shall pay from the scholarship expenditure account the amount certified by the department;

(v) The same information required to be reported under W.S. 21-16-1308 for Hathaway opportunity, performance and honor scholarships shall be reported for Hathaway expand Wyoming scholarships awarded.

(e) Before awarding a Hathaway expand Wyoming scholarship, the department shall obtain an agreement from each student, or the student's guardian, under which the student agrees to:

(i) Actively engage in work in Wyoming for one (1) year or attend graduate school at the University of Wyoming for one (1) year, for every four (4) academic semesters or portions thereof in which a Hathaway expand Wyoming scholarship was received. The department shall establish by rule the commencement of the period for undertaking the requirements of this paragraph, which period shall begin not later than one (1) year after the completion of the last semester in which a Hathaway expand Wyoming scholarship was received; or

(ii) Repay all Hathaway expand Wyoming scholarship amounts, together with interest which shall begin accruing four (4) years after execution of the agreement. However, interest shall begin to accrue immediately upon the department determining that the student has withdrawn from the Wyoming institution of higher education or is otherwise not making satisfactory academic progress toward completion of a degree or program. Money expended under this section shall accrue at an annual interest rate equal to that charged for federal direct student loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal direct student loan rate. In no event shall the interest rate be greater than eight percent (8%). Any amounts repaid by Hathaway expand Wyoming scholarship recipients shall be deposited to the Hathaway expand Wyoming scholarship endowment fund created by W.S. 9-4-204(u)(viii).

(f) The Hathaway expand Wyoming scholarship expenditure account is created to consist of earnings from the Hathaway expand Wyoming scholarship endowment fund created by W.S. 9-4-204(u)(viii) and such other funds appropriated by the legislature to the expenditure account. No state funds shall

be appropriated to the expenditure account or used for scholarships under this section. The monies deposited to the expenditure account under this subsection shall be available for scholarships under this section. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded under this section. All unexpended and unencumbered monies within the expenditure account at the end of each fiscal year shall be deposited by the state treasurer to the Hathaway expand Wyoming scholarship endowment fund.

Section 2. W.S. 9-4-204(u) by creating a new paragraph (viii), 9-4-714(a)(v), 21-17-105 by creating a new subsection (h) and 21-18-202(a)(iii) are amended to read:

9-4-204. Funds established; use thereof.

(u) Other funds defined as follows shall be classified by the state auditor pursuant to subsections (s) and (t) of this section:

(viii) Hathaway expand Wyoming scholarship endowment fund – to consist of funds appropriated or designated by law, or by gift from whatever source. In accordance with Wyoming Constitution Article 15, Section 20, monies within the fund shall not be expended and may be invested in the same manner as other permanent funds of the state. Earnings from investment of monies within the fund shall be distributed and expended as provided by law. No state funds shall be appropriated or deposited into the fund.

9-4-714. Definitions.

(a) As used in this act:

(v) “Permanent funds” means the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii), the Wyoming permanent land fund under W.S. 9-4-204(u)(iv), the excellence in higher education endowment fund under W.S. 9-4-204(u)(vi), ~~and~~ the Hathaway student scholarship endowment fund under W.S. 9-4-204(u)(vii) and the Hathaway expand Wyoming scholarship endowment fund under W.S. 9-4-204(u)(viii);

21-17-105. Tuition to be as nearly free as possible; number, qualifications and selection of students for reduced tuition; tuition for veterans, their spouses and children; reciprocal residency.

(h) Trustees shall through regulation provide that students receiving a Hathaway expand Wyoming scholarship in any amount shall qualify for resident tuition at the university each semester the student receives the scholarship.

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

(a) The commission shall perform the following general functions:

(iii) Establish residency requirements, which shall include provisions for military veterans, eligible individuals and covered individuals as described in

38 U.S.C. 3679(c)(2) consistent with the requirements of W.S. 21-17-105(e). The commission shall provide that students receiving a Hathaway expand Wyoming scholarship in any amount shall qualify for resident tuition each semester the student receives the scholarship;

Section 3. Notwithstanding W.S. 21-16-1312 as created by this act, no Hathaway expand Wyoming scholarships shall be awarded until the state treasurer certifies to the department of education the balance of the Hathaway expand Wyoming scholarship endowment fund is equal to or greater than ten million dollars (\$10,000,000.00). Once that threshold has been reached Hathaway expand Wyoming scholarships shall be awarded pursuant to W.S. 21-16-1312.

Section 4. Notwithstanding W.S. 21-16-1312(f) as created by this act, earnings from the Hathaway expand Wyoming scholarship endowment fund under W.S. 9-4-204(u)(viii), as created by this act, shall be deposited in the Hathaway expand Wyoming scholarship endowment fund until the state treasurer certifies to the department of education the balance of the Hathaway expand Wyoming scholarship endowment fund is equal to or greater than ten million dollars (\$10,000,000.00).

Section 5. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 82

SPECIAL PURPOSE TAX-EXCESS FUNDS

Original House Bill No. 95

AN ACT relating to local sales and use tax; authorizing the distribution and expenditure of excess taxes collected for a specific purpose under specified conditions; and providing for an effective date.

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

Section 1. W.S. 39-15-204(a)(iii), 39-15-211(b)(iv), 39-16-204(a)(ii) and 39-16-211(b)(iv) are amended to read:

39-15-204. Taxation rate.

(a) In addition to the state tax imposed under W.S. 39-15-101 through 39-15-111 any county of the state may impose the following excise taxes and any city or town may impose the tax authorized by paragraph (ii) of this subsection and any resort district may impose the tax authorized by paragraph (v) of this subsection:

(iii) An excise tax not to exceed two percent (2%) upon retail sales of tangible personal property, admissions and services made within the county. The total excise tax imposed within any county under this paragraph shall not

exceed two percent (2%). The revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors and as provided in W.S. 39-15-211(b)(iv). Specific purposes shall not include ordinary operations of local government except those operations related to a specific project;

39-15-211. Distribution.

(b) For all revenue collected by the department from the taxes imposed by W.S. 39-15-204(a)(iii) the department shall:

(iv) If taxes collected exceed the amount necessary for the approved purpose, the excess funds shall be retained by the county treasurer for one (1) year for refund of overpayments of the tax imposed pursuant to this act upon order of the department. After one (1) year any interest earned on the excess funds and the excess funds less any refunds ordered shall be transferred to the county or municipality as specified in the resolution adopted pursuant to W.S. 39-15-203(a)(iii)(A). If the resolution fails to specify how excess funds will be expended and after all approved purposes have been completed, the county treasurer shall transfer the excess funds less any refunds ordered to each city and town within the county in the proportion the population of the city or town bears to the population of the county and to the county in the proportion that the population of the unincorporated areas of the county bears to the population of the county. After a public hearing, with notice of the public hearing published in a newspaper of general circulation in the county at least thirty (30) days before the public hearing, the governing body of the county and each municipality may appropriate its proportion of excess funds for other specific purposes authorized by a majority vote of the governing body, which shall not include the ordinary operations of local government. Excess funds collected on the propositions approved prior to January 1, 1989, and any interest earned shall be retained by the county treasurer for use in any purposes approved by the electors in accordance with procedures set forth in this section and for refunds of overpayment of taxes imposed pursuant to this act upon the order of the department, except that, with the approval of the governing bodies adopting the initial resolution, the excess funds and any interest earned may be used for the needs of the project for which the tax was approved.

39-16-204. Taxation rate.

(a) In addition to the state tax imposed under W.S. 39-16-101 through 39-16-111 any county of the state may impose the following excise taxes and any resort district may impose the tax authorized by paragraph (iv) of this subsection:

(ii) An excise tax not to exceed two percent (2%) upon sales and storage, use and consumption of tangible personal property, within the county. The total excise tax imposed within any county under this paragraph shall not exceed

two percent (2%). The revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors and as provided in W.S. 39-16-211(b)(iv). Specific purposes shall not include ordinary operations of local government except those operations related to a specific project;

39-16-211. Distribution.

(b) For all revenue collected by the department from the taxes imposed by W.S. 39-16-204(a)(ii), the department shall:

(iv) If taxes collected exceed the amount necessary for the approved purpose, the excess funds shall be retained by the county treasurer for one (1) year for refund of overpayments of the tax imposed pursuant to this act upon order of the department. After one (1) year any interest earned on the excess funds and the excess funds less any refunds ordered shall be transferred to the county or municipality as specified in the resolution adopted pursuant to W.S. 39-16-203(a)(ii)(A). If the resolution fails to specify how excess funds will be expended and after all approved purposes have been completed, the county treasurer shall transfer the excess funds less any refunds ordered to each city and town within the county in the proportion the population of the city or town bears to the population of the county and to the county in the proportion that the population of the unincorporated areas of the county bears to the population of the county. After a public hearing, with notice of the public hearing published in a newspaper of general circulation in the county at least thirty (30) days before the public hearing, the governing body of the county and each municipality may appropriate its proportion of excess funds for other specific purposes authorized by a majority vote of the governing body, which shall not include the ordinary operations of local government. Excess funds collected on the propositions approved prior to January 1, 1989, and any interest earned shall be retained by the county treasurer for use in any purposes approved by the electors in accordance with procedures set forth in this section and for refunds of overpayment of taxes imposed pursuant to this act upon the order of the department, except that, with the approval of the governing bodies adopting the initial resolution, the excess funds and any interest earned may be used for the needs of the project for which the tax was approved.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 83

VOLUNTEER PENSION ACCOUNT-SEARCH AND RESCUE

Original House Bill No. 246

AN ACT relating to pension accounts; amending the volunteer firefighter and EMT pension account to provide membership for volunteer search and rescue personnel; providing for contributions to the account;

increasing insurance premiums to the account as specified; amending membership of the pension account board; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 9-3-426(c)(intro), 9-12-1305(c), 15-5-202(d), 15-5-419(b), 26-4-102(b)(ii), 35-9-616(a)(intro), (i), (ii), (v), (vii) and by creating new paragraphs (xii) and (xiii), 35-9-617(a), 35-9-618(b)(i), 35-9-619(a), 35-9-620(a), 35-9-621(e) and (j), 35-9-622, 35-9-623(a) and (b) and 35-9-628(a)(intro) are amended to read:

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 firefighter, ~~and EMT and search and rescue~~ pension account established under W.S. 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:

9-12-1305. Wyoming small business investment credit.

(c) The credit for any tax year shall not exceed the participating investor's state premium tax liability for that tax year. If the amount of the credit determined under this section for any tax year exceeds the liability for tax under this chapter, the credit may be carried forward to future tax years without limitation. The premium tax credits provided by W.S. 26-19-312, 26-42-111 and 26-43-105, and deposits to the volunteer firefighter, ~~and EMT and search and rescue~~ pension account pursuant to W.S. 26-4-102(b)(ii), shall take priority over the premium tax credits provided by this section and shall be calculated using the gross premium tax before the credits provided by this section.

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 firefighter, ~~and EMT and search and rescue~~ pension account established under

W.S. 35-9-616 through 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 firefighter, ~~and EMT~~ and search and rescue pension account established under W.S. 35-9-616 through 35-9-628 if participation is based upon covered service with the same fire department.

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

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

(ii) An amount not to exceed ~~seventy percent (70%)~~ eighty percent (80%) of the gross premium tax levied upon fire insurance premiums shall be deposited by the state treasurer in the volunteer firefighter, ~~and EMT~~ and search and rescue pension account pursuant to W.S. 35-9-628. For purposes of this paragraph, the gross premium tax levied upon fire insurance premiums is equal to thirty percent (30%) of the total gross premium tax levied upon all property, casualty and multiple line insurers.

ARTICLE 6

VOLUNTEER FIREFIGHTER, EMT AND SEARCH AND RESCUE
PENSION ACCOUNT

35-9-616. Definitions.

(a) As used in this ~~act~~ article:

(i) "Account" or "pension account" means the volunteer firefighter, ~~and EMT~~ and search and rescue pension account created pursuant to W.S. 35-9-617(a);

(ii) "Board" means the volunteer firefighter, ~~and EMT~~ and search and rescue pension account board created pursuant to W.S. 35-9-623(a);

(v) "Participating member" means any volunteer firefighter, ~~or~~ volunteer EMT or volunteer search and rescue person for whom payments are received by the volunteer firefighter, ~~and EMT~~ and search and rescue pension account as prescribed in W.S. 35-9-621(e);

(vii) "Spouse" means the lawful spouse of a participating member who was married to the volunteer firefighter, ~~or~~ volunteer EMT or volunteer search and rescue person at the time of the ~~volunteer firefighter or volunteer EMT's~~ volunteer's entry into the account, or who although married after the date of entry, is recognized as the spouse covered by the benefits of the account as a result of special action of the board;

(xii) “County search and rescue organization” means a search and rescue operation acting under the coordination of a county sheriff pursuant to W.S. 18-3-609(a)(iii) that:

(A) Has adopted and filed bylaws with the county clerk for the county in which the organization is located; and

(B) Holds not less than two (2) meetings per month and requires each volunteer search and rescue person to attend not less than fifty percent (50%) of the total number of meetings held each month.

(xiii) “Volunteer search and rescue person” or “search and rescue person” means any individual who:

(A) Is engaged in search and rescue operations with a county search and rescue organization;

(B) Is carried on the regular rolls of, but devotes less than the individual’s entire time of employment to, activities of a county search and rescue organization; and

(C) May or may not receive compensation for services rendered as a member of a county search and rescue organization.

35-9-617. Volunteer firefighter, EMT and search and rescue pension account; merger with other pension accounts; membership.

(a) The volunteer firefighter, ~~and EMT~~ and search and rescue pension account is created. All awards, benefits and pensions established under this article shall be paid from the account.

35-9-618. Annual audit; state’s liability.

(b) Nothing in this article shall be construed to:

(i) Except for obligations transferred pursuant to W.S. 35-9-617(c), acknowledge any past, present or future liability of or obligate the state of Wyoming for contribution except the employer’s contributions provided for in this article, to either the volunteer firefighter, ~~and EMT~~ and search and rescue pension system provided by this article or any other retirement system previously existing in the state of Wyoming; or

35-9-619. Authority to receive donations; investment of monies; employment of actuary; actuarial reports.

(a) In addition to contributions from the state, counties, volunteer fire departments and licensed ambulance services, the board may receive and credit to the account any gifts, donations and other contributions made by individuals, organizations and cities, towns, counties and other political subdivisions for the benefit of the account. The board may invest monies within the account not immediately necessary to pay benefits, awards or pensions under this article, in investments authorized under W.S. 9-3-408(b).

35-9-620. Contributions on behalf of volunteer firefighters, EMTs and search and rescue persons; collection; dual participation prohibited.

(a) The county, city, town, fire district, volunteer fire department or licensed ambulance service for whom a participating volunteer firefighter or EMT performs firefighting or EMT services shall pay to the pension account the amount required under W.S. 35-9-621(e) for those members. The county for whom a volunteer search and rescue person performs search and rescue services shall pay to the pension account the amount required under W.S. 35-9-621(e) for those members. Payments shall be collected upon terms and conditions established by the board under W.S. 35-9-621(e) and shall be forwarded by each collecting officer to the state retirement director for deposit in the account. Any entity listed in this subsection may elect to provide for a member's contribution or any portion thereof provided that any payment of a contribution is made on behalf of a member. Whether an entity makes a contribution for a member shall be at the discretion of the entity as an incentive to improve their local volunteer fire department, ~~or~~ emergency medical services or search and rescue services.

35-9-621. Benefits enumerated; death of participant or spouse; amount and payment of contributions; death benefits; withdrawal from pension account.

(e) A volunteer firefighter or volunteer EMT is a participating member under this article for each month a contribution of fifteen dollars (\$15.00) is made by or on behalf of the member. A volunteer search and rescue person is a participating member under this article for each month a contribution of thirty dollars (\$30.00) is made by or on behalf of the member. For purposes of eligibility for benefits under subsections (b) and (c) of this section, a volunteer firefighter, ~~or~~ EMT or search and rescue person is a participating member beginning the first month following the month in which the required monthly payment and any required application for participation is actually received by the Wyoming retirement system. To continue as a participating member, subsequent monthly payments shall be received by the Wyoming retirement system not later than three (3) months following the close of the calendar month for which the payments are applicable. With the consent of and upon any terms and conditions established by the board, payments may be accepted at an earlier or later date. The board shall maintain full and complete records of the contributions made on behalf of each participating member and on request, shall furnish any participating member a statement of the contribution amounts and the dates for which contributions were received. If contributions have varied in amount, the board may make appropriate adjustments in the benefits awarded. In making any adjustment, the board shall be guided by actuarial practice to afford substantial equity to members of the pension account. No penalty shall be imposed upon any participating member transferring employment in Wyoming if required payments are made on a timely basis.

(j) Any participating member with at least five (5) years of participation in the pension account who retires from active service as a volunteer firefighter, ~~or EMT or search and rescue person~~ before reaching retirement age and does not withdraw from the pension account as provided in subsection (f) of this section shall be entitled to a monthly benefit payment as provided in subsection (a) of this section upon reaching the retirement age specified in subsection (d) of this section. A member with ten (10) or more years of active participation in the pension account may choose to remove himself from active service as a volunteer firefighter, ~~or EMT or search and rescue person~~ and continue to contribute to the pension account for an amount of time not to exceed the total number of years the member was an active participant in the pension account, as provided in subsection (e) of this section and rules promulgated by the board.

35-9-622. Death benefits in addition to other benefits.

Death benefits received under this article shall be in addition to, and are payable after the application of, worker's compensation benefits which are payable to volunteer firefighters, ~~or volunteer EMTs or volunteer search and rescue persons~~ under the Wyoming Worker's Compensation Act.

35-9-623. Board; established; nomination; appointment; terms and qualification of members; first members.

(a) The volunteer firefighter, ~~and EMT and search and rescue~~ pension board is created. The board shall control the account.

(b) The board shall consist of ~~seven (7)~~ eight (8) members who shall be appointed by the governor to staggered terms of three (3) years. The governor may remove any board member as provided in W.S. 9-1-202. Of these board members:

(i) Six (6) members shall be volunteer firefighters who have a minimum of five (5) years service as a volunteer firefighter in the state. Appointments under this paragraph shall be made from nominees recommended to the governor by the Wyoming state firemen's association; ~~and~~

(ii) One (1) member shall be a volunteer EMT who has a minimum of five (5) years service as a volunteer EMT in the state. Appointments under this paragraph shall be made by the governor; ~~and~~

(iii) One (1) member shall be a volunteer search and rescue person who has a minimum of five (5) years service as a volunteer search and rescue person in the state. Appointments under this paragraph shall be made by the governor.

35-9-628. Deposit of tax on fire insurance premiums into account.

(a) As provided in this subsection, the state treasurer shall deposit into the account an amount not to exceed ~~seventy percent (70%)~~ eighty percent (80%) of the gross tax levied upon fire insurance premiums paid to insurance companies

for fire insurance in the state of Wyoming for the preceding calendar quarter, as computed under W.S. 26-4-102(b)(ii) and provided by W.S. 26-4-103(k). The sum specified shall be calculated by the Wyoming retirement system:

Section 2. W.S. 35-9-616(a)(xi) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 84

TEACHER ACCOUNTABILITY

Original House Bill No. 22

AN ACT relating to education; modifying provisions governing teacher accountability; conforming provisions; repealing provisions regarding teacher and school leader accountability; and providing for an effective date.

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

Section 1. W.S. 21-2-304(b)(xv), 21-3-110(a)(xvii) through (xix), 21-7-102(a)(ii) and 21-7-104(a) are amended to read:

21-2-304. Duties of the state board of education.

(b) In addition to subsection (a) of this section and any other duties assigned to it by law, the state board shall:

(xv) ~~Not later than July 1, 2019, Promulgate rules and regulations for the implementation and administration~~ submission and approval of a comprehensive school district teacher performance evaluation system based in part upon defined student academic performance measures as prescribed by law, upon longitudinal data systems and upon measures of professional practice according to standards for professional practice prescribed by board rule and regulation. The evaluation system shall clearly prescribe standards for highly effective performance, effective performance, performance in need of improvement and ineffective performance. Rules and regulations adopted under this paragraph shall to the extent the statewide accountability system is not compromised, allow districts the opportunity to refine the system to meet the individual needs of the district. The performance evaluation system shall also include reasonable opportunity for state and district provision of mentoring and other professional development activities made available to teachers performing unsatisfactorily, which are designed to improve instruction and student achievement systems. The state board shall, in consultation with local school districts, establish general criteria for school district teacher performance evaluation systems that provide school districts flexibility in designing teacher evaluations to improve classroom instruction;

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

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

~~(xvii) Not later than school year 2019-2020 and each school year thereafter, Require the performance of each initial contract teacher to be evaluated summatively based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv) once a year against the school district's standards for performance, as submitted and approved pursuant to W.S. 21-2-304(b)(xv). The evaluation shall be in writing and an opportunity for feedback to improve performance shall be provided. The teacher shall receive a copy of each evaluation of his performance;~~

~~(xviii) Not later than school year 2019-2020 and each school year thereafter, Establish a teacher performance evaluation system and require the performance of each continuing contract teacher to be evaluated summatively based in part upon student achievement measures as prescribed by rule and regulation of the state board under W.S. 21-2-304(b)(xv) against the school district's standards for performance, as submitted and approved pursuant to W.S. 21-2-304(b)(xv), once a year until the teacher has been classified as effective under the performance evaluation system utilized by the school district for two (2) consecutive years. Upon a classification of effective for two (2) consecutive years, evaluation shall occur at minimum once every three (3) years. The teacher shall receive a copy of each evaluation of his performance;~~

~~(xix) Not later than school year 2019-2020 and each school year thereafter, based in part upon student achievement measures established by the state board of education under W.S. 21-2-304(b)(xv), Performance evaluations required under paragraphs (a)(xvii) and (xviii) of this section shall serve as a basis for improvement of instruction, enhancement of curriculum program implementation, measurement of both individual teacher performance and professional growth and development and the performance level of all teachers within the school district, and as documentation for unsatisfactory performance that may lead to dismissal, suspension and termination proceedings under W.S. 21-7-110;~~

21-7-102. Definitions.

(a) As used in this article the following definitions shall apply:

(ii) "Continuing Contract Teacher" means:

(A) Any initial contract teacher who has been employed by the same school district in the state of Wyoming for a period of three (3) consecutive school years; and has had his contract renewed for a fourth consecutive school year; and, beginning school year 2019-2020 and each school year thereafter, has performed satisfactorily on performance evaluations implemented by the district under W.S. 21-3-110(a)(xvii) during this period of time; or

(B) A teacher who has achieved continuing contract status in one (1) district, and who without lapse of time has taught two (2) consecutive school years and has had his contract renewed for a third consecutive school year by the employing school district, ~~and, beginning school year 2019-2020 and each school year thereafter, has performed satisfactorily on performance evaluations conducted by both districts under W.S. 21-3-110(a)(xvii) during this period of time:~~

21-7-104. Employment of continuing contract teachers on continuing basis; salary increases.

(a) ~~Subject to satisfactory performance evaluation under W.S. 21-3-110(a)(xviii),~~ A continuing contract teacher shall be employed by each school district on a continuing basis from year to year without annual contract renewal at a salary determined by the board of trustees of each district, said salary subject to increases from time to time as provided for in the salary provisions adopted by the board.

Section 2. W.S. 21-3-110(b) and 21-7-110(a)(vii) are repealed.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 85

SUMMARY PROBATE PROCEDURES

Original House Bill No. 86

AN ACT relating to the probate code; creating a definition for summary probate procedures; specifying how distribution through intervening estates may take place; specifying limits for creditor claims to distributed property; amending procedures for summary probate distribution; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 2-1-209 is created to read:

2-1-209. “Distributee” defined.

(a) As used in this article, “distributee” means as defined in W.S. 2-1-301(a)(xiii) and includes any person who is a successor in interest to the decedent:

(i) As an heir;

(ii) As a beneficiary;

(iii) Through the intervening estates of the decedent’s heirs, beneficiaries, successors or assigns; or

(iv) Through an established record of ownership.

Section 2. W.S. 2-1-205(f) and by creating new subsections (k) and (m) is 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.

(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 forever barred. If no timely objection 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 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.

(k) Distributions of property under this article to a person who claims title to the decedent's property through intervening estates is authorized if the person is a distributee as defined in W.S. 2-1-209.

(m) A distributee who has satisfied the requirements of this section and W.S. 2-1-201 is entitled to a decree of summary distribution and no further action under this title is required.

Section 3. This act shall apply to any application for a decree of summary distribution of property filed under W.S. 2-1-205 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 February 26, 2019.

Chapter 86

REGULATION OF SHED ANTLER AND BIG GAME HORN COLLECTION

Original House Bill No. 28

AN ACT relating to game and fish; amending the game and fish commission's authority to regulate the collection of shed antlers and big game animal horns as specified; and providing for an effective date.

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

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

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxxi) To regulate and control the collection of shed antlers and horns of big game animals for the purpose of minimizing the harassment or disturbance of big game populations on public lands west of ~~the Continental Divide any time between January 1 and May 1 of each year~~ Interstate 90 from the Wyoming-Montana state line to Buffalo and west of Interstate 25 from Buffalo to the Wyoming-Colorado state line any time during the year, subject to the provisions for bighorn sheep horns in W.S. 23-3-117.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 87

CLUBHOUSE-BASED PSYCHOSOCIAL REHABILITATION PROGRAMS

Original House Bill No. 257

AN ACT relating to medical assistance; requiring the department of health to include reimbursement for clubhouse rehabilitation services within the Medicaid program; authorizing the department of health to enter into contracts for clubhouse rehabilitation services; requiring reports; and providing for an effective date.

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

Section 1. W.S. 42-4-123 is created to read:

42-4-123. Clubhouse rehabilitation services.

(a) The director of the department shall include reimbursement for clubhouse rehabilitation services within the Medicaid program.

(b) Within the limits of available funding, the department may enter into contracts with certified clubhouse providers for clubhouse rehabilitation services.

(c) On or before September 1, 2019 the department shall report to the joint labor, health and social services interim committee on information, findings and recommendations related to clubhouse rehabilitation services including information to facilitate implementation of Medicaid contracts to be entered into pursuant to this section.

(d) As used in this section, "clubhouse" means a community-based psychosocial rehabilitation program that:

(i) Has members of the program, with staff assistance, engaged in operating all aspects of the clubhouse, including food service, clerical, reception, janitorial and other member services such as employment training, housing assistance and educational support; and

(ii) Is designed to alleviate a member's emotional or behavior problems with the goal of transitioning the member to a less restrictive level of care, reintegrating the member into the community and increasing social connectedness beyond a clinical or employment setting.

Section 2. W.S. 42-4-103(a) by creating a new paragraph (xxxii) is amended to read:

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xxxii) Clubhouse rehabilitation services in accordance with W.S. 42-4-123.

Section 3. This act is effective April 1, 2020.

Approved February 26, 2019.

Chapter 88

TERMINATION OF PARENTAL RIGHTS-STANDING

Original House Bill No. 157

AN ACT relating to children and parents; creating standing for biological grandparents acting in loco parentis to petition for the termination of parental rights; and providing for an effective date.

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

Section 1. W.S. 14-2-310 by creating a new subsection (b) is amended to read:

14-2-310. Parties authorized to file petition.

(b) The petition for the termination of the parent-child relationship may be filed with the court by a biological or adoptive grandparent acting in loco parentis to the child, where the child has resided with the grandparent for a period of not less than one (1) year and the placement is not under the direction of a juvenile court or the department of family services.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 89**NEW VEHICLE DEALER CLAIMS****Original House Bill No. 116**

AN ACT relating to motor vehicle franchises; modifying a provision relating to claims made by new vehicle dealers as specified; and providing for an effective date.

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

Section 1. W.S. 31-16-117(d) is amended to read:

31-16-117. Payment for delivery preparation, warranty, sales incentives and service incentives.

(d) All claims made by new vehicle dealers ~~pursuant to this section for labor and parts for predelivery preparation, warranty, sales incentives or service incentives~~ shall be paid or credited within thirty (30) days following their approval. The manufacturer may audit claims and charge the dealer for unsubstantiated or incorrect; claims for a period of one (1) year following payment except where the manufacturer reasonably suspects fraud. A manufacturer that reasonably suspects fraud may audit claims for a period of four (4) years and charge the dealer for fraudulent claims as otherwise provided by law. All claims shall be either approved or disapproved within thirty (30) days after their receipt, on forms or by computerized communication and in the manner specified by the manufacturer including a computerized communications system. Any claim not specifically disapproved in writing or through electronic communication within thirty (30) days after receipt is construed to be approved and payment shall be made within thirty (30) days.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 90**COMMUNITY COLLEGE POLICE OFFICER RETIREMENT****Original House Bill No. 90**

AN ACT relating to public employee benefits; providing for community college police officer participation in the law enforcement plan under the Wyoming Retirement Act; authorizing election by current community college police officers; specifying implementation; and providing for an effective date.

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

Section 1. W.S. 9-3-402(a)(xviii) is amended to read:

9-3-402. Definitions.

(a) As used in this article:

(xviii) “Law enforcement officer” or “officer” means any member who is a county sheriff, deputy county sheriff, municipal police officer, duly authorized investigator of the Wyoming livestock board meeting the specifications of W.S. 7-2-101(a)(iv)(E), investigator employed by the Wyoming state board of outfitters and professional guides meeting the specifications of W.S. 7-2-101(a)(iv)(J), Wyoming correctional officer, probation and parole agent employed by the Wyoming department of corrections, Wyoming law enforcement academy instructor, University of Wyoming campus police officer, community college police officer, detention officer or dispatcher for law enforcement agencies;

Section 2. Coverage of a community college police officer as a law enforcement member under W.S. 9-3-432, as required by section 1 of this act, shall commence on July 1, 2019, unless a community college police officer elects to continue participation in the Wyoming Retirement Act as a general member. An election shall be made by providing notice to the Wyoming retirement board not later than April 30, 2019. Once an election is made it shall not be rescinded. Service credit in any other retirement plan administered by the Wyoming retirement board, other than previous credit as a law enforcement member under W.S. 9-3-432, shall not be included as service credit as a law enforcement member under 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 February 26, 2019.

Chapter 91

DIGITAL ASSETS-EXISTING LAW

Original Senate File No. 125

AN ACT relating to property; classifying digital assets within existing laws; specifying that digital assets are property within the Uniform Commercial Code; authorizing security interests in digital assets; establishing an opt-in framework for banks to provide custodial services for digital asset property as custodians; specifying standards and procedures for custodial services under this act; clarifying the jurisdiction of Wyoming courts relating to digital assets; authorizing a supervision fee; making an appropriation; authorizing positions; specifying applicability; authorizing the promulgation of rules; and providing for an effective date.

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

Section 1. W.S. 34-29-101 through 34-29-105 and 34.1-1-210 are created to read:

CHAPTER 29
DIGITAL ASSETS

34-29-101. Definitions.

(a) As used in this chapter:

(i) “Digital asset” means a representation of economic, proprietary or access rights that is stored in a computer readable format, and includes digital consumer assets, digital securities and virtual currency;

(ii) “Digital consumer asset” means a digital asset that is used or bought primarily for consumptive, personal or household purposes and includes:

(A) An open blockchain token constituting intangible personal property as otherwise provided by law;

(B) Any other digital asset which does not fall within paragraphs (iii) and (iv) of this subsection.

(iii) “Digital security” means a digital asset which constitutes a security, as defined in W.S. 17-4-102(a)(xxviii), but shall exclude digital consumer assets and virtual currency;

(iv) “Virtual currency” means a digital asset that is:

(A) Used as a medium of exchange, unit of account or store of value; and

(B) Not recognized as legal tender by the United States government.

(b) The terms in paragraphs (a)(ii) through (iv) of this section are mutually exclusive.

34-29-102. Classification of digital assets as property; applicability to Uniform Commercial Code.

(a) Digital assets are classified in the following manner:

(i) Digital consumer assets are intangible personal property and shall be considered general intangibles, as defined in W.S. 34.1-9-102(a)(xlii), only for the purposes of article 9 of the Uniform Commercial Code, title 34.1, Wyoming statutes;

(ii) Digital securities are intangible personal property and shall be considered securities, as defined in W.S. 34.1-8-102(a)(xv), and investment property, as defined in W.S. 34.1-9-102(a)(xlix), only for the purposes of articles 8 and 9 of the Uniform Commercial Code, title 34.1, Wyoming statutes;

(iii) Virtual currency is intangible personal property and shall be considered money, notwithstanding W.S. 34.1-1-201(b)(xxiv), only for the purposes of article 9 of the Uniform Commercial Code, title 34.1, Wyoming statutes.

(b) Consistent with W.S. 34.1-8-102(a)(ix), a digital asset may be treated as a financial asset under that paragraph, pursuant to a written agreement with the owner of the digital asset. If treated as a financial asset, the digital asset shall remain intangible personal property.

(c) A bank providing custodial services under W.S. 34-29-104 shall be considered to meet the requirements of W.S. 34.1-8-102(a)(xiv).

(d) Classification of digital assets under this section shall be construed in a manner to give the greatest effect to this chapter, but shall not be construed to apply to any other asset.

34-29-103. Perfection of security interests in digital assets; financing statements.

(a) Notwithstanding the financing statement requirement specified by W.S. 34.1-9-310(a) as otherwise applied to general intangibles or any other provision of law, perfection of a security interest in a digital asset may be achieved through control, as defined in paragraph (e)(i) of this section. A security interest held by a secured party having control of a digital asset has priority over a security interest held by a secured party that does not have control of the asset.

(b) Before a secured party may take control of a digital asset under this section, the secured party shall enter into a control agreement with the debtor. A control agreement may also set forth the terms under which a secured party may pledge its security interest in the digital asset as collateral for another transaction.

(c) A secured party may file a financing statement with the secretary of state, including to perfect a security interest in proceeds from a digital asset pursuant to W.S. 34.1-9-315(d).

(d) Notwithstanding any other provision of law, including article 9 of the Uniform Commercial Code, title 34.1, Wyoming statutes, a transferee takes a digital asset free of any security interest two (2) years after the transferee takes the asset for value and does not have actual notice of an adverse claim. This subsection only applies to a security interest perfected by a method other than control.

(e) As used in this section:

(i) Consistent with subsection (f) of this section, “control” is equivalent to the term “possession” when used in article 9, title 34.1, Wyoming statutes and means the following:

(A) A secured party, or an agent, custodian, fiduciary or trustee of the party, has the exclusive legal authority to conduct a transaction relating to a digital asset, including by means of a private key or the use of a multi-signature arrangement authorized by the secured party;

(B) A smart contract created by a secured party which has the exclusive legal authority to conduct a transaction relating to a digital asset. As used in this subparagraph, “smart contract” means an automated transaction, as defined in W.S. 40-21-102(a)(ii), or any substantially similar analogue, which is comprised of code, script or programming language that executes the terms

of an agreement, and which may include taking custody of and transferring an asset, or issuing executable instructions for these actions, based on the occurrence or nonoccurrence of specified conditions.

(ii) “Multi-signature arrangement” means a system of access control relating to a digital asset for the purposes of preventing unauthorized transactions relating to the asset, in which two (2) or more private keys are required to conduct a transaction, or any substantially similar analogue;

(iii) “Private key” means a unique element of cryptographic data, or any substantially similar analogue, which is:

(A) Held by a person;

(B) Paired with a unique, publicly available element of cryptographic data; and

(C) Associated with an algorithm that is necessary to carry out an encryption or decryption required to execute a transaction.

(f) Perfection by control creates a possessory security interest and does not require physical possession. For purposes of article 9, title 34.1 and this section, a digital asset is located in Wyoming if the asset is held by a Wyoming custodian, the debtor or secured party is physically located in Wyoming or the debtor or secured party is incorporated or organized in Wyoming.

34-29-104. Digital asset custodial services.

(a) A bank may provide custodial services consistent with this section upon providing sixty (60) days written notice to the commissioner. The provisions of this section are cumulative and not exclusive as an optional framework for enhanced supervision of digital asset custody. If a bank elects to provide custodial services under this section, it shall comply with all provisions of this section.

(b) A bank may serve as a qualified custodian, as specified by the United States securities and exchange commission in 17 C.F.R. § 275.206(4)-2. In performing custodial services under this section, a bank shall:

(i) Implement all accounting, account statement, internal control, notice and other standards specified by applicable state or federal law and rules for custodial services;

(ii) Maintain information technology best practices relating to digital assets held in custody. The commissioner may specify required best practices by rule;

(iii) Fully comply with applicable federal anti-money laundering, customer identification and beneficial ownership requirements; and

(iv) Take other actions necessary to carry out this section, which may include exercising fiduciary powers similar to those permitted to national banks

and ensuring compliance with federal law governing digital assets classified as commodities.

(c) A bank providing custodial services shall enter into an agreement with an independent public accountant to conduct an examination conforming to the requirements of 17 C.F.R. § 275.206(4)-2(a)(4) and (6), at the cost of the bank. The accountant shall transmit the results of the examination to the commissioner within one hundred twenty (120) days of the examination and may file the results with the United States securities and exchange commission as its rules may provide. Material discrepancies in an examination shall be reported to the commissioner within one (1) day. The commissioner shall review examination results upon receipt within a reasonable time and during any regular examination conducted under W.S. 13-3-702.

(d) Digital assets held in custody under this section are not depository liabilities or assets of the bank. A bank, or a subsidiary, may register as an investment adviser, investment company or broker dealer as necessary. A bank shall maintain control over a digital asset while in custody. A customer shall elect, pursuant to a written agreement with the bank, one (1) of the following relationships for each digital asset held in custody:

(i) Custody under a bailment as a nonfungible or fungible asset. Assets held under this paragraph shall be strictly segregated from other assets; or

(ii) Custody under a bailment pursuant to subsection (e) of this section.

(e) If a customer makes an election under paragraph (d)(ii) of this section, the bank may, based only on customer instructions, undertake transactions with the digital asset. A bank maintains control pursuant to subsection (d) of this section by entering into an agreement with the counterparty to a transaction which contains a time for return of the asset. The bank shall not be liable for any loss suffered with respect to a transaction under this subsection, except for liability consistent with fiduciary and trust powers as a custodian under this section.

(f) A bank and a customer shall agree in writing regarding the source code version the bank will use for each digital asset, and the treatment of each asset under the Uniform Commercial Code, title 34.1, Wyoming statutes if necessary. Any ambiguity under this subsection shall be resolved in favor of the customer.

(g) A bank shall provide clear, written notice to each customer, and require written acknowledgement, of the following:

(i) Prior to the implementation of any updates, material source code updates relating to digital assets held in custody, except in emergencies which may include security vulnerabilities;

(ii) The heightened risk of loss from transactions under subsection (e) of this section;

(iii) That some risk of loss as a pro rata creditor exists as the result of custody as a fungible asset or custody under paragraph (d)(ii) of this section;

(iv) That custody under paragraph (d)(ii) of this section may not result in the digital assets of the customer being strictly segregated from other customer assets; and

(v) That the bank is not liable for losses suffered under subsection (e) of this section, except for liability consistent with fiduciary and trust powers as a custodian under this section.

(h) A bank and a customer shall agree in writing to a time period within which the bank must return a digital asset held in custody under this section. If a customer makes an election under paragraph (d)(ii) of this section, the bank and the customer may also agree in writing to the form in which the digital asset shall be returned.

(j) All ancillary or subsidiary proceeds relating to digital assets held in custody under this section shall accrue to the benefit of the customer, except as specified by a written agreement with the customer. The bank may elect not to collect certain ancillary or subsidiary proceeds, as long as the election is disclosed in writing. A customer who makes an election under paragraph (d)(i) of this section may withdraw the digital asset in a form that permits the collection of the ancillary or subsidiary proceeds.

(k) A bank shall not authorize or permit rehypothecation of digital assets under this section. The bank shall not engage in any activity to use or exercise discretionary authority relating to a digital asset except based on customer instructions.

(m) A bank shall not take any action under this section which would likely impair the solvency or the safety and soundness of the bank, as determined by the commissioner after considering the nature of custodial services customary in the banking industry.

(n) Banks are not subject to the annual report license tax levied under W.S. 17-16-1630. In lieu of this tax and to offset the costs of supervision and administration of this section, a bank which provides custodial services under this section shall pay a supervision fee equal to two-tenths of one mill on the dollar (\$.0002) relating to assets held in custody under this section as of December 31 of each year, with payment of the supervision fee made on or before the following January 31. The supervision fee shall be deposited by the commissioner into the financial institutions administration account and may be expended for any purpose authorized for that account. Banks providing custodial services outside of this section shall not be required to pay this supervision fee.

(o) The commissioner may adopt rules to implement this section.

(p) As used in this section:

(i) “Bank” has the meaning ascribed to it in W.S. 13-1-101(a)(i);

(ii) “Commissioner” means the banking commissioner;

(iii) “Custodial services” means the safekeeping and management of customer currency and digital assets through the exercise of fiduciary and trust powers under this section as a custodian, and includes fund administration and the execution of customer instructions.

34-29-105. Jurisdiction of courts.

The courts of Wyoming shall have jurisdiction to hear claims in both law and equity relating to digital assets, including those arising from this chapter and the Uniform Commercial Code, title 34.1, Wyoming statutes.

34.1-1-210. Applicability of other sections.

Chapter 29, title 34, Wyoming statutes shall apply to this title.

Section 2. W.S. 13-2-101(a)(ix) is amended to read:

13-2-101. Generally.

(a) Each bank may:

(ix) Operate a trust department and exercise all powers enumerated by W.S. 13-5-101(b) and 34-29-104;

Section 3. If 2019 House Bill 0074 is enacted into law, the entity created by 2019 House Bill 0074 may exercise all powers set forth in W.S. 34-29-104 as created by this act.

Section 4. The department of audit is authorized two (2) additional full-time employees for the purposes of this act. There is appropriated one hundred seventy-five thousand six hundred four dollars (\$175,604.00) of special revenue funds from the financial institutions administration account to the department of audit. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020.

Section 5. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 92

SPECIAL PURPOSE DEPOSITORY INSTITUTIONS

Original House Bill No. 74

AN ACT relating to banking; making legislative findings; creating special purpose depository institutions as a new financial institution; providing that special purpose depository institutions shall be corporations; requiring that depositors be business entities; specifying compliance with applicable federal laws; establishing procedures for the incorporation, chartering and operation of special purpose depository institutions; establishing procedures for liquidation, conservatorship and voluntary dissolution; requiring a surety bond or pledged investments and specified private insurance; authorizing special purpose depository institutions to obtain federal deposit insurance; making conforming amendments; authorizing positions; providing an appropriation; and providing for effective dates.

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

Section 1.

(a) The legislature finds the following:

(i) The rapid innovation of blockchain technology, including the growing use of virtual currency and other digital assets, has resulted in many blockchain innovators being unable to access secure and reliable banking services, hampering development of blockchain services and products in the marketplace;

(ii) Federally insured financial institutions are not generally permitted to manage accounts in virtual currency or hold other digital assets;

(iii) Blockchain innovators have greater compliance challenges with federal customer identification, anti-money laundering and beneficial ownership requirements because of the complex nature of these obligations and the unfamiliarity of regulators with blockchain innovators' businesses;

(iv) These intricate obligations have resulted in many financial institutions in Wyoming and across the United States refusing to provide banking services to blockchain innovators and also refusing to accept deposits in United States currency obtained from the sale of virtual currency or other digital assets;

(v) Compliance with applicable federal and state laws is critical to ensuring the future growth and reputation of the blockchain and technology industries as a whole;

(vi) Most financial institutions today do not have the requisite expertise or familiarity with the challenges facing blockchain innovators which is required to provide secure and reliable banking services to these innovators;

(vii) A new type of Wyoming financial institution that has expertise with customer identification, anti-money laundering and beneficial ownership requirements could seamlessly integrate these requirements into its operating model; and

(viii) Authorizing special purpose depository institutions to be chartered in Wyoming will provide a necessary and valuable service to blockchain innovators, emphasize Wyoming's partnership with the technology and financial industry and safely grow this state's developing financial sector.

Section 2. W.S. 13-12-101 through 13-12-126 are created to read:

CHAPTER 12

SPECIAL PURPOSE DEPOSITORY INSTITUTIONS

13-12-101. Short title.

This chapter may be cited as the "Special Purpose Depository Institutions Act."

13-12-102. Applicability of other provisions.

(a) Except as otherwise provided in subsections (b) and (c) of this section, all other provisions of this title shall apply to this chapter.

(b) The following provisions of this title shall not apply to this chapter:

- (i) W.S. 13-1-101(a)(vii);
- (ii) W.S. 13-1-201;
- (iii) W.S. 13-2-101;
- (iv) W.S. 13-2-201 through 13-2-214;
- (v) W.S. 13-2-301;
- (vi) W.S. 13-2-709;
- (vii) W.S. 13-3-102;
- (viii) W.S. 13-3-203;
- (ix) W.S. 13-3-401 through 13-3-405;
- (x) W.S. 13-3-701 through 13-3-703;
- (xi) W.S. 13-4-201 and 13-4-202(a)(i) through (iii);
- (xii) W.S. 13-4-206;
- (xiii) W.S. 13-4-302; and
- (xiv) W.S. 13-5-101 through 13-8-302.

(c) If any provision of law conflicts with this chapter, this chapter shall control.

13-12-103. Special purpose depository institutions created as corporations; operating authority; powers; prohibition on lending.

(a) Consistent with this chapter, special purpose depository institutions shall be organized as corporations under the Wyoming Business Corporation Act to exercise the powers set forth in subsection (b) of this section.

(b) Each special purpose depository institution may:

- (i) Make contracts as a corporation under Wyoming law;
- (ii) Sue and be sued;
- (iii) Receive notes and buy and sell gold and silver coins and bullion as permitted by federal law;
- (iv) Carry on a nonlending banking business for depositors, consistent with subsection (c) of this section;
- (v) Provide payment services upon the request of a depositor;
- (vi) Make an application to become a member bank of the federal reserve system;
- (vii) Engage in any other activity that is usual or incidental to the business of banking, subject to the prior written approval of the commissioner. The

commissioner shall not approve a request to engage in an incidental activity if he finds that the requested activity will adversely affect the solvency or the safety and soundness of the special purpose depository institution or conflict with any provision of this chapter;

(viii) Exercise powers and rights otherwise authorized by law which are not inconsistent with this chapter.

(c) Except as otherwise provided in this subsection, a special purpose depository institution shall not make loans, including the provision of temporary credit relating to overdrafts. A special purpose depository institution may purchase debt obligations specified by W.S. 13-12-105(b)(iii).

(d) A special purpose depository institution shall maintain its principal operating headquarters and the primary office of its chief executive officer in Wyoming.

(e) As otherwise authorized by this section, the special purpose depository institution may conduct business with depositors outside this state.

(f) Subject to the laws of the host state, a special purpose depository institution may open a branch in another state in the manner set forth in W.S. 13-2-803. A special purpose depository institution, including any branch of the institution, may only accept deposits or provide other services under this chapter to depositors engaged in a bona fide business which is lawful under the laws of Wyoming, the laws of the host state and federal law.

13-12-104. Requirements relating to depositors; nature of business.

(a) No depositor shall maintain an account with a special purpose depository institution or otherwise receive any services from the institution unless the depositor meets the criteria of this subsection. A depositor shall:

(i) Be a legal entity other than a natural person;

(ii) Be in good standing with the jurisdiction in the United States in which it is incorporated or organized;

(iii) Maintain deposits with the institution totaling not less than five thousand dollars (\$5,000.00);

(iv) Be engaged in a lawful, bona fide business, consistent with subsection (c) of this section and W.S. 13-12-103(f); and

(v) Make sufficient evidence available to the special purpose depository institution to enable compliance with anti-money laundering, customer identification and beneficial ownership requirements, as determined by the institution.

(b) A depositor which meets the criteria of subsection (a) of this section shall be issued a depository account and otherwise receive services from the special purpose depository institution, contingent on the availability of sufficient

insurance under W.S. 13-12-119(e).

(c) Consistent with paragraphs (a)(iv) and (v) of this section and in addition to any requirements specified by federal law, a special purpose depository institution shall require that a potential depositor provide reasonable evidence that the person is engaged in a lawful, bona fide business, or is likely to open a lawful, bona fide business within the next six (6) months. As used in this subsection, "reasonable evidence" includes business entity filings, articles of incorporation or organization, bylaws, operating agreements, business plans, promotional materials, financing agreements or other evidence.

13-12-105. Required liquid assets.

(a) At all times, a special purpose depository institution shall maintain unencumbered liquid assets valued at not less than one hundred percent (100%) of its depository liabilities.

(b) As used in this section, "liquid assets" means:

(i) United States currency held on the premises of the special purpose depository institution;

(ii) United States currency held for the special purpose depository institution by a federal reserve bank or a federally insured financial institution;

(iii) Investments which are highly liquid, including those specified by W.S. 13-3-202 and obligations of the United States treasury or other federal agency obligations, consistent with rules adopted by the commissioner.

13-12-106. Required contingency account.

(a) A special purpose depository institution shall maintain a contingency account to account for unexpected losses and expenses. A special purpose depository institution may require the payment of contributions from depositors to fund a contingency account. Initial capital under W.S. 13-12-110 shall constitute compliance with this subsection for the first three (3) years a special purpose depository institution is in operation. After the conclusion of the first three (3) years of operation, a special purpose depository institution shall maintain a contingency account totaling not less than two percent (2%) of the depository liabilities of the special purpose depository institution, provided that the contingency account shall be adequate and reasonable in light of current and prospective business conditions, as determined by the commissioner.

(b) A depositor shall obtain a refund of any contingency account contributions made under subsection (a) of this section after closing an account with the special purpose depository institution.

13-12-107. Applicable federal and state laws.

A special purpose depository institution shall comply with all applicable federal laws, including those relating to anti-money laundering, customer

identification and beneficial ownership.

13-12-108. Required disclosures.

(a) A special purpose depository institution shall display on any internet website it maintains, and at each window or place where it accepts deposits, a sign conspicuously stating that deposits are not insured by the federal deposit insurance corporation, if applicable.

(b) Upon opening an account and if applicable, a special purpose depository institution shall require each depositor to execute a statement acknowledging that all deposits at the special purpose depository institution are not insured by the federal deposit insurance corporation. The special purpose depository institution shall permanently retain this acknowledgment.

(c) A special purpose depository institution shall include in all advertising a disclosure that deposits are not insured by the federal deposit insurance corporation, if applicable.

13-12-109. Formation; articles of incorporation.

(a) Except as otherwise provided by subsection (e) of this section, five (5) or more adult persons may form a special purpose depository institution. The incorporators shall subscribe the articles of incorporation and transmit them to the commissioner as part of an application for a charter under W.S. 13-12-111.

(b) The articles of incorporation shall include the following information:

(i) The corporate name;

(ii) The object for which the corporation is organized;

(iii) The term of its existence, which may be perpetual;

(iv) The place where its office shall be located and its operations conducted;

(v) The amount of capital stock and the number of shares;

(vi) The name and residence of each shareholder subscribing to more than ten percent (10%) of the stock and the number of shares owned by that shareholder;

(vii) The number of directors and the names of those who shall manage the affairs of the corporation for the first year; and

(viii) A statement that the articles of incorporation are made to enable the incorporators to avail themselves of the advantages of the laws of the state.

(c) Copies of all amended articles of incorporation shall be filed in the same manner as the original articles of incorporation.

(d) The incorporators shall solicit capital prior to filing an application for a charter with the commissioner, consistent with W.S. 13-12-110. In the event an application for a charter is not filed or is denied by the board, all capital shall be

promptly returned without loss.

(e) Subject to applicable federal and state law, a bank holding company may apply to hold a special purpose depository institution.

13-12-110. Required initial capital and surplus; additional capital.

(a) The capital stock of each special purpose depository institution chartered under this chapter shall be subscribed for as fully paid stock. No special purpose depository institution shall be chartered with capital stock less than five million dollars (\$5,000,000.00).

(b) No special purpose depository institution shall commence business until the full amount of its authorized capital is subscribed and all capital stock is fully paid in. No special purpose depository institution may be chartered without a paid up surplus fund of not less than three (3) years of estimated operating expenses in the amount disclosed pursuant to W.S. 13-12-111(b) or in another amount required by the commissioner.

(c) A special purpose depository institution may acquire additional capital prior to the granting of a charter and may report this capital in its charter application.

13-12-111. Application for charter; fee; subaccount created.

(a) No person shall act as a special purpose depository institution without first obtaining a charter and certificate of authority to operate from the commissioner under this chapter.

(b) The incorporators under W.S. 13-12-109(a) shall apply to the commissioner for a charter. The application shall contain the special purpose depository institution's articles of incorporation, a detailed business plan, a comprehensive estimate of operating expenses for the first three (3) years of operation, a complete proposal for compliance with the provisions of this chapter and evidence of the capital required under W.S. 13-12-110. The commissioner may prescribe the form of application by rule.

(c) Each application for a charter shall be accompanied by an application fee established by the commissioner pursuant to rule, which shall be no greater than the costs incurred by the commissioner in reviewing the application. The application fee shall be credited to the special purpose depository institutions subaccount created by subsection (d) of this section.

(d) The special purpose depository institutions subaccount within the financial institutions administration account is created. Funds in the subaccount shall be used by the commissioner to supervise special purpose depository institutions and to otherwise carry out the duties specified by this chapter. Funds in the subaccount are continuously appropriated to the subaccount and shall not lapse at the end of any fiscal period. For purposes of accounting and investing only, the special purpose depository institutions subaccount shall be treated as

a separate account from the financial institutions administration account.

13-12-112. Procedure upon filing application.

(a) Upon receiving an application for a special purpose depository charter, the commissioner shall notify the applicants in writing within thirty (30) calendar days of any deficiency in the required information or that the application has been accepted for filing. When the commissioner is satisfied that all required information has been furnished, he shall notify the chairman of the board who shall establish a time and place for a public hearing which shall be conducted not less than sixty (60) days, nor more than one hundred twenty (120) days, after notice from the commissioner to the applicants that the application is in order.

(b) Within thirty (30) days after receipt of notice of the time and place of the public hearing, the applicants shall cause notice of filing of the application and the hearing to be published at the applicants' expense in a newspaper of general circulation within the county where the proposed special purpose depository institution is to be located. Publication shall be made at least once a week for three (3) consecutive weeks before the hearing, stating the proposed location of the special purpose depository institution, the names of the applicants for a charter, the nature of the activities to be conducted by the proposed institution and other information required by rule. The applicants shall furnish proof of publication to the commissioner not more than ten (10) days prior to the hearing. The commissioner shall send notice of the hearing to state and national banks, federal savings and loan associations and other financial institutions in the state and federal agencies who have requested notice from the commissioner.

13-12-113. Procedure for hearings on charter applications.

The hearing for a charter application shall be conducted as a contested case under the Wyoming Administrative Procedure Act and shall comply with the requirements of that act.

13-12-114. Investigation and examination by commissioner.

(a) Upon receiving the articles of incorporation, the application for a charter and other information required by the commissioner, the commissioner shall make a careful investigation and examination of the following:

(i) The character, reputation, financial standing and ability of the incorporators;

(ii) The character, financial responsibility, banking or other financial experience and business qualifications of those proposed as officers and directors; and

(iii) The application for a charter, including the adequacy and plausibility of the business plan of the special purpose depository institution and whether

the institution has offered a complete proposal for compliance with the provisions of this chapter.

(b) The commissioner shall submit the results of his investigation and examination at the public hearing on the charter application and shall be subject to cross examination by any interested party. No relevant information shall be excluded by the board as hearsay.

13-12-115. Approval or disapproval of application; criteria for approval; action upon application.

(a) Within ninety (90) days after receipt of the transcript of the public hearing, the board shall render a decision on the charter application based solely on the following criteria:

(i) Whether the character, reputation, financial standing and ability of the incorporators is sufficient to afford reasonable promise of a successful operation;

(ii) Whether the character, financial responsibility, banking or other financial experience and business qualifications of those proposed as officers and directors is sufficient to afford reasonable promise of a successful operation;

(iii) The adequacy and plausibility of the business plan of the special purpose depository institution;

(iv) Compliance with the capital and surplus requirements of W.S. 13-12-110;

(v) The special purpose depository institution is being formed for no other purpose than legitimate objectives authorized by law;

(vi) That the name of the proposed special purpose depository institution does not resemble so closely the name of any other financial institution transacting business in the state so as to cause confusion; and

(vii) Whether the applicants have complied with all applicable provisions of state law.

(b) The board shall approve an application upon making favorable findings on the criteria set forth in subsection (a) of this section. If necessary, the board may either conditionally approve an application by specifying conditions relating to the criteria or may disapprove the application. The board shall state findings of fact and conclusions of law as part of its decision. If the board approves the application, the commissioner shall endorse upon the articles of incorporation the approval of the board and shall transmit one (1) copy to the secretary of state, retain one (1) copy and return a copy to the applicants within twenty (20) days after the date of the decision of the board approving the application. If the board conditionally approves an application and upon compliance with necessary conditions required by the board, the commissioner shall proceed as provided in the preceding sentence. If the board disapproves the application,

the commissioner shall mail notice of the disapproval to the applicants within twenty (20) days of the board's disapproval.

13-12-116. Certificate of authority to commence business required; application; approval or denial; failure to commence business.

(a) If an application is approved and a charter granted by the board under W.S. 13-12-115, the special purpose depository institution shall not commence business before receiving a certificate of authority to operate from the commissioner. The application for a certificate of authority shall be made to the commissioner and shall certify the address at which the special purpose depository institution will operate and that all adopted bylaws of the institution have been attached as an exhibit to the application. The application shall state the identities and contact information of officers and directors. The commissioner shall approve or deny an application for a certificate of authority to operate within thirty (30) days after a complete application has been filed. The authority of the commissioner to disapprove any application shall be restricted solely to noncompliance with this section, provided that if the commissioner approves the application, he shall issue a certificate of authority to the applicants within twenty (20) days. If the commissioner denies the application, he shall mail a notice of denial to the applicants within twenty (20) days, stating the reasons for denying the application, and grant to the applicants a period of ninety (90) days to resubmit the application with the necessary corrections. If the applicants fail to comply with requirements of the notice of denial within ninety (90) days from the receipt of the notice, the charter of the special purpose depository institution shall be revoked by the commissioner. The failure of the commissioner to act upon an application for a certificate of authority within thirty (30) days shall be deemed an approval.

(b) If an approved special purpose depository institution fails to commence business in good faith within six (6) months after the issuance of a certificate of authority to operate by the commissioner, the charter and certificate of authority shall expire. The board, for good cause and upon an application filed prior to the expiration of the six (6) month period, may extend the time within which the special purpose depository institution may open for business.

13-12-117. Decisions by board appealable; grounds.

Any decision of the board or commissioner in approving, conditionally approving or disapproving a charter for a special purpose depository institution or the issuance or denial of a certificate of authority to operate is appealable to the district court of the county in which the institution is to be located, in accordance with the provisions of the Wyoming Administrative Procedure Act. In addition to the grounds for appeal contained in the Wyoming Administrative Procedure Act, an appellant may appeal if the board or the commissioner fails to make any of the required findings or otherwise take an action required by law.

13-12-118. Surety bond; pledged investments; investment income; bond or pledge increases; hearings.

(a) Except as otherwise provided by subsection (b) of this section, a special purpose depository institution shall, before transacting any business, pledge or furnish a surety bond to the commissioner to cover costs likely to be incurred by the commissioner in a liquidation or conservatorship of the special purpose depository institution. The amount of the surety bond or pledge of assets under subsection (b) of this section shall be determined by the commissioner in an amount sufficient to defray the costs of a liquidation or conservatorship.

(b) In lieu of a bond, a special purpose depository institution may irrevocably pledge specified capital equivalent to a bond under subsection (a) of this section. Any capital pledged to the commissioner under this subsection shall be held in a state or nationally chartered bank or savings and loan association having a principal or branch office in this state. All costs associated with pledging and holding such capital are the responsibility of the special purpose depository institution.

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

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

(e) The commissioner may adopt rules to establish additional investment guidelines or investment options for purposes of the pledge or surety bond required by this section.

(f) In the event of a liquidation or conservatorship of a special purpose depository institution pursuant to W.S. 13-12-122, the commissioner may, without regard to priorities, preferences or adverse claims, reduce the surety bond or capital pledged under this section to cash as soon as practicable and utilize the cash to defray the costs associated with the liquidation or conservatorship.

(g) Income from capital pledged under subsection (b) of this section shall be paid to the special purpose depository institution, unless a liquidation or conservatorship takes place.

(h) Upon evidence that the current surety bond or pledged capital is insufficient, the commissioner may require a special purpose depository institution to increase its surety bond or pledged capital by providing not less than thirty (30) days written notice to the institution. The special purpose depository institution may request a hearing before the board not more than thirty (30) days after receiving written notice from the commissioner under this subsection. Any hearing before the board shall be held pursuant to the Wyoming Administrative Procedure Act.

13-12-119. Reports and examinations; supervisory fees; required private insurance or bond.

(a) The commissioner may call for reports verified under oath from a special purpose depository institution at any time as necessary to inform the commissioner of the condition of the institution.

(b) All reports required of special purpose depository institutions by the commissioner and all materials relating to examinations of these institutions shall be subject to the provisions of W.S. 9-1-512.

(c) Every special purpose depository institution is subject to the examination of the commissioner. The commissioner or a duly appointed examiner shall visit and examine special purpose depository institutions on a schedule established by rule. The commissioner or a duly appointed examiner shall make a complete and careful examination of the condition and resources of a special purpose depository institution, the mode of managing institution affairs and conducting business, the actions of officers and directors in the investment and disposition of funds, the safety and prudence of institution management, compliance with the requirements of this chapter and such other matters as the commissioner may require. After an examination, the special purpose depository institution shall remit to the commissioner an amount equal to the total cost of the examination. This amount shall be remitted to the state treasurer and deposited into the special purpose depository institutions subaccount created by W.S. 13-12-111(d).

(d) On or before January 31 and July 31 of each year, a special purpose depository institution shall compute and pay supervisory fees to the commissioner based on the total assets of the special purpose depository institution as of the preceding December 31 and June 30 respectively. Supervisory fees under this section shall provide for the operating costs of the office of the commissioner and the administration of the laws governing special purpose depository institutions. Such fees shall be established by rule of the commissioner and shall be adjusted by the commissioner to assure consistency with the cost of supervision. Supervisory fees shall be deposited by the commissioner with the state treasurer and credited to the special purpose depository institutions subaccount created by W.S. 13-12-111(d).

(e) A special purpose depository institution shall maintain appropriate insurance or a bond covering the operational risks of the institution, which shall include coverage for directors' and officers' liability, errors and omissions liability and information technology infrastructure and activities liability.

13-12-120. Suspension or revocation of charter.

(a) The commissioner may suspend or revoke the charter of a special purpose depository institution if, after notice and opportunity for a hearing, the commissioner determines that:

(i) The special purpose depository institution has failed or refused to comply with an order issued under W.S. 13-10-201 through 13-10-209;

(ii) The application for a charter contained a false statement or material misrepresentation or material omission; or

(iii) An officer, director or agent of the special purpose depository institution, in connection with an application for a charter, examination, report or other document filed with the commissioner, knowingly made a false statement, material misrepresentation or material omission to the board, the commissioner or the duly authorized agent of the board or commissioner.

13-12-121. Continuing jurisdiction.

If the charter of a special purpose depository institution is surrendered, suspended or revoked, the institution shall continue to be subject to the provisions of this chapter during any liquidation or conservatorship.

13-12-122. Failure of institution; unsound or unsafe condition; applicability of other insolvency and conservatorship provisions.

(a) If the commissioner finds that a special purpose depository institution has failed or is operating in an unsafe or unsound condition, as defined in this section, that has not been remedied within the time prescribed under W.S. 13-4-203 through 13-4-205 or an order of the commissioner issued pursuant to W.S. 13-10-201 through 13-10-209, the commissioner shall conduct a liquidation or appoint a conservator as provided by W.S. 13-4-301 and 13-4-303 through 13-4-703.

(b) As used in this section:

(i) “Failed” or “failure” means, consistent with rules adopted by the commissioner, a circumstance when a special purpose depository institution has not:

(A) Complied with the requirements of W.S. 13-12-105;

(B) Maintained a contingency account, as required by W.S. 13-12-106;

(C) Paid, in the manner commonly accepted by business practices, its legal obligations to depositors on demand or to discharge any certificates of deposit, promissory notes or other indebtedness when due.

(ii) “Unsafe or unsound condition” means, consistent with rules adopted by the commissioner, a circumstance relating to a special purpose depository institution which is likely to:

(A) Cause the failure of the institution, as defined in paragraph (i) of this subsection;

(B) Cause a substantial dissipation of assets or earnings;

(C) Substantially disrupt the services provided by the institution to depositors;

(D) Otherwise substantially prejudice the depository interests of depositors.

13-12-123. Voluntary dissolution of special purpose depository institution; liquidation; reorganization; application for dissolution; filing fee; filing with the secretary of state; revocation of charter.

(a) A special purpose depository institution may voluntarily dissolve in accordance with the provisions of this section. Voluntary dissolution shall be accomplished by either liquidating the special purpose depository institution or reorganizing the institution into an appropriate business entity that does not engage in any activity authorized only for a special purpose depository institution. Upon complete liquidation or completion of the reorganization, the commissioner shall revoke the charter of the special purpose depository institution and afterward, the company shall not use the word “special purpose depository institution” or “bank” in its business name or in connection with its ongoing business.

(b) The special purpose depository institution may dissolve its charter either by liquidation or reorganization. The board of directors shall file an application for dissolution with the commissioner, accompanied by a filing fee established by rule 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, and any other plans required by the commissioner. The plan of dissolution shall provide for the discharge or assumption of all of the known and unknown claims and liabilities of the special purpose depository institution. Additionally, the application for dissolution shall include other evidence, certifications, affidavits, documents or information as the commissioner may require, including demonstration of how assets and liabilities will be disposed, the timetable for effecting disposition of the assets and liabilities and a proposal of the special purpose depository institution for addressing any claims that are asserted after dissolution has been completed. The commissioner shall examine the application for compliance with this section, the business entity laws applicable to the required type of dissolution and applicable rules. The commissioner may conduct a special examination of the special purpose depository institution, consistent with W.S. 13-12-119(c), for purposes of evaluating the application.

(c) If the commissioner finds that the application is incomplete, the commissioner shall return it for completion not later than sixty (60) days after it is filed. If the application is found to be complete by the commissioner, the commissioner shall approve or disapprove the application not later than thirty (30) days after it is filed. If the commissioner approves the application, the special purpose depository institution may proceed with the dissolution pursuant to the plan outlined in the application, subject to any further conditions the commissioner may prescribe. If the special purpose depository

institution subsequently determines that the plan of dissolution needs to be amended to complete the dissolution, it shall file an amended plan with the commissioner and obtain approval to proceed under the amended plan. If the commissioner does not approve the application or amended plan, the special purpose depository institution may appeal the decision to the board pursuant to the Wyoming Administrative Procedure Act.

(d) Upon completion of all actions required under the plan of dissolution and satisfaction of all conditions prescribed by the commissioner, the special purpose depository institution shall submit a written report of its actions to the commissioner. The report shall contain a certification made under oath that the report is true and correct. Following receipt of the report, the commissioner, no later than sixty (60) days after the filing of the report, shall examine the special purpose depository institution to determine whether the commissioner is satisfied that all required actions have been taken in accordance with the plan of dissolution and any conditions prescribed by the commissioner. If all requirements and conditions have been met, the commissioner shall, within thirty (30) days of the examination, notify the special purpose depository institution in writing that the dissolution has been completed and issue a certificate of dissolution.

(e) Upon receiving a certificate of dissolution, the special purpose depository institution shall surrender its charter to the commissioner. The special purpose depository institution shall then file articles of dissolution and other documents required by W.S. 17-16-1401 through 17-16-1440 for a corporation with the secretary of state. In the case of reorganization, the special purpose depository institution shall file the documents required by the secretary of state to finalize the reorganization.

(f) If the commissioner determines that all required actions under the plan for dissolution, or as otherwise required by the commissioner, have not been completed, the commissioner shall notify the special purpose depository institution, not later than thirty (30) days after this determination, in writing what additional actions shall be taken in order for the institution to be eligible for a certificate of dissolution. The commissioner shall establish a reasonable deadline for the submission of evidence that additional actions have been taken and the commissioner may extend any deadline upon good cause. If the special purpose depository institution fails to file a supplemental report showing that the additional actions have been taken before the deadline, or submits a report that is found not to be satisfactory by the commissioner, the commissioner shall notify the special purpose depository institution in writing that its voluntary dissolution is not approved, and the institution may appeal the decision to the board pursuant to the Wyoming Administrative Procedure Act.

13-12-124. Failure to submit required report; fees; rules.

If a special purpose depository institution fails to submit any report required

by this chapter or by rule within the prescribed period, the commissioner may impose and collect a fee for each day the report is overdue, as established by rule.

13-12-125. Willful failure to perform duties imposed by law; removal.

(a) Each officer, director, employee or agent of a special purpose depository institution, following written notice from the commissioner, is subject to removal upon order of the commissioner if he knowingly or willfully fails to:

- (i) Perform any duty required by this act or other applicable law; or
- (ii) Conform to any rule or order of the commissioner.

13-12-126. Rules.

The commissioner shall adopt all rules necessary to implement this chapter, consistent with W.S. 13-12-107.

Section 3. W.S. 13-1-101(a)(i) and by creating a new paragraph (xvi), 13-1-201, 13-1-203, 13-1-204, 13-1-605(b) by creating a new paragraph (vii), 13-2-103 and 13-10-201(a)(iv) are amended to read:

13-1-101. Definitions.

(a) As used in this act, unless another definition is specifically provided for a section, article or chapter of this act:

(i) “Bank” means any corporation, excluding national banks, having a place of business within this state which engages in banking business, and includes a special purpose depository institution, subject to the limitations set forth in W.S. 13-12-101 through 13-12-126;

(xvi) “Special purpose depository institution” means a corporation operating pursuant to W.S. 13-12-101 through 13-12-126.

13-1-201. Generally.

Subject to W.S. 13-12-102, this act applies to all banks in this state organized under this act and to national banks where specifically provided by the text.

13-1-203. Compliance required.

No person or entity shall carry on a banking business except in compliance with this act or W.S. 13-12-101 through 13-12-126.

13-1-204. Use of terms or names.

(a) No person or entity shall advertise, issue or circulate any paper or exhibit any sign using any of the terms “bank”, “banker”, “banking”, “special purpose depository institution”, or words of similar import, or use the name of any other financial institution as defined by W.S. 13-1-101(a)(ix) until they have fully complied with this act or W.S. 13-12-101 through 13-12-126.

(b) Consistent with subsection (a) of this section, a special purpose depository

institution may refer to itself as a bank.

13-1-605. State banking board; meetings; compensation; purpose.

(b) The banking board shall:

(vii) Perform the duties prescribed in W.S. 13-12-101 through 13-12-126.

13-2-103. Federal deposit insurance.

(a) All banks, except special purpose depository institutions, shall obtain insurance of their deposits by the United States and shall subscribe for insurance of deposit accounts by the federal deposit insurance corporation (FDIC).

(b) Nothing in this section shall be construed as prohibiting a special purpose depository institution from obtaining FDIC insurance, if available.

13-10-201. Definitions.

(a) As used in this article:

(iv) "Wyoming financial institution" means any bank, savings and loan association, special purpose depository institution or trust company chartered or organized under the laws of Wyoming.

Section 4. Consistent with this act, the banking commissioner shall adopt rules governing special purpose depository institutions on or before October 1, 2019, provided these rules shall not take effect until October 1, 2019.

Section 5. The department of audit is authorized two (2) additional full-time employees for the purposes of this act. There is appropriated one hundred seventy-five thousand six hundred four dollars (\$175,604.00) of special revenue funds from the financial institutions administration account to the department of audit. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

Section 6.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective October 1, 2019.

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

Approved February 26, 2019.

Chapter 93**CORPORATE STOCK-CERTIFICATE TOKENS**

Original House Bill No. 185

AN ACT relating to corporate shares and distributions; authorizing corporations to issue certificate tokens in lieu of stock certificates 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. 17-16-605 is created to read:

17-16-605. Construction of terms relating to stock and certificate tokens.

(a) As used in this title, any reference to:

(i) Share certificate, share, stock, share of stock or words of similar import shall be construed to include a certificate token;

(ii) A requirement to print information on a share certificate or words of similar import shall be construed to be satisfied if the information satisfies the requirements set forth in W.S. 17-16-625(g);

(iii) Certificated shares or words of similar import shall be construed to include shares represented by certificate tokens, and any reference to the delivery or deposit of these shares to the corporation shall be construed to refer to any method of granting control of the tokens to the corporation;

(iv) A certificate being duly endorsed or words of similar import shall be construed to mean that the transaction authorizing transfer of control of the certificate token was signed by the lawful holder of the token with the network signature corresponding to the lawful holder's data address to which the certificate token was issued or last lawfully transferred.

Section 2. W.S. 17-16-140(a)(xlviii), 17-16-625(b)(ii), (d)(intro), (e) and by creating new subsections (g) and (h) are amended to read:

17-16-140. Definitions.

(a) In this act:

(xlviii) "Network signature" means a string of alphanumeric characters that, when ~~broadcasted~~broadcast by a ~~shareholder~~person to the data address's corresponding distributed or other electronic network or database, provides reasonable assurances to a ~~corporation~~recipient that the ~~shareholder~~broadcasting person has knowledge or possession of the private key uniquely associated with the data address;

17-16-625. Form and content of certificates.

(b) At a minimum each share certificate shall state on its face:

(ii) The name of the person to whom, or in the case of a certificate token, the data address to whom which the token was issued; and

(d) Except as otherwise provided by subsection (g) of this section, each share certificate:

(e) If the person who signed, either manually or in facsimile, a share certificate no longer holds office when the certificate is issued, the certificate is nevertheless valid.

(g) The articles of incorporation or bylaws of a corporation may specify that all or a portion of the shares of the corporation may be represented by share certificates in the form of certificate tokens. The electronic message, command or transaction that transmits the certificate tokens to the data address to which a certificate token was issued shall be authorized at the time of issuance by one (1) or more messages, commands or transactions signed with the network signatures of two (2) officers designated in the bylaws or by the board of directors of the corporation.

(h) As used in this section:

(i) “Blockchain” means a digital ledger or database which is chronological, consensus based, decentralized and mathematically verified in nature;

(ii) “Certificate token” means a representation of shares that is stored in an electronic format which contains the information specified under subsections (b) and (c) of this section, and this information is:

(A) Entered into a blockchain or other secure, auditable database;

(B) Linked to or associated with the certificate token; and

(C) Able to be transmitted electronically to the issuing corporation, the person to whom the certificate token was issued and any transferee.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 94

COMMERCIAL FILING SYSTEM

Original House Bill No. 70

AN ACT relating to the secretary of state; authorizing the secretary of state to develop and implement a blockchain filing system; authorizing the promulgation of rules; and providing for an effective date.

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

Section 1.

(a) Not later than December 31, 2021, the secretary of state may develop and implement an industry leading filing system through which all required filings, as defined in paragraph (c)(iii) of this section, may be submitted. The secretary of state shall endeavor to use blockchain technology and include an application

programming interface as components of the filing system, as well as robust security measures and other components determined by the secretary of state to be best practices or which are likely to increase the effective and efficient administration of the laws of this state. The secretary of state may create a blockchain for the purposes of this section or contract for the use of a privately created blockchain.

(b) The secretary of state may:

(i) Consult with all interested parties before developing the filing system specified by subsection (a) of this section, including businesses, registered agents, attorneys, law enforcement and other interested persons;

(ii) If possible, partner with technology innovators and private companies to develop necessary components of the system.

(c) As used in this section:

(i) “Application programming interface” means a computer software intermediary which allows two (2) distinct software applications to interact;

(ii) “Blockchain” means a digital ledger or database which is chronological, consensus-based, decentralized and mathematically verified in nature;

(iii) “Required filings” means all documents, reports, data and other information required by law to be filed with the secretary of state.

Section 2. The secretary of state may adopt rules to implement 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 February 26, 2019.

Chapter 95

ELECTRIC BICYCLES-REGULATION

Original Senate File No. 81

AN ACT relating to the regulation of traffic on highways; defining and regulating electric bicycles; establishing classes of electric bicycles; requiring a label on an electric bicycle; specifying applicability; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 31-5-707 is created to read:

ARTICLE 7

BICYCLES AND ELECTRIC BICYCLES

31-5-707. Electric bicycles.

(a) The operator of an electric bicycle is subject to W.S. 31-5-702 and is not subject to the provisions of this title relating to financial responsibility, driver's licenses, registration, certificates of title or off-road recreational vehicles. An electric bicycle shall not be a motor vehicle.

(b) On and after January 1, 2020, every manufacturer or distributor of an electric bicycle shall ensure that a label is permanently affixed in a prominent location on each electric bicycle sold or distributed by the manufacturer or distributor. The label shall indicate the class number as defined in W.S. 31-1-101(a)(xxxiv), the top assisted speed and motor wattage of the electric bicycle and shall be printed in at least nine (9) point font.

(c) A person shall not modify an electric bicycle to change the motor-powered speed capability or motor engagement of the electric bicycle, unless the person replaces the label required in subsection (b) of this section indicating the classification.

(d) An electric bicycle shall comply with United States consumer product safety commission equipment and manufacturing requirements for bicycles, 16 C.F.R. 1512.

(e) An electric bicycle shall operate according to class so that when the rider stops pedaling, applies the brakes or the electric motor is disengaged, the electric motor assist ceases to function.

(f) A local authority or state agency with jurisdiction may regulate the use of any class of electric bicycles on trails, including nonmotorized trails, under its jurisdiction. For purposes of this paragraph, "nonmotorized trail" means a trail with a natural surface made by clearing and grading the native soil with no added surfacing materials.

Section 2. W.S. 31-1-101(a)(xv)(intro), (C), (E), (xxix) and by creating a new paragraph (xxxiv), 31-5-102(a)(xxi) through (xxiv) and by creating a new paragraph (lxviii), 31-5-109(a)(vii), 31-5-119(a) and (b), 31-5-203(c), 31-5-702 and 31-5-901(c) 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, electric bicycles or motorized skateboards. The term includes the following vehicles as hereafter defined:

(C) "Moped" means a vehicle equipped with two (2) or three (3) wheels, foot pedals to permit muscular propulsion by human power, an automatic transmission and a motor with cylinder capacity not exceeding fifty (50) cubic centimeters producing no more than two (2) brake horsepower, which motor is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface. "Moped" does not include an

electric bicycle;

(E) “Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but which may have attached thereto a sidecar for the purpose of transporting a single passenger. For the purpose of registration and titling “motorcycle” includes motorized bicycles and scooters, but excludes mopeds, motorized skateboards, multipurpose vehicles, electric bicycles and off-road recreational vehicles as defined in subparagraph (K) of this paragraph;

(xxix) “Motorized skateboard” means a self-propelled device which has a motor or engine, a deck on which a person may ride and at least two (2) wheels in contact with the ground and which is not otherwise defined in this act as a “motor vehicle”, “motorcycle”, “electric bicycle”, “motor-driven cycle” or “pedestrian vehicle”;

(xxxiv) “Electric bicycle” means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the rider’s use and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one (1) of the following three (3) classes:

(A) “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour;

(B) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used to propel the bicycle without pedaling and that is not capable of providing assistance when the bicycle reaches a speed of twenty (20) miles per hour;

(C) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

31-5-102. Definitions.

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

(xxi) “Moped” means a motor-driven cycle both with foot pedals to permit muscular propulsion by human power and with a motor which produces no more than two (2) brake horsepower and which is capable of propelling the vehicle at a maximum speed of no more than thirty (30) miles per hour on a level road surface. If an internal combustion engine is used, the displacement shall not exceed more than fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the driver after the drive system is engaged. “Moped” does not include an electric bicycle;

(xxii) “Motorcycle” means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding off-road recreation vehicles as defined in W.S. 31-1-101(a)(xv)(K) and electric bicycles, but including a motor vehicle designed as a recreational vehicle primarily for off-road use to be ridden astride and to travel on four (4) wheels;

(xxiii) “Motor-driven cycle” means any motorcycle, including motor scooters and motorized bicycles having an engine with less than one hundred fifty (150) cubic centimeters displacement or with five (5) brake horsepower or less but does not include motorized skateboards or electric bicycles;

(xxiv) “Motor vehicle” means every vehicle which is self-propelled except vehicles moved solely by human power, electric bicycles and motorized skateboards as defined by paragraph (a)(lxii) of this section;

(lxviii) “Electric bicycle” means as defined in W.S. 31-1-101(a)(xxxiv).

31-5-109. General powers of local authorities.

(a) This act does not prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(vii) Regulating the operation of bicycles and electric bicycles and requiring the registration and licensing of bicycles and electric bicycles, including the requirement of a registration fee;

31-5-119. Clinging to vehicles.

(a) No person riding upon any bicycle, electric bicycle, coaster, roller skates, sled or toy vehicle shall attach it or himself to any vehicle upon a roadway.

(b) This section does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle or electric bicycle if the trailer or semitrailer was designed for the attachment.

31-5-203. Rules governing overtaking on the left.

(c) The driver of a motor vehicle overtaking and passing a bicycle or electric bicycle, which is operating lawfully, proceeding in the same direction shall, when space allows, maintain at least a three (3) foot separation between the right side of the driver’s motor vehicle, including all mirrors and other projections from the motor vehicle, and the bicycle or electric bicycle.

31-5-702. General rights and duties of riders.

Every person propelling a vehicle by human power or riding a bicycle or electric bicycle has all of the rights and all of the duties applicable to the driver of any vehicle under this act, except as to special regulations in this act and except as to those provisions which by their nature can have no application.

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, electric bicycles, multipurpose vehicles, implements of husbandry, highway construction machinery or farm tractors except as specifically made applicable.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 96

WYOMING MEDICAID FRAUD CONTROL ACT

Original Senate File No. 85

AN ACT relating to medical assistance; establishing the Medicaid fraud control unit within the office of the attorney general; specifying duties; requiring access to Medicaid records; creating criminal penalties relating to Medicaid; authorizing the aggregation of claims under certain circumstances; authorizing exclusion or suspension of Medicaid providers; making conforming amendments; authorizing the promulgation of rules; repealing provisions; and providing for an effective date.

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

Section 1. W.S. 42-4-401 through 42-4-412 are created to read:

ARTICLE 4

MEDICAID FRAUD CONTROL

42-4-401. Short title.

This act may be cited as the “Wyoming Medicaid Fraud Control Act”.

42-4-402. Definitions.

(a) As used in this act:

(i) “Claim” means as defined in W.S. 42-4-302(a)(i);

(ii) “Provider” means a person who furnishes services or supplies for which payment is claimed under Medicaid;

(iii) “Record” means information in physical or electronic form relating to:

(A) The treatment or care of any patient;

(B) A service or supply provided to a Medicaid recipient;

(C) Rates paid for a service or supply;

(D) Any other information required to be kept by rule of the Medicaid program.

(iv) “Unit” means the Medicaid fraud control unit created by this act to

investigate and prosecute fraud, waste, abuse, bribery, kickback and related cases under Medicaid;

(v) "This act" means W.S. 42-4-401 through 42-4-412.

42-4-403. Medicaid fraud control unit created; duties.

(a) The Medicaid fraud control unit is recognized and continued in existence within the office of the attorney general. The unit shall conduct a statewide program for investigating and prosecuting violations of all applicable state laws pertaining to fraud in the administration of the Medicaid program and the provision of services or supplies, or the activities of providers of services or supplies, under the state Medicaid plan. The unit may also conduct criminal investigations and prosecutions relating to patient abuse, neglect, exploitation and other violations of law, if the violation is primarily connected to Medicaid.

(b) The office of the attorney general shall employ attorneys, auditors, agents and other personnel which are necessary to carry out the duties specified in this act in an effective and efficient manner. Agents employed under this subsection shall have the qualifications and powers of an agent under W.S. 9-1-611(b)(i).

(c) The unit may file criminal charges without consultation with another person or entity outside the office of the attorney general. Before the filing of criminal charges under this act, the unit may consult with the district attorney of the judicial district in which the prosecution would take place. If the district attorney, after consultation, concurs with the decision to file criminal charges, the unit may refer the case to the district attorney. A district attorney may request that the unit assign an attorney to assist with prosecution under this act.

42-4-404. Access to records.

(a) Notwithstanding any other provision of law, the unit shall have full access to all records held by a provider or by another person or entity acting on the provider's behalf, if the unit determines that such information is material to its duties under this act. A provider, or another person or entity acting on the provider's behalf, shall promptly comply with a request from the unit for access to records.

(b) The unit shall avoid disclosure of personally identifiable information concerning any patient received in the course of an investigation, except as authorized by this section. The unit may transmit personally identifiable information to authorized persons, consistent with federal law, including governmental entities responsible for oversight of the health care system, benefit programs or the regulation of health care facilities or health care providers. The unit may also disclose information under this section as otherwise permitted or required by law.

(c) No provider or other person or entity holding records required to be

made available to the unit under this section may refuse to provide access on the basis that release would violate any right of privacy, privilege against disclosure or use or any other grounds for nondisclosure.

(d) Nothing in this section shall be interpreted to limit the authority of the unit to use other legal processes to conduct investigations and prosecutions authorized by this act or other provisions of law.

42-4-405. Reporting to unit.

The department of health, department of family services, health care licensing boards, state agencies and the agents, contractors and subcontractors of these entities shall refer to the unit all cases where reasonable cause likely exists that fraud, waste, abuse, bribery or kickbacks relating to Medicaid has occurred, is occurring or will occur, as well as suspected cases of patient abuse, neglect or exploitation under Medicaid.

42-4-406. Fraud and false statements; criminal penalty.

(a) In relation to the delivery of or payment for services or supplies under Medicaid, a person shall not knowingly, in whole or in part:

- (i) Make or cause to be made a false or fraudulent claim;
- (ii) Deliberately conceal a material fact;
- (iii) Make or cause to be made a false statement or misrepresentation which will be used by another person;
- (iv) Execute a scheme or artifice to commit fraud.

(b) A person who violates subsection (a) of this section is guilty of:

(i) A misdemeanor punishable by imprisonment of not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the amount of the claims for services or supplies under Medicaid is less than one thousand dollars (\$1,000.00); or

(ii) 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, if the amount of the claims for services or supplies under Medicaid is one thousand dollars (\$1,000.00) or more.

(c) The department of health shall ensure that the following documents contain a statement, under penalty of perjury and signed by the responsible provider, that all matters stated therein are true and accurate:

- (i) An application to become a Medicaid provider;
- (ii) All reports stating income or expenses upon which rates of payment by the department of health may be based; and
- (iii) Each invoice for payment of a service or supply provided to a person eligible for Medicaid.

(d) A person commits perjury if the person signs or submits, or causes to be signed or submitted a statement under subsection (c) of this section, knowing that the application, report or invoice contains information that is false, in whole or in part. Perjury under this subsection shall be punished as specified in W.S. 6-5-301(b).

42-4-407. Kickbacks, bribes, undisclosed payments, referral fees and illegal copayments; criminal penalty; exception.

(a) A person shall not knowingly, in whole or in part:

(i) Act on behalf of a provider to purchase or lease a service or supply for which payment may be made, in whole or in part, under Medicaid and then solicit or accept anything of additional value in connection with the purchase or lease;

(ii) Sell or lease to a provider a service or supply for which payment may be made, in whole or in part, under Medicaid, and offer, transfer or pay anything of additional value in connection with the sale or lease;

(iii) Refer an individual to a provider for the provision of a service or supply for which payment may be made, in whole or in part, under Medicaid, and solicit or accept anything of value in connection with the referral;

(iv) Act on behalf of a provider to charge, solicit, accept or receive anything of value in addition to the amount payable for a service or supply under Medicaid.

(b) A violation of subsection (a) of this section is a felony punishable by imprisonment of not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(c) A person does not commit a violation of paragraph (a)(i) or (ii) of this section in cases where the additional value transferred is a refund or discount made in the ordinary course of business and is reflected by the records of the person within a reasonable period of time after the transfer of value.

42-4-408. Failure to maintain records; destruction of records; penalty.

(a) A person, after submitting a claim or receiving a payment for a service or supply under Medicaid, shall not knowingly fail to maintain records required under Medicaid, including records that fully disclose the nature of the services or supplies provided to a recipient.

(b) A person who violates subsection (a) of this section is guilty of:

(i) A misdemeanor punishable by imprisonment for not more than thirty (30) days, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if:

(A) The claims for which records were not maintained are less than twenty-five percent (25%) of the Medicaid claims submitted by the provider in

any consecutive three (3) month period; and

(B) The amount of the claims for which records were not maintained is five thousand dollars (\$5,000.00) or more.

(ii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than one thousand dollars (\$1,000.00), or both, if:

(A) The claims for which records were not maintained are twenty-five percent (25%) or more of the Medicaid claims submitted by the provider in any consecutive three (3) month period; and

(B) The amount of the claims for which records were not maintained is five thousand dollars (\$5,000.00) or more.

(iii) 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, if:

(A) The person intended to defraud Medicaid and the claims for which records were not maintained are twenty-five percent (25%) or more of the Medicaid claims submitted by the provider in any consecutive three (3) month period; and

(B) The amount of the claims for which records were not maintained is five thousand dollars (\$5,000.00) or more.

42-4-409. Aggregation of claims in certain cases.

The amount of claims relating to violations of this act through a common scheme, or based on the same transaction or occurrence, may be aggregated to determine the level of penalty under this act, whether or not the claims were made as part of the same claim under Medicaid.

42-4-410. Suspension or exclusion as provider.

(a) The department of health or the department of family services may suspend or exclude a provider from providing services and supplies under Medicaid if:

(i) The department determines that the provider has committed an offense under this act or the Wyoming Medicaid False Claims Act, whether or not a criminal prosecution is brought under this act or any civil action is brought under the Wyoming Medicaid False Claims Act; or

(ii) A provider fails to provide the unit with access to records pursuant to W.S. 42-4-404(a).

(b) Any term of suspension or exclusion under this section, which may be permanent, shall be determined by the department of health or the department of family services.

(c) The department of health and the department of family services may

adopt rules necessary to implement this section.

42-4-411. Provisions of act not exclusive remedies.

The provisions of this act shall not be exclusive and do not preclude the use of any other criminal or civil remedy as authorized by law.

42-4-412. Rules.

The attorney general, in consultation with the department of health, may adopt rules to implement W.S. 42-4-401 through 42-4-409 and 42-4-411.

Section 2. W.S. 9-1-603(a) by creating a new paragraph (x) and 42-4-304(a) are amended to read:

9-1-603. Duties generally; retention of qualified practicing attorneys; matters in which county or state is party or has interest; assistance to county and district attorneys in felony trials; coordination of county and school safety activities.

(a) The attorney general shall:

(x) Supervise the Medicaid fraud control unit created by W.S. 42-4-401 et seq.

42-4-304. Investigations and prosecutions; powers of prosecuting authority; remedies for retaliation; venue; no private right of action.

(a) The attorney general—Medicaid fraud control unit created by W.S. 42-4-403 or a district attorney may investigate alleged violations of W.S. 42-4-303(a) and (c). If the attorney general—Medicaid fraud control unit or district attorney finds that a person has violated or is violating W.S. 42-4-303(a) or (c), the attorney general—unit or district attorney may bring a civil action under this section against that person.

Section 3. W.S. 42-4-111(a), (b), (d) and (e) 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 26, 2019.

Chapter 97

COUNTY FAIR ENDOWMENT

Original Senate File No. 41

AN ACT relating to counties; authorizing each county to establish a county fair endowment fund as specified; specifying sources and uses of endowment funds; and providing for an effective date.

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

Section 1. W.S. 18-9-104 is created to read:

18-9-104. Authority to establish county fair endowment fund; sources of revenue.

(a) Each board of county commissioners may establish a county fair endowment fund.

(b) The county fair endowment fund may accept grants, gifts, transfers, bequests and donations including those that are limited in their purposes by the grantor.

(c) The county treasurer shall invest funds received under this section as permitted by law and the interest accruing from the investment shall be retained in the fund.

(d) Endowment funds may be expended by the board of county commissioners or, if authorized by the board of county commissioners, the county fairgrounds board of trustees for purposes of erecting or constructing improvements, equipping improvements already erected on a county fairgrounds, purchasing land for county fairgrounds or operating county fairs.

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 26, 2019.

Chapter 98

JUDICIAL SALARY INCREASES

Original Senate File No. 151

AN ACT relating to the judiciary; increasing judicial salaries as specified; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 5-1-110(a)(i) through (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:

(i) Supreme court justices shall receive an annual salary of ~~one hundred thirty-one thousand five hundred dollars (\$131,500.00) commencing July 1, 2009 and one hundred sixty-five thousand dollars (\$165,000.00) commencing July 1, 2012~~ and one hundred seventy-five thousand dollars (\$175,000.00)

commencing July 1, 2019;

(ii) District court judges shall receive an annual salary of ~~one hundred twenty-five thousand two hundred dollars (\$125,200.00) commencing July 1, 2009 and one hundred fifty thousand dollars (\$150,000.00) commencing July 1, 2012 and one hundred sixty thousand dollars (\$160,000.00) commencing July 1, 2019;~~

(iii) Circuit court judges shall receive an annual salary of ~~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 and one hundred forty-five thousand dollars (\$145,000.00) commencing July 1, 2019.~~

Section 2. There is appropriated one million eighty-one thousand dollars (\$1,081,000.00) 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, 2020. This appropriation shall only be expended for the purpose of implementing the judicial salary increases 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, 2020.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 99

MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

Original Senate File No. 44

AN ACT relating to insurance; establishing licensing and fee requirements for multiple employer welfare arrangements as specified; providing rulemaking authority; specifying applicability; and providing for effective dates.

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

Section 1. W.S. 26-19-115 is created to read:

26-19-115. Multiple employer welfare arrangements; required license; applicability of the Small Employer Health Insurance Availability Act; hearings; rules.

(a) A multiple employer welfare arrangement, as defined in W.S. 26-1-102(a)(xliii), intending to operate in Wyoming shall provide to the department all necessary documents to facilitate a determination of jurisdiction under W.S. 26-1-108. The department may specify required documents under

this subsection by rule.

(b) Before operating in this state, a multiple employer welfare arrangement subject to the jurisdiction of the department shall obtain an annual license. The department shall collect a fee for each license or renewal, as provided in W.S. 26-4-101(a)(xx).

(c) Except as otherwise provided in this subsection, the provisions of the Small Employer Health Insurance Availability Act, W.S. 26-19-301 through 26-19-310, shall apply to multiple employer welfare arrangements subject to the jurisdiction of the department, including arrangements providing benefits to one (1) or more employees of a small employer, as defined in W.S. 26-19-302(a)(xxii). The provisions of W.S. 26-19-303(a) shall not apply.

(d) The provisions of chapter 20 of this title shall apply to those multiple employer welfare arrangements subject to the jurisdiction of the department.

(e) The commissioner may suspend, revoke or refuse to issue or renew a license required by subsection (b) of this section, consistent with the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115 and 26-2-125 through 26-2-129.

(f) The commissioner may adopt rules to implement this section, including specifying the conditions under which actions may be taken under subsection (e) of this section, which shall be consistent with other insurance statutes governing suspensions, revocations or refusals to issue or renew licenses.

Section 2. W.S. 26-1-102(a) by creating a new paragraph (xliii), 26-4-101(a)(i)(A), (B) and by creating a new paragraph (xx), 26-19-102(a)(ii)(intro) and by creating a new paragraph (ix), 26-19-106(a)(viii) and 26-19-303 by creating a new subsection (d) are amended to read:

26-1-102. Definitions.

(a) As used in this act:

(xliii) "Multiple employer welfare arrangement" means an employee welfare benefit plan, as defined in 29 U.S.C. § 1002, or any other arrangement which is established to provide hospital, medical or surgical benefits in the event of sickness, accident, disability or death to the employees of two (2) or more employers, which may include self employed individuals, meeting a commonality of interest test, or to the beneficiaries of these persons. This term shall include a bona fide group or association of employers authorized to establish an employee welfare benefit plan under federal law.

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:

(i) Certificate of authority:

(A) For filing application for insurer’s initial certificate of authority, excluding multiple employer welfare arrangements, including all documents submitted as a part of the application, examination of application and issuance of certificate of authority, if issued\$750.00

(B) Annual continuation, excluding multiple employer welfare arrangements, including filing of annual statement\$500.00

(xx) Multiple employer welfare arrangement, annual license or renewal\$500.00.

26-19-102. “Group disability insurance” defined; eligible groups.

(a) “Group disability insurance” means that form of disability insurance covering groups of persons as described in this section and W.S. 26-19-110, with or without one (1) or more members of their families or one (1) or more of their dependents, or covering one (1) or more members of the families or one (1) or more dependents of the groups of persons. Except as provided in W.S. 26-19-110, a group disability insurance policy shall not be issued for delivery in this state unless the policy is issued to:

(ii) An association, or a trust or the trustee of a fund established or adopted for the benefit of members of one (1) or more associations. The association shall have at the time the policy is first issued a minimum of fifty (50) persons eligible for insurance, shall have a constitution and bylaws which provide that the association holds regular meetings not less than annually to further the members’ purposes, that the association, except for credit unions, collects dues or solicits contributions from members, and that the members have voting privileges and representation on the governing board and committees. Prior to marketing or offering any group disability insurance to an association formed for the sole purpose of obtaining insurance, the producer shall file a written report with the department setting forth the name of the association, the insurer and its address and the offering producer and his address. The department shall keep the name of the association confidential. The provisions of the Small Employer Health Insurance Availability Act, W.S. 26-19-301 et seq., shall apply to all insurance issued to an association under this section. As used in this paragraph, “association” shall not include a multiple employer welfare arrangement. The policy is subject to the following requirements:

(ix) A multiple employer welfare arrangement under the jurisdiction of the department which:

(A) Is domiciled in Wyoming; or

(B) Maintains its principal place of business in Wyoming.

26-19-106. Blanket disability insurance; defined.

(a) Blanket disability insurance is that form of disability insurance covering groups of persons under a policy or contract issued to:

(viii) An association, including a labor union, which has a constitution and bylaws and which is deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to an activity or operations sponsored or supervised by the policyholder. Prior to marketing or offering any blanket disability insurance to an association, including a labor union, formed for the sole purpose of obtaining insurance, the producer shall file a written report with the department setting forth the name of the association, the insurer and its address and the offering producer and his address. The department shall keep the name of the association confidential. The provisions of the Small Employer Health Insurance Availability Act, W.S. 26-19-301 et seq., shall apply to all insurance issued to an association under this section. As used in this paragraph, "association" shall not include a multiple employer welfare arrangement;

26-19-303. Applicability and scope.

(d) This act shall apply to multiple employer welfare arrangements, consistent with W.S. 26-19-115.

Section 3. This act applies to health insurance policies issued on or after July 1, 2019.

Section 4. The insurance commissioner shall promulgate rules as required by this act.

Section 5.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

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

Approved February 26, 2019.

Chapter 100

MEAT FROM HARVESTED LIVESTOCK OR POULTRY

Original Senate File No. 68

AN ACT relating to food and drugs; prohibiting misrepresenting a product as meat that is not derived from harvested production livestock or poultry; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 35-7-111(a) by creating a new paragraph (xiii) and 35-7-119(e) are amended to read:

35-7-111. Prohibited acts.

(a) No person shall:

(xiii) Include the term “meat” or any synonymous term for meat or a specific animal species in labeling, advertising or other sales promotion unless the product:

(A) Is consistent with the definition of meat in W.S. 35-7-119(e)(iii)(A); and

(B) Is derived from harvested livestock, poultry, wildlife or exotic livestock as those terms are defined in W.S. 11-26-101(a), 11-32-101(a)(iv), 23-1-101(a)(xiii) and 23-1-102(a)(xvi).

35-7-119. Fair packaging and labeling provisions.

(e) The department shall promulgate rules with respect to labeling. Every retailer and every wholesaler who sells or offers for sale in this state through an establishment or otherwise any:

(i) Meat, which that is the product of any country foreign to the United States, shall clearly label the meat as “imported,” naming the country of its origin; The department shall promulgate rules and regulations with respect to labeling. As used in this subsection:

(ii) Cell cultured or plant based products not consistent with the definition of meat in subparagraph (iii)(A) of this subsection and not derived from harvested livestock, poultry, wildlife or exotic livestock as those terms are defined in W.S. 11-26-101(a), 11-32-101(a)(iv), 23-1-101(a)(xiii) and 23-1-102(a)(xvi), shall clearly label cell cultured products as “containing cell cultured product” and clearly label plant based products as “vegetarian”, “veggie”, “vegan”, “plant based” or other similar term indicating that the product is plant based;

(iii) As used in this subsection:

(i)(A) “Meat” means the edible part of the muscle of animals, which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing, but shall not include the muscle found in the lips, snout or ears, nor any edible part of the muscle which has been manufactured, cured, smoked, cooked or processed;

(ii)(B) “Retailer” means a person regularly engaged in the business of selling meat at retail to the public, and selling only to the user or consumer and not for resale;

(iii)(C) “Wholesaler” means a person regularly engaged in the business

of selling meat at wholesale to retailers for subsequent sale at retail to the public.

Section 2. The department of agriculture shall promulgate rules as required by W.S. 35-7-119(e), as amended by this act, to be effective beginning July 1, 2020.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2020.

(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 February 26, 2019.

Chapter 101

LIMITATION ON LENGTH OF PROBATION

Original Senate File No. 38

AN ACT relating to criminal procedure and sentencing; limiting the length of a probation term 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. 7-13-301(a)(intro) and (b), 7-13-302 by creating a new subsection (b), 7-13-305(a) and 35-7-1037 are amended to read:

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

(a) If a person who has not previously been convicted of any felony is charged with or is found guilty of or pleads guilty or no contest to any misdemeanor except any second or subsequent violation of W.S. 31-5-233 or any similar provision of law, or any second or subsequent violation of W.S. 6-2-510(a) or 6-2-511(a) or any similar provision of law, or any felony except murder, sexual assault in the first or second degree, aggravated assault and battery or arson in the first or second degree, the court may, with the consent of the defendant and the state and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to exceed ~~five (5) years~~ thirty-six (36) months upon terms and conditions set by the court. The terms of probation shall include that he:

(b) If the court finds the person has fulfilled the terms of probation and that his rehabilitation has been attained to the satisfaction of the court, the court may at the end of ~~five (5) years~~ thirty-six (36) months, or at any time after the expiration of one (1) year from the date of the original probation, discharge the person and dismiss the proceedings against him.

7-13-302. Placing person convicted on probation; suspension of imposition or execution of sentence; imposition of fine; maximum length of probation term.

(b) Unless otherwise authorized by law, no term of probation imposed shall exceed the maximum term of imprisonment allowed by law. Any term of probation imposed under this section for a felony offense shall in no case exceed thirty-six (36) months, except that the judge may impose a term of probation that is not greater than the maximum term of imprisonment authorized by law for the offense for good cause shown upon the record and after considering public safety, rehabilitation, deterrence and any other goals of sentencing.

7-13-305. Determination, continuance or extension; revocation proceedings.

(a) The period of probation or suspension of sentence under W.S. 7-13-302 shall be determined by the court and may be continued or extended. Any term of probation including any continuations or extensions shall not exceed the maximum term of probation authorized under W.S. 7-13-302(b), except that the judge may impose a term of probation that is not greater than the maximum term of imprisonment authorized by law for the offense for good cause shown upon the record and after considering public safety, rehabilitation, deterrence and any other goals of sentencing.

35-7-1037. Probation and discharge of first offenders.

Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under W.S. 35-7-1031(c) or 35-7-1033(a)(iii)(B), or pleads guilty to or is found guilty of using or being under the influence of a controlled substance under W.S. 35-7-1039, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Any term of probation imposed under this section for a felony offense shall not exceed the maximum term of probation authorized under W.S. 7-13-302(b). Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under W.S. 35-7-1038. There may be only one (1) discharge and dismissal under this section with respect to any person. This section shall not be construed to provide an exclusive procedure. Any other procedure provided by law relating to suspension of trial

or probation, may be followed, in the discretion of the trial court.

Section 2. The provisions of this act shall apply to all persons who are sentenced or placed on probation pursuant to W.S. 7-13-301, 7-13-302 and 35-7-1037 on or after the effective date of this act.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 102

EDUCATION REPORTING REQUIREMENTS

Original Senate File No. 129

AN ACT relating to education; amending and eliminating reporting requirements as specified; and providing for an effective date.

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

Section 1. W.S. 21-2-202(a)(xx) and (f), 21-4-302(e), 21-4-601(d), 21-13-321(d) and 21-16-1307(f)(ii) and (g) 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:

(xx) In cooperation with the state board, the Wyoming community college commission, University of Wyoming, public service commission, department of transportation, department of enterprise technology services, public libraries, school district boards of trustees, classroom teachers and other appropriate groups identified by the superintendent, develop and implement a statewide education technology plan which shall address staff training, curriculum integration and network connectivity in and between schools, communities and between the state and the world, and which shall have as its goal the provision of equal access to educational instruction and information. The statewide technology education plan may include telecommunications services provided by the department of enterprise technology services pursuant to W.S. 9-2-2906(g); ~~Not later than January 10 of each year and with the assistance of participating agencies, an annual report on the status of the statewide education technology plan shall be prepared and issued by the state superintendent;~~

(f) ~~Not later than October 15 each year, the state superintendent shall prepare a report on the general status of all public schools for the legislature. The report shall include the quality of education including any proposed improvement to address any shortfalls, the relevance of education, the measurement of achievement of educational goals, the improvement of learning and any~~

~~suggested innovations in education.~~ The state superintendent shall identify professional development needs for Wyoming schools and teachers, ~~based upon the analysis of the quality indicators specified under this subsection;~~ establish a plan to address the professional development needs, contract with necessary expertise to provide professional development to Wyoming certified teachers and conduct up to five (5) regional workshops each year providing the identified professional development needs.

21-4-302. Age for registration in first grade and kindergarten; preschool programs.

(e) A school district which provides a preschool program under subsection (c) of this section biennially shall assess, through the fourth grade when practical, the school readiness and academic performance of pupils who participate in the program as compared with those who do not participate in the program. ~~The district shall report the results of the assessment to the department of education and the department shall report the results to the joint education interim committee of the legislature on or before October 1 of each even numbered year.~~ The results of any assessment required by this subsection shall be open for public inspection.

21-4-601. Education programs on the Wind River Indian Reservation.

(d) The joint business council of the Eastern Shoshone and the Northern Arapaho Indian Tribes shall annually report to the governor; and the state superintendent of public instruction; ~~the joint education interim committee and the select committee on tribal relations~~ on the expenditure of contractual amounts as required under subsection (b) of this section.

21-13-321. Special education; amount within foundation program formula for special education programs and services; district reporting requirements.

(d) The department of education shall adopt necessary rules and regulations to implement and administer this section. Districts shall report special education program expenditures for the applicable reporting period as required by department rule and regulation. District expenditures computed under subsection (b) of this section shall not include expenditures for employee contributions to the Wyoming retirement system exceeding five and fifty-seven hundredths percent (5.57%) of any member employee's salary. The department shall annually review and report to the joint education interim committee regarding services provided to special education students by school districts. ~~The report shall evaluate the extent to which services are being appropriately provided and whether expenditures for services are reasonable in light of charges by providers of similar services in Wyoming.~~ In addition, the department shall when necessary, conduct audits of information submitted by districts under this section and may, in accordance with W.S. 21-13-307(b), correct the

information reported by districts as necessary to fairly and accurately reflect the data type, classification and format required to administer this section in accordance with law and department rule and regulation.

21-16-1307. Success curriculum; test standards.

(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:

(ii) Establish exceptions as necessary due to good cause to specific coursework within the success curriculum specified under this article for students attending or graduating from an eligible high school or a home-based educational program. In addition, the department shall waive any requirement for success curriculum coursework for fine and performing arts or career-vocational education for honor or performance scholarship eligibility, upon written certification by the superintendent of a district that these courses are not available in the district to the student. ~~Not later than September 1 each year, The department shall report to the joint education interim committee any waiver granted under this section for the immediately preceding school year in~~ its annual report, as required by W.S. 21-16-1308(d); and

(g) In each odd-numbered year, the department, in consultation with the University of Wyoming, Wyoming community colleges and the community college commission, shall report to the governor and the joint education interim committee of the legislature on recommendations for modifications to the success curriculum requirements, minimum cumulative GPA and minimum national percentile rank scores or minimum cumulative WORKKEYS scores contained in this article and recommendations for the adoption of statewide student assessment standards and scores to augment qualifying national percentile rankings or WORKKEYS scores, all to ensure that the Hathaway scholarship program is designed to provide the desired incentives for students to pursue a rigorous curriculum and strive to achieve academic success. The report shall also include any additional resources which school districts, particularly those school districts granted exemptions for students under paragraph (f)(ii) of this section, may require to provide the success curriculum and impacts of the Hathaway success curriculum on school districts of different sizes. The cumulative GPA requirements for performance under the success curriculum shall not be restricted to those courses comprising the success curriculum, but shall be applied comprehensively to all courses included within each scholarship student's high school curriculum.

Section 2. W.S. 21-16-1308(c)(vii) and (viii) and 21-22-107(g) 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 26, 2019.

Chapter 103**EMERGENCY ADMINISTRATION OF OPIATE ANTAGONIST-
REVISIONS**

Original Senate File No. 45

AN ACT relating to opiate antagonists; defining the terms entity and opioid for purposes of the Emergency Administration of Opiate Antagonist Act; and providing for an effective date.

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

Section 1. W.S. 35-4-902(a) by creating new paragraphs (vi) and (vii) is amended to read:

35-4-902. Definitions.

(a) As used in this article:

(vi) "Entity" means any person as defined in W.S. 8-1-102(a)(vi) who employs persons who, in the course of their official duties or business, may encounter a person experiencing an opioid related drug overdose;

(vii) "Opioid" means an opiumlike compound that binds to one (1) or more of the major opioid receptors in the body.

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 26, 2019.

Chapter 104**ALCOHOLIC BEVERAGES-DIRECT SALES**

Original Senate File No. 140

AN ACT relating to alcoholic beverages; amending provisions related to satellite manufacturer's permits; clarifying authority of local authorities to issue satellite manufacturer's permits; making conforming amendments; and providing for effective dates.

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

Section 1. W.S. 12-2-203(g), 12-2-301(a), 12-2-303 by creating a new subsection (d) and 12-4-103(a)(vi) are amended to read:

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(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 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~~ may be obtained through the division as provided by W.S. 12-2-303(a). If the satellite location is situated within the property boundary of the manufacturing site, the product may be distributed directly from the permit holder's manufacturing site subject to W.S. 12-2-303(d). 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 set pursuant to W.S. 12-5-101 and the licensed building provisions pursuant to W.S. 12-5-201.

12-2-301. Generally.

(a) Except as provided in W.S. 12-2-203(g), the division is the exclusive wholesale distributor and seller of alcoholic liquor within Wyoming. It is granted the sole right to sell alcoholic liquors at wholesale, and no licensee or permittee who is granted the right to sell, distribute or receive alcoholic liquors at retail shall purchase any alcoholic liquors from any source other than the division, unless otherwise expressly authorized by state law. Any out-of-state shipment of alcoholic liquor or malt beverage into this state is prohibited unless otherwise expressly authorized by state law.

12-2-303. Purchase and sale of alcoholic liquors; shortages.

(d) The holder of a manufacturer's license under W.S. 12-2-203(a) that sells alcoholic liquor not obtained through the division as provided in W.S. 12-2-203(g) shall, before the transfer of the product to the satellite location, remit to the division an assessment in an amount equal to the profit allowed under subsection (a) of this section and the associated excise tax assessed under W.S. 12-3-101 that would have been received by the division had the holder of a manufacturer's license first obtained the alcoholic liquor from the division as provided in subsection (a) of this section. The department shall by rule define the procedure under which a holder of a manufacturer's license shall report and remit the assessment under this subsection.

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:

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages, except as authorized under W.S. 12-2-203(g);

Section 2. The department shall promulgate rules and regulations necessary to implement this act by July 1, 2019.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(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 February 26, 2019.

Chapter 105**OMNIBUS WATER BILL-PLANNING****Original House Bill No. 81**

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 for groundwater studies funding; and providing for an effective date.

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

[2019-2020 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. Appropriated funds not obligated prior to July 1, 2022 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 2021 legislative session:

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Crook County Rural Water Supply Plan	Crook County	\$370,000
Evanston Water Master Plan	Uinta County	\$126,000
River Basin Planning Streamstats Phases III and IV	Statewide	\$631,000
Salt Creek-Edgerton-Midwest Master Plan	Natrona County	\$160,000

Torrington Water Master Plan	Goshen County	\$174,000
UW Water Research Program	Statewide	<u>\$350,511</u>
Total appropriation for Section 1		\$1,811,511

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, 2022 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 2021 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Lake DeSmet/Healy Reservoir Utilization	Johnson County	<u>\$268,000</u>
Total appropriation for Section 2		\$268,000

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, 2022 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 2021 legislative session. The appropriation of funds for this study is contingent upon the transfer of funds from the Buffalo Bill dam account, as created by W.S. 99-99-1001(a)(ii), to the water development account II as provided for in 2019 Senate File 0059:

[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Bluff/Upper Bluff Irrigation Districts Master Plan	Washakie County	<u>\$123,000</u>
Total appropriation for Section 3		\$123,000

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, 2022 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 2021 legislative session. The appropriation of funds for these studies is contingent upon the transfer of funds from the Buffalo Bill dam account, as created by W.S. 99-99-1001(a)(ii), to the water development account II as provided for in 2019 Senate File 0059:

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Boulder Irrigation District Rehabilitation	Sublette County	\$171,000
LaPrele Irrigation District Rehabilitation	Converse County	<u>\$290,000</u>
Total appropriation for Section 4		\$461,000

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, 2024 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 2023 legislative session:

[LEVEL II FEASIBILITY STUDIES – DAMS AND RESERVOIRS]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Greybull Valley Irrigation District Storage Enlargement, Phase II	Park and Big Horn Counties	\$300,000
New Fork Lake Dam Enlargement, Phase III	Sublette County	<u>\$1,500,000</u>
Total appropriation for Section 5		\$1,800,000

Section 6. W.S. 41-2-119(a) is amended to read:

41-2-119. Groundwater studies.

(a) The Wyoming water development commission may grant not to exceed ~~six million eight hundred thousand dollars (\$6,800,000.00)~~ eight million eight hundred thousand dollars (\$8,800,000.00) to incorporated cities and towns, water and sewer districts and improvement and service districts in Wyoming for exploration for and feasibility studies of the use of underground water for municipal and rural domestic purposes, not to exceed four hundred thousand dollars (\$400,000.00) for any one (1) exploration or study. The grants shall be made from revenues from water development account I and those revenues are hereby so appropriated. Any city or town, water and sewer district or service and improvement district receiving a grant pursuant to this section shall provide at least twenty-five percent (25%) of the cost of the exploration or study from its own funds. The commission shall adopt rules and regulations governing application procedures for the grants.

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

Approved February 26, 2019.

Chapter 106**WRS BOARD MEMBER QUALIFICATIONS****Original House Bill No. 301**

AN ACT relating to public funds; increasing the number of Wyoming retirement board members required to have professional expertise in investments and finance; specifying type of expertise required; providing applicability; and providing for an effective date.

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

Section 1. W.S. 9-3-404(a)(v) is amended to read:

9-3-404. Wyoming retirement board; responsibility for administration of system; composition; appointment; term; vacancies; meetings; election of chairman.

(a) The responsibility for the administration and operation of the retirement system is vested solely and exclusively in the Wyoming retirement board. The board shall be composed of eleven (11) members, not more than seventy-five percent (75%) of whom shall be from the same political party. The members shall be:

(v) Five (5) qualified electors from Wyoming who are known for their public spirit and business or professional ability, none of whom are members and at least ~~one (1)~~ two (2) of whom ~~has~~ have professional expertise in investments and finance, which shall include managing asset allocation in

investment portfolios.

Section 2. The requirements of this act shall apply to appointments to the Wyoming retirement board made on and after July 1, 2019. Nothing in this act shall affect the term of any existing member of the Wyoming retirement board.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 107

CIRCUIT COURT BANK ACCOUNTS

Original Senate File No. 102

AN ACT relating to circuit courts; amending requirements for the management of bank accounts for money received by the circuit court; and providing for an effective date.

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

Section 1. W.S. 5-9-149 is 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 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).

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 26, 2019.

Chapter 108

WYOMING BEER FREEDOM ACT

Original House Bill No. 76

AN ACT relating to alcoholic beverages; authorizing appropriate licensing authorities to issue twenty-four hour malt beverage permits to microbreweries; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 12-4-103(a)(vi) and 12-4-412 by creating a new subsection (j) are amended to read:

12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.

(a) A license or permit authorized by this title shall not be held by, issued or transferred to:

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages, except as provided in W.S. 12-4-412(j);

12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

(j) In addition to the one (1) additional license or permit authorized under paragraph (b)(iii) of this section, the holder of a microbrewery permit under this section may also hold a malt beverage permit under W.S. 12-4-502(a) for the purpose of selling its own brewed malt beverages.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 109

EDUCATION ACCOUNTABILITY

Original House Bill No. 23

AN ACT relating to education accountability; generally modifying provisions of the Wyoming Accountability in Education Act; conforming provisions; repealing a provision; requiring rulemaking; and providing for an effective date.

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

Section 1. W.S. 21-2-204(d)(intro), (v), (vi), (e), (f)(intro), (h)(intro), (k) and (n)(intro) and 21-2-304(a)(v)(H) and (vi) are amended to read:

21-2-204. Wyoming Accountability in Education Act; statewide education accountability system created.

(d) ~~Beginning in school year 2013-2014, and each school year thereafter,~~

The department of education shall compute and report an overall school performance rating measured by student performance on those performance indicators specified under subsection (n) of this section for alternative schools and subsection (c) of this section for all other schools. Any school through its school district may seek informal review of any overall school performance rating or other performance determination in accordance with the following:

(v) Not later than fifteen (15) days after a school receives its final overall performance rating or other performance determination from the department of education, the school district may seek an informal review with the state board. The state board shall make a final determination as to the overall performance rating or other performance determination within thirty (30) days after receipt of the request for review;

(vi) The state board shall promulgate rules and regulations governing the informal review process before the board as conducted under this subsection. The informal review process shall only examine whether the department properly computed and reported a school's overall performance rating or other performance determination or whether the school was unable to administer the statewide assessment. The state board may grant an exception to the state's accountability system requirements for a school for one (1) school year when the school demonstrates that it was unable to administer the statewide assessment for good cause. Except as otherwise provided by this paragraph, the informal review process shall not be used to grant exceptions to the state's accountability system or change components of the accountability model.

(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 subsections (c) and (n) of this section. ~~For all schools other than alternative schools, The performance targets shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. For alternative schools, the state board, through the department, shall establish appropriate performance targets~~ may be developed in consultation with one (1) or more advisory committees of education stakeholders. The state board shall utilize the performance targets in carrying out the duties and the deliberative process required under subsection (f) of this section.

(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 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~~ selected by the state board comprised of broad based representation from both public education and the

community at-large. For all schools other than alternative schools, 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 (m) of this section. For alternative schools, the state board, through the department, shall establish appropriate target levels for school performance on all performance indicators measured under subsection (n) of this section. The target levels for school performance shall be used by the state board through the department to:

(h) For all schools other than alternative schools, a progressive multi-tiered system of support and intervention to assist schools shall be established by the state board, and shall conform to the January 2012 education accountability report as defined by subsection (m) of this section. For alternative schools, the state board, through the department, shall establish an appropriate progressive multi-tiered system of support and intervention through the department. The system shall increase the ability of schools and school districts to improve achievement and growth indicator performance and expand the ability for schools and school districts within the state to continuously improve. The system shall clearly identify and prescribe the actions for each level of support, including comprehensive and targeted support and intervention. 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:

(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. Not later than September 1, 2015, and of each September 1 thereafter year, or November 1 in years in which there is a significant change to the statewide assessment system or the statewide accountability system, as determined by the state board, the state board through the state superintendent 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. In addition, beginning with the 2020-2021 school year, after any significant change to the statewide assessment system or the statewide accountability system as determined by the state board, the state board may evaluate the state's accountability system to ensure that:~~

(i) System components remain reliable, valid and fair;

(ii) System stakeholders receive, understand and use accountability information to improve student outcomes; and

(iii) The system remains as stable as possible.

(n) ~~Beginning school year 2018-2019 and each school year thereafter, For alternative schools, the indicators of school level performance shall be:~~

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; and 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;

(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 school level performance indicators as required by W.S. 21-2-204. The state board shall establish performance targets as required by W.S. 21-2-204(f), ~~establish a 21-2-204(e), target levels for an overall school performance rating and for indicator level performance pursuant to W.S. 21-2-204(f), a progressive multi-tiered system of supports and interventions as required by W.S. 21-2-204(h) and shall establish a statewide reporting system pursuant to W.S. 21-2-204(j). For schools other than alternative schools, the system created shall conform to the January 2012 education accountability report as defined by W.S. 21-2-204(m). For alternative schools, the state board shall conform the system in accordance with W.S. 21-2-204, as applicable.~~ As part of the statewide accountability system, and for purposes of complying with requirements under the federal Every Student Succeeds Act, the board shall by rule and regulation provide for annual accountability determinations based upon measures imposed by federal law for all schools and school districts imposing a range of educational interventions and supports resulting from accountability determinations;

Section 2. W.S. 21-2-204(m)(ii) is repealed.

Section 3.

(a) By July 1, 2020, the state board of education, as required by W.S. 21-2-304(a)(vi), shall promulgate rules to implement the statewide accountability system. The rules shall provide for long term and interim performance targets for all Wyoming schools for accountability indicators established by law pursuant to W.S. 21-2-204(e), target levels for an overall school performance rating and for indicator level performance pursuant to W.S. 21-2-204(f), a progressive system of support and intervention pursuant to W.S. 21-2-204(h) and a statewide reporting system pursuant to W.S. 21-2-204(j). In accordance with W.S. 21-2-204, the rules shall provide distinct accountability systems for alternative schools and all other public K-12 schools.

(b) In promulgating rules on the statewide accountability system pursuant to this section, the state board shall adopt rules that reflect recommendations regarding the student participation rate calculation as contained in the technical advisory group's report of October 1, 2018 to the joint education interim committee for alternative schools and as contained in the advisory committee's report of February 5, 2018 to the joint education interim committee for all other public K-12 schools. The state board shall adopt rules that reflect recommendations regarding the method of aggregating indicator data into an overall school performance determination as contained in the technical advisory group's report of October 1, 2018 to the joint education interim committee for alternative schools and as contained in the advisory committee's report of October 1, 2018 to the joint education interim committee for all other public K-12 schools. The reports are on file with and available for public

inspection from the legislative service office.

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

Approved February 26, 2019.

Chapter 110

UW BOARD OF TRUSTEES-CHAIRMAN

Original House Bill No. 41

AN ACT relating to the University of Wyoming; modifying appellations; allowing an increase in University of Wyoming board of trustees executive committee members; and providing for an effective date.

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

Section 1. W.S. 16-6-1001(a)(i)(D)(II), 21-17-203, 21-17-205, 21-17-404(a)(xv) and 21-17-418(a) are amended to read:

16-6-1001. Capital construction projects restrictions; preference requirements; waivers.

(a) Unless otherwise prohibited by federal law, any funds appropriated or authorized for expenditure for capital construction projects shall be subject to the restrictions of this section which shall be construed where possible as complimentary and consistent with other statutory requirements relating to competitive bidding and contractor preferences. To the extent the restrictions in this section are inconsistent with other state statutes, this section shall supersede all such inconsistent provisions and shall govern. This section shall be applied as follows:

(i) This paragraph shall apply to any alternate design and construction delivery method as defined in W.S. 16-6-701(a)(v):

(D) Any waiver shall be approved in writing by the following persons:

(II) For projects to be completed by the University of Wyoming, by the president of the university and the president-chairman of the board of trustees;

21-17-203. To be body corporate; powers, duties and functions generally.

The board of trustees and their successors in office constitute a body corporate by the name of "the trustees of the University of Wyoming". They possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have custody of the books, records, buildings and all other property of the university. The board shall elect a president-chairman, secretary and treasurer, who shall perform the duties prescribed in the bylaws of the board. The treasurer shall execute a bond,

with approved sureties in double the sum likely to come into his hands, for the faithful discharge of his duties. The term of office of board officers, their duties severally and the times for holding meetings shall be fixed in the bylaws of the board. A majority of the board constitutes a quorum for the transaction of business but a less number may adjourn from time to time, and all routine business may be entrusted to an executive committee of no fewer than three (3) members subject to such conditions as the bylaws of the board prescribe. The board may from time to time appoint and authorize a person to examine and approve for payment all legal claims against the corporation. The person shall give bond with surety approved by the board, payable to the state of Wyoming in such sum as the board may fix, conditioned for the faithful performance of his duties. A certificate of appointment signed by the president-chairman and secretary of the board and the bond shall be filed with the state auditor. At each meeting of the board all action taken by the person so appointed subsequent to the immediately preceding board meeting shall be submitted to the board for its approval or disapproval. The actual and necessary traveling expenses of nonresident members in attending the annual meeting of the board may be audited by the auditing committee thereof and paid by warrant on the treasurer out of the general fund of the university.

21-17-205. Report.

The trustees of the University of Wyoming, through their president-chairman, shall report to the governor as required by W.S. 9-2-1014 respecting the progress, condition and wants of the university and of each school or department thereof, the course of study in each, the number of professors and students, the nature, costs and results of important investigations, and such other information as they deem important or as may be required by any law of this state, or of the United States. The secretary and treasurer of the board of trustees shall prepare an itemized report showing the receipts and disbursements for the year, the appropriation resolution for that year, the purposes for which the revenue was expended, and the amount of revenue expended upon each school or department of work, including the experiment station.

21-17-404. Definitions.

(a) As used in W.S. 21-17-402 through 21-17-450:

(xv) “President-Chairman of the board” means the de facto or de jure president-chairman of the trustees of the University of Wyoming, or his successor in functions, if any;

21-17-418. Board and officers to execute securities; endorsement by university treasurer; facsimile signatures.

(a) Bonds and other securities issued under this act shall be executed in the name of the board, shall be signed by the president-chairman of the board, shall be attested by the secretary of the board, shall be countersigned by the treasurer

of the board and shall be authenticated by the official seal of the board.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 111

ADVANCED PSYCHIATRIC NURSE PRACTITIONER PROGRAM- AMENDMENT

Original House Bill No. 109

AN ACT relating to the University of Wyoming's advanced psychiatric nurse practitioner program; increasing, as a condition of program participation, the length of time a program participant may be required to agree to work in Wyoming; providing applicability; and providing for an effective date.

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

Section 1. W.S. 21-17-116(d)(i) is amended to read:

21-17-116. Course in field of advanced practice registered nurse in psychiatry; authority to offer; contracts with students; repayment of funds expended; deposit of repayments.

(d) In addition to the requirements of subsection (c) of this section, before expending any funds the board of trustees shall obtain an agreement from each student whereby the student agrees to authorize the state of Wyoming to pay not more than ten thousand dollars (\$10,000.00) for each academic semester, or not more than two thousand five hundred dollars (\$2,500.00) for each summer session, the student is enrolled as a full-time student in an approved course of study as determined by any contract between the state of Wyoming and the school of nursing providing that education. Students enrolled on a part-time basis during an academic semester may agree to receive payments reduced proportionally based upon the number of credit hours for which the student is enrolled for that semester, where nine (9) credit hours constitutes a full-time student. The student shall agree either to:

(i) Actively engage in professional practice as an advanced practice registered nurse in psychiatry in Wyoming for up to one (1) year for each academic year of full-time attendance for which payments under this section are made, but not to exceed a total of ~~two (2)~~ three (3) years, as the board requires. Qualified work shall be granted on a proportional basis; or

Section 2. This act shall only apply to agreements entered into under W.S. 21-17-116(d), as amended by this act, on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 112**BUILD WYOMING-AMENDMENTS****Original House Bill No. 131**

AN ACT relating to administration of government; clarifying that the build Wyoming loan program is a revolving, continuing loan program; clarifying the amount of funds that may be loaned to political subdivisions for infrastructure projects and road or street projects; and providing for an effective date.

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

Section 1. W.S. 16-1-111(a)(intro) is amended to read:

16-1-111. Loans to political subdivisions; requirements; limitations; rulemaking.

(a) The state loan and investment board may negotiate and make loans from the permanent Wyoming mineral trust fund to political subdivisions of this state as provided in this section. The aggregate sum of all outstanding loans made under this section shall not exceed four hundred million dollars (\$400,000,000.00). The aggregate sum of outstanding loans made for infrastructure projects shall not exceed two hundred million dollars (\$200,000,000.00) and shall not exceed two hundred million dollars (\$200,000,000.00) for road or street projects. Loans may be made for infrastructure projects and street and road projects as provided in this section. The board shall adopt rules and procedures as it deems advisable or necessary to administer the program. The rules shall include requirements and standards which the board determines to be necessary or advisable in accordance with the following:

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

Approved February 26, 2019.

Chapter 113**PHARMACY BENEFIT MANAGERS-PRESCRIPTION COST NOTIFICATION****Original House Bill No. 63**

AN ACT relating to regulation of pharmacy benefit managers under the insurance code; providing that a pharmacy benefit manager shall not prohibit or penalize disclosure of prescription cost information or affordable alternatives; and providing for an effective date.

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

Section 1. W.S. 26-52-104 by creating a new subsection (j) is amended to read:

26-52-104. Maximum allowable cost; offering information and alternatives.

(j) A pharmacy benefit manager may not, by contract or otherwise, prohibit or penalize a pharmacy or pharmacist for:

(i) Disclosing information to a covered individual regarding any cost differential that the covered individual must pay for a particular prescription under the individual's prescription drug benefit or outside of the individual's prescription drug benefit;

(ii) Offering to a covered individual a more affordable alternative if one is available.

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 26, 2019.

Chapter 114

WYOMING CHILDREN'S TRUST FUND-AMENDMENTS

Original House Bill No. 216

AN ACT relating to the Wyoming children's trust fund; amending the trust fund; creating the Wyoming children's income account; authorizing expenditure of the income account as specified; providing for distribution of fees; providing for the transfer of funds; specifying the fund source for current appropriations; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 14-8-103(a)(iv), (v) and by creating a new paragraph (vi), 14-8-105(a)(v) and (vi), 14-8-106, 14-8-107(a) and 35-1-428(b) are amended to read:

14-8-103. Definitions.

(a) As used in this article:

(iv) "Recipient" means and is limited to a nonprofit or public organization which receives a grant from the ~~trust fund~~ income account created in W.S. ~~14-8-106~~ 14-8-106(b);

(v) "Trust fund" means the Wyoming children's trust fund created in W.S. ~~14-8-106~~ 14-8-106(a);

(vi) "Income account" means the Wyoming children's income account created by W.S. 14-8-106(b).

14-8-105. Powers and duties of the board.

(a) The board shall:

(v) Accept grants from the federal government as well as solicit and accept contributions, grants, gifts, bequests and donations from individuals, private organizations and foundations for credit to the trust fund or the income account as directed by the terms of the contribution, grant, gift, bequest or donation;

(vi) Expend monies of the ~~trust fund~~ income account for the establishment, promotion and maintenance of prevention programs, ~~and for operational expenses of the board and to increase the balance of the trust fund corpus;~~

14-8-106. Wyoming children's trust fund and income account; creation; source of funds.

(a) There is created the Wyoming children's trust fund. The fund shall be administered by the board and shall consist of monies appropriated or designated to the fund by law and all monies collected by the board ~~from federal grants and other contributions, grants, gifts, bequests and donations. The monies shall be transmitted to the state treasurer for credit to the trust fund and shall be invested by pursuant to W.S. 14-8-105(a)(v) for credit to the trust fund. Funds deposited within the trust fund are intended to be inviolate and constitute a perpetual trust account. The state treasurer shall invest the account as authorized under W.S. 9-4-715(a), (d) and (e) in a manner to obtain the highest return possible consistent with the preservation of the trust fund corpus. Any interest earned on the investment or deposit of monies in the fund shall also remain in the fund and shall not be credited to the general fund.~~

(b) There is created the Wyoming children's income account. The account shall be administered by the board and shall consist of monies appropriated or designated to the account by law and all monies collected by the board pursuant to W.S. 14-8-105(a)(v) for credit to the income account. The state treasurer shall credit annually to the income account the income earned from investment of the trust fund corpus. All funds in the income account at the end of a biennium shall remain in the account for expenditure as authorized in this article.

14-8-107. Disbursement of grants from the income account.

(a) Grants may be awarded from the income account to provide monies for the start-up, continuance or expansion of prevention programs, to provide educational and public informational seminar and to study and evaluate prevention programs.

35-1-428. Fees for copies and searches; surcharge.

(b) In addition to fees imposed by department rule and regulation under subsection (a) of this section, the department shall collect a surcharge of five dollars (\$5.00) for each copy of a certificate or record issued pursuant to this article and five dollars (\$5.00) for each five (5) year period or portion thereof that a search of files or records is undertaken pursuant to this article. Revenues

collected from the surcharge imposed under this subsection shall be deposited by the state treasurer in accordance with the following:

(i) For the period from July 1, 2019 through June 30, 2024, seventy-five percent (75%) into the Wyoming children's trust fund established under W.S. 14-8-106(a) and twenty-five percent (25%) into the Wyoming children's income account established under W.S. 14-8-106(b);

(ii) Beginning July 1, 2024, one hundred percent (100%) into the Wyoming children's trust fund established under W.S. ~~14-8-106~~14-8-106(a).

Section 2. W.S. 14-8-107(b) and (c) is repealed.

Section 3.

(a) On July 1, 2019, the state auditor shall transfer funds from the Wyoming children's trust fund created in W.S. 14-8-106(a) to the Wyoming children's income account created in W.S. 14-8-106(b) as follows:

(i) Any unexpended income earned from investment of the Wyoming children's trust fund attributable to the fiscal year 2019, as calculated by the state treasurer;

(ii) Any monies received from the federal government and any contributions, grants, gifts, bequests and donations from individuals, private organizations and foundations collected by the Wyoming children's trust fund board on or before June 30, 2019.

Section 4. Subject to available funding, all unexpended funds appropriated on or before July 1, 2019 for the Wyoming Children's Trust Fund Act for fiscal years 2019 and 2020 shall be paid from the Wyoming children's income account created in W.S. 14-8-106(b).

Section 5. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 115

VOLUNTEER RESERVE OFFICERS-LIABILITY COVERAGE

Original House Bill No. 159

AN ACT relating to the state self-insurance program; providing volunteer reserve officers coverage under the state self-insurance program; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 1-41-103(c)(iii)(intro) and by creating a new subparagraph (E), (iv)(intro) and by creating a new subparagraph (D) is amended to read:

1-41-103. Self-insurance account; creation; authorized payments.

(c) Expenditures shall be made out of the self-insurance account for the

following claims which have been settled or reduced to final judgment:

(iii) Claims against a peace officer employed, with or without compensation, by the Wyoming state board of outfitters and professional guides, the University of Wyoming or a local government brought under the Wyoming Governmental Claims Act, provided:

(C) Any amount up to twenty thousand dollars (\$20,000.00) paid for or in defense of each claim shall be paid on a dollar for dollar matching basis from the account and from the University of Wyoming or the local government employing the peace officers; ~~and~~

(D) Any amount up to twenty thousand dollars (\$20,000.00) paid for or in defense of each claim against a peace officer employed by the Wyoming state board of outfitters and professional guides shall be paid by the board; ~~and~~

(E) “Peace officer” as used in this paragraph includes part time and reserve peace officers as defined in W.S. 9-1-701(a)(viii).

(iv) Claims against a peace officer employed, with or without compensation, by the Wyoming state board of outfitters and professional guides, the University of Wyoming or a local government arising under 42 U.S.C. 1983 or other federal statutes, provided:

(B) Any amount up to twenty thousand dollars (\$20,000.00) paid for or in defense of each claim against a peace officer employed by the Wyoming state board of outfitters and professional guides shall be paid by the board; ~~and~~

(C) The conditions and limitations of subsection (e) of this section apply to all claims under this paragraph; ~~and~~

(D) “Peace officer” as used in this paragraph includes part time and reserve peace officers as defined in W.S. 9-1-701(a)(viii).

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 116

PROBATION AND PAROLE-INCENTIVES AND SANCTIONS

Original House Bill No. 53

AN ACT relating to criminal procedure and sentencing; establishing an incentives and sanctions system for probation and parole supervision as specified; specifying authorized sanctions; providing a procedure for imposing sanctions; providing definitions; providing for the award of credit against original sentences for parolees; requiring the use of validated risk and need assessments; clarifying requirements for placement in an intensive supervision program; making conforming amendments; specifying applicability; providing rulemaking; repealing obsolete provisions; providing an appropriation; requiring reports; and providing for effective dates.

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

Section 1. W.S. 7-13-1801 through 7-13-1803 are created to read:

ARTICLE 18

PROBATION AND PAROLE INCENTIVES AND SANCTIONS

7-13-1801. Incentives and sanctions system; duties of the department of corrections; definitions.

(a) The department shall by rule and regulation establish, maintain and implement an incentives and sanctions system to utilize as responses to positive and negative behavior by probationers, parolees and conditional releasees under the department's supervision. The system shall provide for graduated responses to compliance violations and other violations of supervision conditions in a swift, certain and proportional manner and shall include guidance and procedures to determine when and how to:

- (i) Request a warrant;
- (ii) Initiate and conduct any hearing required under W.S. 7-13-1803; and
- (iii) Seek departmental approval to use custodial sanctions.

(b) To implement and continuously improve the incentives and sanctions system, the department shall:

(i) Provide information and training on the system to probation and parole agents and supervisors and to members and staff of the state board of parole;

(ii) Offer information and training on the system to the Wyoming supreme court, district court judges, circuit court judges, district attorneys, defense attorneys, law enforcement officers, corrections and detention officers, contracted service providers and other interested personnel;

(iii) Review the system at least one (1) time every five (5) years to ensure that the system adheres to evidence-based practices and that the use of incentives and sanctions by probation and parole agents is consistent throughout the state;

(iv) Ensure that the responses, guidance and procedures established in the system consider community safety and the needs of the victim and offender;

(v) Collect data relating to placement decisions determined by using the system;

(vi) Aggregate collected data and submit a report by September 1 of each year to the joint judiciary interim committee.

(c) As used in this article:

(i) "Cognitive-behavioral programming" means programming or therapy that utilize cognitive-behavioral and social learning theories to target a person's dysfunctional beliefs, thoughts and patterns of behavior that contribute or lead

to criminal behaviors;

- (ii) "Compliance violation" means as defined in W.S. 7-13-401(a)(xv);
- (iii) "Department" means the department of corrections.

7-13-1802. Authorized sanctions.

(a) The sanctions authorized under W.S. 7-13-1801(a) may include:

- (i) Loss or restriction of privileges;
- (ii) Community service;
- (iii) Placement in an intensive supervision program established under W.S. 7-13-1102 or a nonresidential community correctional program established under W.S. 7-18-103 or 7-18-104;

(iv) Custodial sanctions authorized under subsection (b) of this section, subject to any procedure required under W.S. 7-13-1803 and any rules promulgated under W.S. 7-13-1801(a).

(b) Subject to the requirements in W.S. 7-13-1803(c), custodial sanctions authorized by W.S. 7-13-1801(a) for compliance violations shall include one (1) or more of the following:

(i) A sanction of time served in custody between arrest and hearing or between arrest and the disposition of the alleged violation if a hearing is not held;

(ii) Immediate confinement in a consenting Wyoming county jail, to be imposed as a two (2) or three (3) day consecutive period;

(iii) Confinement in a consenting Wyoming county jail for up to fifteen (15) consecutive days in addition to any time served between arrest and hearing;

(iv) Confinement for up to ninety (90) days in a residential community correction program established under W.S. 7-18-103 or 7-18-104 coupled with substance abuse treatment, cognitive-behavioral programming to address criminal thinking or other programming that the department deems appropriate;

(v) Confinement for up to ninety (90) days in a consenting Wyoming county jail coupled with substance abuse treatment contracted with and paid for by the department;

(vi) Incarceration in a state penal institution for up to ninety (90) days coupled with substance abuse treatment, cognitive-behavioral programming to address criminal thinking or other programming that the department deems appropriate.

7-13-1803. Procedure for imposing sanctions; housing violators; civil actions against officials.

(a) A probation and parole agent who reasonably believes that a defendant,

probationer, parolee or conditional releasee has committed one (1) or more compliance violations that require a sanction shall utilize sanctions available within the incentives and sanctions system to determine an appropriate response. Subject to subsection (d) of this section, the agent shall initiate a hearing in accordance with subsection (b) of this section and W.S. 7-13-408 and shall attempt to gain the person's compliance with the conditions of probation, parole or conditional release through the sanctions provided in W.S. 7-13-1802.

(b) Any hearing under this section shall be before the field services administrator, his designated hearing officer or any other person authorized pursuant to the laws of this state to hear cases of alleged probation, parole or conditional release violations, except that no hearing officer shall be the person making the allegation of violation. If the hearing officer determines by a preponderance of the evidence that the defendant, probationer, parolee or conditional releasee has violated a condition of probation, parole or conditional release, the hearing officer shall utilize the incentives and sanctions system to determine an appropriate response, which may include the sanctions authorized under W.S. 7-13-1802.

(c) Any imposition of custodial sanctions shall be subject to the following conditions:

(i) All time in custody related to the compliance violation shall be credited toward the defendant's, probationer's, parolee's or conditional releasee's sentence;

(ii) The total of all confinement under W.S. 7-13-1802(b)(i) and (ii) shall not exceed eighteen (18) days during the term of probation, parole or conditional release;

(iii) Cumulative custodial sanctions imposed under W.S. 7-13-1802(b)(i) through (iii) shall not exceed ninety (90) days during the term of probation, parole or conditional release prior to any revocation.

(d) A hearing shall be held before custodial sanctions are imposed. The imposition of sanctions shall not require a hearing if:

(i) The probationer or parolee is a participant in the intensive supervision program pursuant to W.S. 7-13-1105;

(ii) The probationer is a qualified offender whose probation has been previously revoked pursuant to W.S. 7-13-1303(d); or

(iii) The probationer or parolee consents to the administrative sanction without a hearing.

(e) Upon agreement of the sheriff and the director of the department of corrections, the probationer, parolee or conditional releasee may be maintained at the county jail at an agreed per diem rate to be paid by the department. The

department shall pay for any medical treatment of the probationer, parolee or conditional releasee, other than for conditions demanding immediate medical attention which can be treated at the county jail for which the county is liable under W.S. 18-6-303(c)(i). Except for emergency medical treatment, no treatment which is the responsibility of the department under this subsection shall be provided without the prior approval of the department.

(f) If any civil action is brought against any sheriff, his undersheriff, deputy, agent or employee, by reason of acts committed or allegedly committed in the performance of necessary duties in connection with the housing and care of a probation, parole or conditional release violator under this section, the state shall indemnify and hold harmless the officers, agents or employees from all civil liability incurred or adjudged except punitive damage awards. Upon request, the state shall provide legal counsel at the state's expense to assist in the defense of any action referred to in this subsection.

(g) Probationers, parolees and conditional releasees committed to the county jail or a residential community correctional program pursuant to this section shall be housed in accordance with subsection (e) of this section or W.S. 7-18-115(b).

Section 2. W.S. 7-13-303(a)(iv), by creating a new paragraph (vi) and (b), 7-13-304(a), 7-13-401(a) by creating a new paragraph (xv), 7-13-403(b) and by creating a new subsection (c), 7-13-404, 7-13-407(a)(i) and (v), 7-13-408(a) and (b), 7-13-1101(a) by creating a new paragraph (iii), 7-13-1102(b)(ii), 7-13-1103(b), 7-13-1104(a)(intro), 7-13-1105 by creating a new subsection (d), 7-13-1107 by creating a new subsection (e), 7-13-1301(b), 7-13-1303(c)(iv) and (d), 7-18-102(a) by creating a new paragraph (ix) and by renumbering (ix) as (x), 7-18-108(b)(ii), (iii), by creating a new paragraph (iv) and (f) and 7-18-115(b)(iii), (iv), by creating a new paragraph (v) and (g) are amended to read:

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

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

(iv) If practicable, statements from the victim; ~~and~~

(vi) The results of a validated risk and need assessment.

(b) No defendant charged with a felony, and, unless the court directs otherwise, no defendant charged with a misdemeanor, shall be placed on probation, placed in an intensive supervision program established under W.S. 7-13-1102 or released under suspension of sentence until the report of the investigation under this section is presented to and considered by the court. If the defendant is sentenced to the custody of the department of corrections to

serve a term of incarceration in a state penal institution, a copy of the report of the investigation shall be sent to the department of corrections at the time of sentencing. In all felony cases the clerk of court shall forward copies of the report to the department of corrections, together with copies of all orders entered by the court.

7-13-304. Imposition or modification of conditions; performance of work by defendant.

(a) The court may impose, and at any time modify, any condition of probation or suspension of sentence. The court may not impose new custodial restrictions on liberty unless in response to a compliance violation, a new violation of law or absconding from supervision and only after providing notice and a hearing if required under W.S. 7-13-1803.

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

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

(xv) "Compliance violation" means a violation of a condition of probation, parole or conditional release but shall not include:

(A) An arrest for a new misdemeanor or felony offense; or

(B) Absconding from supervision, which includes the defendant, probationer or parolee deliberately making his whereabouts unknown to his probation and parole agent, the department or court or failing to report for the purpose of avoiding supervision, where reasonable efforts by the probation and parole agent to locate the defendant, probationer or parolee have been unsuccessful.

7-13-403. Custody of parolee; return upon violation.

(b) Unless otherwise ordered by the board or when the parole violator is ordered to complete a sanction under W.S. 7-13-1801 through 7-13-1803, a parole violator shall be returned to the custody of the department to serve the remainder of the original sentence.

(c) The board shall consider imposing a sanction under W.S. 7-13-1801 through 7-13-1803 before ordering a parole violator to be returned to the custody of the department to serve the remainder of the original sentence.

7-13-404. Computing remainder of sentence for parole violator.

In computing the remainder of the sentence to be served by a parole violator, ~~no credit shall be given against~~ awarded toward his original sentence for any portion of the time that the person has not violated a condition of parole between his release on parole and his return to the institution unless the board directs otherwise.

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

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

(i) Except as otherwise directed by the director, devote full time to the performance of their duties in carrying out the provisions of W.S. 7-9-104, 7-9-107, 7-13-303, 7-13-401 through 7-13-424, 7-13-1101 through ~~7-13-1107~~ 7-13-1105, 7-13-1601 through 7-13-1615, 7-13-1801 through 7-13-1803 and 35-7-1043;

(v) Use all practicable and suitable methods, not inconsistent with the conditions imposed by the court, department or board and including the use of incentives and sanctions under W.S. 7-13-1801 through 7-13-1803, to aid and encourage persons on probation, parole or conditional release to bring about improvement in their conditions and conduct;

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

(a) The probation and parole agent shall notify the department and the board or the appropriate court if it is determined consideration should be given to retaking or reincarcerating a person under the supervision of the department who has violated a condition of his probation, parole or other conditional release and is subject to revocation of supervision. Prior to notification, a hearing shall be held in accordance with this section within a reasonable time, unless a hearing is waived by the probationer, parolee or conditional releasee. In the case of a parolee for whom the violation is based on a new felony conviction, a preliminary hearing is not required under this section. In the case of a probationer, the hearing is only required when the probationer has been reincarcerated and a legal warrant has not been obtained within ten (10) days. As soon as practicable, following termination of any hearing, the appropriate officer or agent shall report to the department and the court or board, furnish a copy of the hearing record, report on the prior use of incentives and sanctions under W.S. 7-13-1801 through 7-13-1803 for the probationer, parolee or conditional releasee and make recommendations regarding the disposition to be made of the probationer, parolee or conditional releasee. Compliance violations not leading to retaking or reincarceration shall be sanctioned under W.S. 7-13-1801 and 7-13-1802. Pending any proceeding pursuant to this section, the appropriate agent may take custody of and detain the probationer, parolee or conditional releasee involved for a reasonable period of time prior to the hearing. If it appears to the hearing officer or agent that retaking or reincarceration is likely to follow, the agent may take custody of and detain the probationer, parolee or conditional releasee for a reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

(b) Any hearing pursuant to this section or W.S. 7-13-1803 may be before the

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

7-13-1101. Definitions.

(a) As used in this article:

(iii) “Validated risk-need assessment” means an actuarial assessment tool that assesses the dynamic and static factors that drive criminal behavior. The validated risk-need assessment shall determine a person’s risk to reoffend and the needs of a person that, when addressed, would reduce the risk to reoffend.

7-13-1102. Authority to establish programs; rulemaking authority.

(b) An intensive supervision program established under this article may require:

(ii) Community service work, family, educational or vocational counseling, cognitive-behavioral programming to address criminal thinking, treatment for substance abuse, mental health treatment and monitoring of restitution orders and fines previously imposed on the participant. For purposes of this paragraph, cognitive-behavioral programming means as defined in W.S. 7-13-1801(c)(i); and

7-13-1103. Program participation not a matter of right.

(b) No person shall be allowed to participate in a program authorized by this article unless the person agrees in writing to abide by all the rules and regulations of the department relating to the operation of the program and agrees to submit to ~~administrative~~ the incentives and sanctions which may be imposed under W.S. ~~7-13-1107~~ 7-13-1801 through 7-13-1803.

7-13-1104. Program participation as a condition of parole.

(a) The state board of parole may, as a condition of parole, require a parolee who is assessed through a validated risk-need assessment as a high risk for reoffending or violating a condition of parole to participate in a program established under this article, provided:

7-13-1105. Placement of probationer in program by sentencing court; eligibility.

(d) A defendant shall not be placed in a program established under W.S. 7-13-1102 unless the defendant receives a validated risk-need assessment and scores as a high risk for reoffending or for violating conditions of probation except that a defendant may be placed in a program established under W.S.

7-13-1102 for good cause shown upon the record.

7-13-1107. Administrative rewards and sanctions for program violations.

(e) Probationers and parolees who violate the rules and restrictions of an intensive supervision program established under this article shall be sanctioned in accordance with W.S. 7-13-1801 through 7-13-1803 or may be subject to revocation proceedings.

7-13-1301. Definitions.

(b) For purposes of this act “incarceration” or “incarcerated” shall not include periods of confinement allowed under the provisions of W.S. 7-13-1102 or ~~7-13-1107(b)~~ 7-13-1801 through 7-13-1803.

7-13-1303. Suspended sentence for qualified offenders.

(c) A qualified offender or person sentenced under this act may be incarcerated if the court concludes on the basis of the evidence that:

(iv) The offender commits a felony, sells or otherwise delivers controlled substances while in a program pursuant to this section, or engages in other behavior that poses an unreasonable risk to public safety while in the program. Notwithstanding any other provision of law, in the absence of the commission of these acts, those programs and sanctions set forth in W.S. 7-13-1102 and ~~7-13-1107(b)~~ 7-13-1801 through 7-13-1803 may be used at the discretion of the probation officer or court to address other violations of the sentencing or probation order.

(d) In the event probation is revoked, the court may impose one (1) or more of the sanctions set forth in W.S. 7-13-1102 or ~~7-13-1107(b)~~ 7-13-1801 through 7-13-1803 unless the court, in its sole discretion, finds that another disposition, including imprisonment, is necessary under the facts of the case.

7-18-102. Definitions.

(a) As used in this act:

(ix) “Validated risk-need assessment” means as defined in W.S. 7-13-1101(a)(iii);

~~(ix)~~(x) “This act” means W.S. 7-18-101 through 7-18-115.

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

(b) Placement of an offender in an adult community correctional facility or program under this section shall be made only if:

(ii) Funding for the placement is available; ~~and~~

(iii) The offender is acceptable to the corrections board; ~~and~~

(iv) The offender is assessed through a validated risk-need assessment as a high risk for reoffending or violating a condition of probation.

(f) Subject to subsection (b) of this section, the department may, as an administrative sanction pursuant to W.S. ~~7-13-1107~~ 7-13-1801 through 7-13-1803, require any probationer participating in an intensive supervision program who violates the rules and restrictions of the program to participate in a residential adult community correctional program for a period not to exceed sixty (60) days as an alternative to probation revocation.

7-18-115. Assignment of parolee to program by state board of parole; placement by department as administrative sanction.

(b) Placement of a parolee in an adult community correctional facility or program under this section shall be made only if:

(iii) The parolee has been accepted by the corrections board; ~~and~~

(iv) Funding for the placement is available; ~~and~~

(v) The offender is assessed through a validated risk-need assessment as a high risk of reoffending or violating a condition of parole.

(g) Subject to subsection (b) of this section, the department may, as an administrative sanction pursuant to W.S. ~~7-13-1107~~ 7-13-1801 through 7-13-1803, require any parolee participating in an intensive supervision program who violates the rules and restrictions of the program to participate in an adult residential community correctional program for a period not to exceed sixty (60) days as an alternative to parole revocation.

Section 3. W.S. 7-13-408(e), 7-13-1106, 7-13-1107(a) through (d) and 7-18-115(b)(i) are repealed.

Section 4. The provisions of this act shall apply to all persons who are sentenced on or after the effective date of this act.

Section 5. There is appropriated one million six hundred twenty-three thousand two hundred forty-eight dollars (\$1,623,248.00) from the general fund to the department of corrections. This appropriation shall be for the period beginning July 1, 2019 and ending June 30, 2020. This appropriation shall only be expended for the purpose of implementing the sanctions authorized in 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 July 1, 2020. This appropriation shall not be included in the department's 2021-2022 standard biennial budget request.

Section 6. The department of corrections shall, not later than December 1, 2019 and not later than June 30, 2020, report to the joint judiciary interim committee and the joint appropriations committee regarding the implementation of this act.

Section 7. The department of corrections shall promulgate rules no later than July 1, 2019 to establish the incentives and sanctions system required by

W.S. 7-13-1801 as created by this act.

Section 8.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(b) Section 7 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 26, 2019.

Chapter 117

ANTIFREEZE AND PETROLEUM STANDARDS ENFORCEMENT

Original House Bill No. 9

AN ACT relating to standards for antifreeze and petroleum products; modifying required enforcement; and providing for an effective date.

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

Section 1. W.S. 40-7-105 is amended to read:

40-7-105. Enforcement.

The director shall enforce this act and ~~shall~~may periodically collect; samples of petroleum, engine fuel and antifreeze products for analysis from pipelines, storage tanks and transport tanks at refineries, intermediate storage and dispensing facilities and every storage tank directly supplying these products to retail dispensing devices located at a retail sales facility. ~~At least one (1) sample per year shall be taken from each storage tank by a dispenser located at a retail sales facility. The~~ A sample taken from dispensing devices located at retail sales facilities shall be acquired after allowing at least one (1) gallon of product to flow from the dispenser. ~~The director may collect samples from pipelines, storage tanks and transport tanks at refineries and intermediate storage and dispensing facilities as he deems necessary.~~

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 118

JOINT POWERS BOARDS-NATURAL GAS SERVICE

Original House Bill No. 101

AN ACT relating to local powers; authorizing joint powers boards to create and operate natural gas systems; and providing for an effective date.

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

Section 1. W.S. 16-1-104(c) by creating a new paragraph (xiii) and 37-1-101(a)(vi)(H)(II) are amended to read:

16-1-104. Joint powers, functions and facilities; city-county airport board; eligible senior citizen centers; cooperative public transportation programs.

(c) Specifically, without limiting but subject to the provisions of subsection (a) of this section, two (2) or more agencies may jointly plan, own, lease, assign, sell, create, expand, finance and operate:

(xiii) Municipal natural gas facilities and systems.

37-1-101. Definitions.

(a) As used in chapters 1, 2, 3, 12 and 17 of this title:

(vi) "Public utility" means and includes every person that owns, operates, leases, controls or has power to operate, lease or control:

(H) None of the provisions of this chapter shall apply to:

(II) To public utilities owned and operated by a municipality of the state of Wyoming or owned and operated by a joint powers entity ~~whose individual member entities are authorized by law to provide utility service and are formed pursuant to the Wyoming Joint Powers Act, W.S. 16-1-102 through 16-1-110, and comprised of two (2) or more municipalities, except as to that portion of a municipality owned and operated public utility or joint powers entity owned and operated public utility, if any, as may extend services outside the corporate limits of a municipality and except that if any municipal or joint powers utility owns an undivided interest in a facility for the production of electricity which is also partly owned by an agency subject to the jurisdiction of the public service commission, the sale of electricity in excess of the participating municipalities' or joint powers entities' need is subject to this act;~~

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 119

BROADBAND DEVELOPMENT PROGRAM-AMENDMENTS

Original House Bill No. 247

AN ACT relating to the broadband development program; modifying definition of unserved area; modifying rulemaking authority of the Wyoming business council; and providing for an effective date.

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

Section 1. W.S. 9-12-1501(e)(i) and (f) is amended to read:

9-12-1501. Broadband development program established; purposes; eligibility; definitions.

(e) As used in this article, until established otherwise by rule of the Wyoming business council pursuant to subsection (f) of this section, “unserved area” is an area in which there exists no fixed terrestrial broadband service, or in which the maximum fixed terrestrial broadband speed available:

(i) To residential customers is ~~ten (10) at speeds less than twenty-five (25)~~ megabits per second download and ~~one (1) megabit three (3) megabits~~ per second upload;

(f) The Wyoming business council ~~shall~~may, by rule effective on July 1, ~~2020~~ 2022, modify the definition of “unserved area” for purposes of this article. The rule shall only modify the definition by providing for upload and download speeds exceeding those specified in subsection (e) of this section as the business council determines appropriate for technological conditions prevailing as of July 1, ~~2020~~ 2022.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 120

TAXATION OF BROADBAND INTERNET INFRASTRUCTURE

Original House Bill No. 97

AN ACT relating to sales and use tax; providing an exemption from sales and use taxes for broadband internet service infrastructure as specified; requiring reports; specifying a sunset date; 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) by creating a new subparagraph (U) and (b)(intro) and 39-16-105(a)(viii) by creating a new subparagraph (K) and (b)(intro) are amended to read:

39-15-105. Exemptions.

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

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

(U) Sales of equipment to a telecommunications service provider, video programming service provider or provider of internet access used to provide broadband internet service in an unserved area. The following shall apply:

(I) A telecommunications service provider, video programming

service provider or provider of internet access may allocate the sales price of equipment using any reasonable method, instead of specific geographic accounting, if the method is consistently used by the provider and supported by verifiable data that reasonably reflects the location where the equipment is used;

(II) As used in this subparagraph:

(1) “Broadband internet service” means high speed internet access that in residential areas is capable of download speeds of at least twenty-five (25) megabits per second and upload speeds of at least three (3) megabits per second or, in business corridors, as defined by rule of the Wyoming business council under W.S. 9-12-1501(g), is capable of download speeds of at least one (1) gigabit per second and upload speeds of at least one hundred (100) megabits per second;

(2) “Equipment” means tangible objects which are integral to the broadband internet service infrastructure of a telecommunications service provider, video programming service provider or provider of internet access and shall exclude equipment sold or leased to a customer of a provider;

(3) “Provider of internet access” means a person, or any agent, contractor or subcontractor of the person, who in the course of business, provides a service that enables users to access content, information, electronic mail or other services offered over the internet and may also include access to proprietary content, information and other services as part of a package of services offered to consumers and does not include telecommunications services, except to the extent such services are purchased, used or sold by a provider of internet access to provide internet access;

(4) “Telecommunications service provider” means a person, or any agent, contractor or subcontractor of the person, who in the course of business, provides telecommunications services, as defined in W.S. 39-15-101(a)(xxxix)(U);

(5) “Video programming service provider” means a person, or any agent, contractor or subcontractor of the person, who in the course of business, provides programming from, or comparable to, a television broadcast station, including cable service as defined in 47 U.S.C. § 522(6);

(6) “Unserved area” means as defined in W.S. 9-12-1501(e).

(III) This subparagraph is repealed effective July 1, 2024.

(b) The Wyoming business council, the department of workforce services and the department of revenue shall jointly report to the joint revenue interim committee on or before December 1 of each year that the exemption provided by subparagraph (a)(viii)(O), (Q), (R), ~~or~~ (S) or (U) of this section is in effect. If requested by the department of revenue, any person utilizing the exemption under subparagraph (a)(viii)(O) of this section shall report to the department

the amount of sales tax exempted, and the number of jobs created or impacted by the utilization of the exemption. The report shall evaluate the cumulative effects of each exemption that is in effect from initiation of the exemption and shall include:

39-16-105. Exemptions.

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

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

(K) Purchases of equipment by a telecommunications service provider, video programming service provider or provider of internet access used to provide broadband internet service in an unserved area. A telecommunications service provider, video programming service provider or provider of internet access may allocate the purchase price of equipment using any reasonable method, instead of specific geographic accounting, if the method is consistently used by the provider and supported by verifiable data that reasonably reflects the location where the equipment is used. The definitions in W.S. 39-15-105(a)(viii)(U)(II) shall apply to this subparagraph. This subparagraph is repealed effective July 1, 2024.

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

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 121

ELECTRIC VEHICLE FEE

Original House Bill No. 166

AN ACT relating to motor vehicles; increasing the annual decal fee for a plug-in electric vehicle; specifying form of electric vehicle decals; and providing for an effective date.

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

Section 1. W.S. 31-3-102(a)(xxiii) is amended to read:

31-3-102. Miscellaneous fees.

(a) The following fees shall be collected for the instruments or privileges indicated:

(xxiii) An annual decal which shall include the bucking horse and rider emblem for a plug-in registered and licensed electric vehicle as defined in W.S. 39-17-301(a)(xxxviii).....~~\$50.00~~ \$200.00

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 122

REGULATION OF HUNTING METHODS

Original House Bill No. 2

AN ACT relating to game and fish; providing rulemaking authority for the regulation of methods of taking wildlife; and providing for an effective date.

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

Section 1. W.S. 23-1-302(a) by creating a new paragraph (xxxii) is amended to read:

23-1-302. Powers and duties.

(a) The commission is directed and empowered:

(xxxii) To adopt rules regulating, limiting or prohibiting the use of hunting technologies and the selling of wildlife geographic locations. "Hunting technologies" shall be limited to those technologies specified in subparagraphs (A) through (C) of this paragraph. No rule adopted pursuant to this paragraph shall apply to the taking of predatory animals as defined in W.S. 23-1-101(a) or to the use of hunting technologies by USDA APHIS wildlife damage management personnel when acting in their official capacity. Nothing in this paragraph shall be interpreted to limit any other authority of the commission provided in this act to regulate the taking of wildlife. Before promulgating any rule under this paragraph, the commission shall submit the proposed rule in writing to the joint travel, recreation, wildlife and cultural resources interim committee and appear before the committee upon request. Rules promulgated under this paragraph shall only apply to:

(A) Thermal or infrared imaging or other imaging outside the normal visible light spectrum;

(B) Real time video photography equipment or video imaging viewable remotely; or

(C) The selling of wildlife geographic locations.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 123

PATCHING PREXY'S PASTURE PARALLELOGRAM PROBLEM

Original House Bill No. 91

AN ACT relating to the University of Wyoming; correcting the legal description of Prexy's Pasture on the University of Wyoming campus; and providing for an effective date.

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

Section 1. W.S. 21-17-401(b)(i)(A) is amended to read:

21-17-401. Certain portions of campus restricted to park or recreational purposes; construction of buildings or structures prohibited thereon.

(b) In order to preserve the natural and open beauty of that portion of the University of Wyoming campus commonly known and referred to as "Prexy's Pasture", no structures, other than ornamental improvements, or buildings of any kind or type shall be located or constructed upon the portion of the campus described as follows:

(i) All that portion of the East 1/2 of Section 33, Township 16 N, R 73 W, of the 6th PM, Albany county, Wyoming, bounded as follows:

(A) Beginning at a point from which the East 1/4 corner of said Section 33 bears; South 83 degrees 15' East a distance of 803 feet; thence South 5 degrees 45' West a distance of 410 feet; thence North 84 degrees 15' West a distance of 578 feet; thence North 5 degrees 45' East a distance of 410 feet; thence ~~North~~ South 84 degrees 15' East a distance of 578 feet, more or less, to the point of beginning. Said parcel of land containing 5.44 acres, more or less.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 124

REVERSION OF FUNDS-EMERGENCY FIRE SUPPRESSION ACCOUNT

Original House Bill No. 49

AN ACT relating to state lands; providing that unexpended, unobligated general funds appropriated to the division of forestry shall revert to the emergency fire suppression account at the end of a biennium; 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 (f) is amended to read:

36-1-402. Emergency fire suppression account; creation; investment of funds; authorized expenditures; reversion of funds from division.

(f) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, general funds appropriated to the division which are unexpended and unobligated and which would otherwise lapse and revert pursuant to W.S. 9-4-207(a) at the end of a biennium shall revert to the emergency fire suppression account. This subsection shall not be construed to apply to any appropriation to a special revenue fund or revolving account within the division.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 125

ILLEGITIMATE PERSONS DESCENT-REPEAL

Original House Bill No. 269

AN ACT relating to decedent's estates; repealing the rule of descent for an illegitimate person; making a conforming amendment; specifying applicability; and providing for an effective date.

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

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

2-1-301. Generally.

(a) When used in this code, unless otherwise defined or required by the context, the following words and phrases shall be construed as follows:

(v) "Child" includes an adopted child but does not include a grandchild or other more remote descendent; ~~nor, except as provided in Chapter 4, an illegitimate child;~~

Section 2. W.S. 2-4-102 is repealed.

Section 3. This act applies to all probate matters filed or commenced on or after the effective date of this act.

Section 4. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 126**ALCOHOLIC BEVERAGES-24 HOUR PERMIT**

Original House Bill No. 219

AN ACT relating to alcoholic beverages; authorizing alcoholic liquor manufacturers to obtain off-premises permits; making a conforming amendment; and providing for an effective date.

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

Section 1. W.S. 12-2-203(g), 12-4-103(a)(vi) and 12-5-401 are amended to read:

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(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;

(i) A satellite manufacturer's permit which allows the permittee to sell 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 set pursuant to W.S. 12-5-101 and the licensed building provisions pursuant to W.S. 12-5-201;

(ii) A manufacturer's off-premises permit authorizing the permittee to sell product manufactured at the site identified on the manufacturer's license only for sales at meetings, conventions, private parties, dinners and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. An off-premises permit shall be issued for one (1) twenty-four (24) hour period, subject to the schedule of operating hours set pursuant to W.S. 12-5-101. No holder of a manufacturer's license shall receive more than twelve (12) off-premises permits in any one (1) calendar year. An off-premises permit may be issued on application to the appropriate licensing authority. The local licensing authority may require payment of an additional permit fee of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) per twenty-four (24) hour period.

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:

(vi) A manufacturer of alcoholic beverages or wholesaler of malt beverages, except as authorized under W.S. 12-2-203(g);

12-5-401. Interests in licenses or permits to sell.

No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a microbrewery or winery permit pursuant to W.S. 12-4-412. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) to the extent he may be permitted one (1) satellite manufacturer's permit pursuant to W.S. ~~12-2-203(g)~~ 12-2-203(g)(i) or an off-premises permit pursuant to W.S. 12-2-203(g)(ii).

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 127

FUNERAL SERVICE PRACTITIONERS

Original House Bill No. 280

AN ACT relating to wills, decedents' estates and probate code; modernizing terms relating to burial arrangements; and providing for an effective date.

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

Section 1. W.S. 2-17-101(a), (c) through (e) is amended to read:

2-17-101. Authority to authorize burial or cremation; immunity for funeral directors and funeral service practitioners.

(a) If a decedent leaves written instructions regarding his entombment, burial or cremation, or a document that designates and authorizes another person to direct disposition of the decedent's body the funeral director or ~~undertaker~~ funeral service practitioner to whom the body is entrusted shall proceed with the disposition of the body in accordance with those instructions or the instructions given by the person designated to direct disposition of the decedent's body. A document that designates another person to direct disposition of the decedent's body drafted pursuant to service in the military and in a form mandated by federal law at the time it was signed shall be recognized as valid for purposes of this section. In the event a decedent does not leave written instructions regarding his entombment, burial or cremation, or fails to leave a document designating another person to direct disposition

of the decedent's body, the funeral director or ~~undertaker~~ funeral service practitioner to whom the body is entrusted shall obtain a signed consent before the entombment, burial or cremation proceeds.

(c) If a funeral director or ~~undertaker~~ funeral service practitioner receives written consent from a person specified in subsection (b) of this section, he may act in accordance with the consent, unless a person with a higher or equal priority provides the funeral director or ~~undertaker~~ funeral service practitioner a contrary written consent within three (3) days. If the funeral director or ~~undertaker~~ funeral service practitioner has been provided contrary written consents from members of the same class with the highest priority as to the entombment, burial or cremation of the decedent, the director or ~~undertaker~~ funeral service practitioner shall act in accordance with the directive of the greatest number of consents received from members of the class. If that number is equal, the director or ~~undertaker~~ funeral service practitioner shall act in accordance with the earlier consent unless the person providing the later consent is granted an order from the district court for the county in which the funeral ~~home or mortuary~~ establishment is located. The district court shall order disposition in accordance with the later consent only if it is shown by a preponderance of the evidence the disposition is in accordance with the decedent's wishes.

(d) If the decedent is not survived by any member of the classes listed or no member of those classes is competent to sign a consent, any person who comes forward and legitimately identifies himself as another level of relation or friend of the decedent is authorized to sign the consent. If no consent is received within seven (7) days of the decedent's death, the coroner for the county in which the funeral ~~home or mortuary~~ establishment is located is authorized to sign the consent.

(e) A funeral director or ~~undertaker~~ funeral service practitioner acting in accordance with this section, or attempting in good faith to act in accordance with this section, shall be immune from civil liability.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 128

WYOMING INSURANCE GUARANTY ASSOCIATION-REVISIONS

Original House Bill No. 175

AN ACT relating to insurance; generally modifying provisions of the Wyoming Life and Health Insurance Guaranty Association Act; amending and creating definitions; ensuring consistent usage of terms; amending provisions governing coverage provided by the association, limitations to the coverage and the association's maximum financial responsibilities; amending the powers and duties of the association; amending provisions governing association members' assessments; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 26-42-102(a)(vii), (xi)(intro), (xiii), (xv)(intro), (B), (xvii), (xviii), by creating new paragraphs (xxii) and (xxiii) and by renumbering (xxii) as (xxiv), 26-42-103(a)(i)(intro), (B)(I), (III), (ii), (iv), (v), (b), (c)(iii)(intro), (x)(intro), (B), (C), (xiii), by creating a new paragraph (xv), (d)(i), (ii)(B)(intro), (I), (III), (E)(I), (II), by creating a new subparagraph (G) and (g), 26-42-104(a)(intro) and (ii), 26-42-106(a)(i), (d)(i) through (iii), by creating a new paragraph (iv), (e)(intro), (i)(intro), (ii) through (iv), (v)(intro), (A), (C), (D), (vi), (vii), (g), (m), (p), (q), (r)(iii), (vi), by creating a new paragraph (ix), by renumbering (ix) as (x), (t) and (z)(intro), 26-42-107(d), (g)(i), (ii) and (h) through (m), 26-42-109(a)(ii), (iii) and (b), 26-42-110(a)(intro), (i)(C)(intro), (V), (b), (c) and (f), 26-42-111(b), 26-42-112(c) through (g) and (k), 26-42-116(a), (b) and (c)(ii) through (iv), 26-42-117 and 26-42-118(b) and by creating a new subsection (c) are amended to read:

26-42-102. Definitions.

(a) As used in this act:

(vii) “Covered policy” or “covered contract” means any policy or contract or portion of a policy or contract for which coverage is provided by W.S. 26-42-103;

(xi) “Member insurer” means any insurer or health maintenance organization which is licensed or holds a certificate of authority to transact in this state any kind of insurance or health maintenance organization business for which coverage is provided by W.S. 26-42-103 and includes any insurer or health maintenance organization business whose license or certificate of authority in this state may have been suspended, revoked, not renewed or voluntarily withdrawn, but does not include:

(xiii) “Owner” of a policy or contract, “contract owner”, “policyholder” and “policy owner” mean the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the member insurer. The terms “owner”, “contract owner”, “policyholder” and “policy owner” do not include persons with a mere beneficial interest in a policy or contract;

(xv) “Premiums” means amounts received on covered policies or contracts less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon, but does not include any amounts received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided by W.S. 26-42-103(b) except that assessable premium shall not be reduced due to W.S. 26-42-103(c)(iii) relating to interest

limitations and W.S. 26-42-103(d)(ii) relating to limitations with respect to any one (1) individual, one (1) participant and one (1) policy owner or contract owner. “Premiums” shall not include:

(B) With respect to multiple ~~non-group~~ nongroup policies of life insurance owned by one (1) owner, whether the policy owner or contract owner is an individual, firm, corporation or other person, and whether the persons insured are officers, managers, employees or other persons, premiums in excess of five million dollars (\$5,000,000.00) with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner.

(xvii) “Receivership court” means the court in the insolvent or impaired insurer’s state having jurisdiction over the conservation, rehabilitation or liquidation of the member insurer;

(xviii) “Resident” means a person to whom a contractual obligation is owed and who resides in this state on the date of entry of a court order that determines a member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer. A person may be a resident of only one (1) state, which in the case of a person other than a natural person is its principal place of business. Citizens of the United States who are either residents of foreign countries or residents of United States possessions, territories or protectorates that do not have an association similar to the association created by this act, shall be deemed residents of the state of domicile of the member insurer that issued the policies or contracts;

(xxii) “Enrollee” means an individual who is enrolled in a health maintenance organization;

(xxiii) “Health benefit plan” means any hospital or medical expense policy or certificate, or health maintenance organization subscriber contract or any other similar health contract. “Health benefit plan” does not include any of the following:

(A) Accident only insurance;

(B) Credit insurance;

(C) Dental only insurance;

(D) Vision only insurance;

(E) Medicare supplement insurance;

(F) Benefits for long term care, home health care, community based care or any combination thereof;

(G) Disability income insurance;

(H) Coverage for on-site medical clinics;

(J) Specified disease, hospital confinement indemnity or limited benefit health issuance if the types of coverage do not provide coordination of benefits

and are provided under separate policies or certificates.

~~(xxii)~~(xxiv) “This act” means W.S. 26-42-101 through 26-42-118.

26-42-103. Coverage and limitations.

(a) This act shall provide coverage for the policies and contracts specified in subsection (b) of this section and provide coverage as follows:

(i) To persons who are owners, ~~or certificate holders~~ or enrollees under the policies or contracts other than structured settlement annuities and in each case who:

(B) Are not residents but only under all of the following conditions:

(I) The member insurer that issued the policies or contracts is domiciled in this state;

(III) The persons are not eligible for coverage by an association in any other state due to the fact that the insurer or health maintenance organization was not licensed in the state at the time specified in the state’s guaranty association law.

(ii) To persons who are the beneficiaries, assignees or payees of the persons described in paragraph (a)(i) of this section, including health care providers rendering services covered under health insurance policies or certificates, regardless of where they reside except for nonresident certificate holders under group policies or contracts;

(iv) This act shall not provide coverage to:

(A) A person who is a payee or beneficiary of a contract owner resident of this state, if the payee or beneficiary is afforded any coverage by the association of another state; or

(B) A person who acquires rights to receive payments through a structured settlement factoring transaction as defined in 26 U.S.C. §5891(c)(3)(A), regardless if the transaction occurred before or after 26 U.S.C. § 5891(c)(3)(A) became effective.

(v) This act is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this act is provided coverage under the laws of any other state, the person shall not be provided coverage under this act. In determining the application of the provisions of this paragraph in situations where a person could be covered by the association of more than one (1) state, whether as an owner, payee, enrollee, beneficiary or assignee, this act shall be construed in conjunction with other state laws to result in coverage by only one (1) association.

(b) This act shall provide coverage to persons specified in subsection (a) of this section for policies or contracts of direct, nongroup life insurance, health

insurance including health maintenance organization subscriber contracts and certificates, annuity annuities and supplemental policies or contracts to any of these policies or contracts and for certificates under direct group policies and contracts issued by member insurers except as limited by this act. Annuity contracts and certificates under group annuity contracts include allocated funding agreements, structured settlement annuities and any immediate or deferred annuity contracts.

(c) This act shall not provide coverage for:

(iii) Excluding any portion of a policy or contract, including a rider, that provides long term care or other health insurance benefits, any portion of a policy or contract to the extent that the rate of interest on which it is based:

(x) An obligation that does not arise under the express written terms of the policy or contract issued by the member insurer to the enrollee, certificate holder, contract owner or policy owner, including without limitation:

(B) Claims based on side letters, riders or other documents that were issued by the member insurer without meeting applicable policy or contract form filing or approval requirements;

(C) Misrepresentations of or regarding policy or contract benefits;

(xiii) A policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code (commonly known as Medicare Part C & D) or Subchapter XIX, Chapter 7 of Title 42 of the United States Code (commonly known as Medicaid) or any regulations issued pursuant thereto;

(xv) Structured settlement annuity benefits to which a payee or beneficiary has transferred his rights in a structured settlement factoring transaction as defined in 26 U.S.C. § 5891(c)(3)(A), regardless if the transaction occurred before or after 26 U.S.C. § 5891(c)(3)(A) became effective.

(d) The benefits for which the association may be liable shall in no event exceed the lesser of:

(i) The contractual obligations for which the member insurer is liable or would have been liable if it was not an impaired or insolvent insurer; or

(ii) With respect to any one (1) life, regardless of the number of policies or contracts:

(B) ~~In~~ For health insurance benefits:

(I) One hundred thousand dollars (\$100,000.00) for coverages not defined as disability insurance, ~~or disability income insurance, or basic hospital, medical and surgical insurance or major medical insurance~~ health benefit plan or long term care insurance including any net cash surrender and net cash

withdrawal values;

(III) Three hundred thousand dollars (\$300,000.00) for ~~basic hospital, medical and surgical insurance or major medical insurance~~ health benefit plans.

(E) However, in no event shall the association be obligated to cover more than:

(I) An aggregate of five hundred thousand dollars (\$500,000.00) in benefits with respect to any one (1) life under paragraphs (A) through (D) of this subsection; or

(II) With respect to one (1) owner of multiple nongroup policies of life insurance, whether the policy owner or contract owner is an individual, firm, corporation or other person, and whether the persons insured are officers, managers, employees or other persons, more than five million dollars (\$5,000,000.00) in benefits, regardless of the number of policies and contracts held by the owner.

(G) For purposes of this act, benefits provided by a long term care rider to a life insurance policy or annuity contract shall be considered the same type of benefits as the base life insurance policy or annuity contract to which it relates.

(g) In performing its obligations to provide coverage under W.S. 26-42-106, the association shall not be required to guarantee, assume, reinsure, reissue or perform, or cause to be guaranteed, assumed, reinsured, reissued or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract.

26-42-104. Creation of the association.

(a) There is created a nonprofit legal entity to be known as the Wyoming life and health insurance guaranty association. All member insurers are members of the association as a condition of their authority to transact insurance or health maintenance organization business in this state. The association shall perform its functions under the plan of operation established and approved under W.S. 26-42-108 and shall exercise its powers through a board of directors provided by W.S. 26-42-105. For purposes of administration and assessment the association shall maintain the three (3) following accounts:

(ii) The health ~~insurance~~ account; and

26-42-106. Powers and duties of the association.

(a) If a member insurer is an impaired insurer, the association may in its discretion and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer, that are approved by the commissioner:

(i) Guarantee, assume, reissue or reinsure or cause to be guaranteed, assumed, reissued or reinsured any or all of the policies or contracts of the impaired insurer;

(d) If a member insurer is an insolvent insurer, the association shall, in its discretion, do one (1) of the following:

(i) Guaranty, assume, reissue or reinsure or cause to be guaranteed, assumed, reissued or reinsured, the policies or contracts of the insolvent insurer and provide monies, pledges, guarantees or other means as reasonably necessary to discharge the duties;

(ii) Assure payment of the contractual obligations of the insolvent insurer and provide monies, pledges, guarantees or other means as reasonably necessary to discharge the duties; ~~or~~

(iii) With respect to life and health insurance policies and annuities, provide benefits and coverages in accordance with subsection (e) of this section; ~~or~~

(iv) With respect to health benefit plans that are subject to state or federal guaranteed issue requirements, terminate the policies no later than sixty (60) days after the entry of an order of liquidation with the approval of the commissioner.

(e) With respect to ~~life and health insurance policies and annuities contracts~~ and when proceeding under paragraph (d)(iii) of this section, the association:

(i) ~~Shall assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies or contracts of the insolvent insurer for claims incurred:~~

(ii) Shall make diligent efforts to provide all known insureds, enrollees or annuitants for nongroup policies and contracts, or group ~~policyholders~~ policy owners or contracts owners with respect to group policies and contracts, thirty (30) days notice of the termination of the benefits provided;

(iii) For nongroup ~~life and health insurance policies and annuities contracts~~ covered by the association, shall make available to each known insured, enrollee or annuitant, or owner if other than the insured or annuitant and with respect to an individual formerly an insured, enrollee or ~~formerly an~~ annuitant under a group policy or contract who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of paragraph (iv) of this subsection, if the insureds, enrollees or annuitants had a right under law or the terminated policy, contract or annuity to convert coverage to individual coverage or to continue an individual policy, contract or annuity in force until a specified age or for a specified time during which the insurer or health maintenance organization had no right unilaterally

to make changes in any provisions of the policy, contract or annuity or had a right only to make changes in premium by class;

(iv) In providing the substitute coverage required under paragraph (iii) of this subsection, may offer either to reissue the terminated coverage or to issue an alternative policy or contract at actuarially justified rates subject to the prior approval of the commissioner. Alternative or reissued policies or contracts shall be offered without requiring evidence of insurability and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract. The association may reinsure any alternative or reissued policy or contract;

(v) May adopt alternative policies or contracts of various types for future issuance without regard to any particular impairment or insolvency. The alternative policies:

(A) Are subject to the approval of the ~~domiciliary insurance commissioner; and the receivership court;~~

(C) Shall have premiums set by the association in accordance with a table of rates which it adopts and which reflect the amount of insurance to be provided and the age and class of risk of each insured but do not reflect any changes in the health of the insured after the original policy or contract was last underwritten;

(D) Shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association.

(vi) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy or contract, shall set the premium at actuarially justified rates and in accordance with the amount of insurance or coverage provided and the age and class of risk, subject to prior approval of the commissioner or a court of competent jurisdiction; and

(vii) With respect to coverage under any policy or contract of the impaired or insolvent insurer or under any reissued or alternative policy or contract, shall have its obligations cease on the date coverage or the policy or contract is replaced by another similar policy or contract by the ~~policyholder~~ policy owner or contract owner, the insured, the enrollee or the association.

(g) Nonpayment of premiums within thirty-one (31) days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under the policy, contract or coverage incurred pursuant to this act, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this act.

(m) A deposit in this state, held pursuant to law or required by the

commissioner for the benefit of creditors, including policy owners or contract owners, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving a rehabilitation plan of ~~an~~ a member insurer domiciled in this state or in a reciprocal state shall be promptly paid to the association. The association shall be entitled to retain a portion of any amount so paid to it equal to the percentage determined by dividing the aggregate amount of policy ~~owners~~ owners' or contract owners' claims related to that insolvency for which the association has provided statutory benefits by the aggregate amount of all policy owners' or contract owners' claims in this state related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association less the amount retained pursuant to this subsection. Any amount so paid to the association and retained by it shall be treated as a distribution of estate assets pursuant to applicable state receivership law dealing with early access disbursements.

(p) The association shall have standing to appear before any court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this act or with jurisdiction over any person or property against which the association may have rights through subrogation or otherwise. Standing shall extend to all matters germane to the powers and duties of the association, including but not limited to, proposals for reinsuring, reissuing, modifying or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court or agency in any state with jurisdiction over an impaired or insolvent insurer if the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise.

(q) Any person receiving benefits under this act shall be deemed to have assigned the rights under and any causes of action against any person for losses arising under, resulting from or otherwise relating to the covered policy or contract to the association to the extent of the benefits received because of this act, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative policies, contracts or coverages. The association may require an assignment to it of the rights and cause of action by any enrollee, payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefits conferred by this act upon the person. The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this act. In addition, the association shall have all common law rights of subrogation and any other equitable or legal remedy ~~which that~~ would have been available to the impaired or insolvent insurer or owner, beneficiary, enrollee or payee of a policy or contract with respect to

the policy or contracts and shall include, in the case of a structured settlement annuity, any rights of the owner, beneficiary or payee of the annuity, to the extent of benefits received pursuant to this act, against a person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment therefor, excluding any person responsible solely by reason of serving as an assignee in respect to a qualified assignment under section 130 of the Internal Revenue Code. If the provisions of this subsection are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the person or claim that is attributable to the policies or portion thereof covered by the association. If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in this subsection, the person shall pay to the association the portion of the recovery attributable to the policies or portion thereof covered by the association.

(r) The association may:

(iii) Borrow money to effect the purposes of this act. Any notes or other evidence of indebtedness of the association not in default are legal investments for domestic member insurers and may be carried as admitted assets;

(vi) Exercise, for the purposes of this act and to the extent approved by the commissioner, the powers of a domestic life insurer, health maintenance organization or health insurer. The association shall not issue ~~insurance~~ policies or ~~annuity~~ contracts other than those issued to perform its obligations under this act;

(ix) Unless prohibited by law, in accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for any policy or contract for which it provides coverage under this act;

~~(ix)~~(x) Take other necessary or appropriate action to discharge its duties and obligations under this act or to exercise its powers under this act.

(t) With respect to covered policies or contracts for which the association becomes obligated after an entry of an order of liquidation or rehabilitation, the association may elect to succeed to the rights of the insolvent insurer arising after the date of the order of liquidation or rehabilitation under any contract of reinsurance to which the insolvent insurer was a party, to the extent that the contract provides coverage for losses occurring after the date of the order of liquidation or rehabilitation. As a condition to making this election, the association shall pay all unpaid premiums due under the contract for coverage relating to periods before and after the date of the order of liquidation or rehabilitation.

(z) In carrying out its duties in connection with guaranteeing, assuming,

reissuing or reinsuring policies or contracts under subsection (a) or (d) of this section, the association may, subject to approval of the receivership court commissioner, issue substitute coverage for a policy or contract that provides an interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

26-42-107. Assessments.

(d) Class B assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer or policies or contracts covered by each account for the three (3) most recent calendar years for which information is available preceding the year in which the insurer became insolvent, or in the case of an assessment with respect to an impaired insurer, the three (3) most recent calendar years for which information is available preceding the year in which the insurer became impaired, bears to the premiums received on business in this state for the calendar years by all assessed member insurers. The amount of the Class B assessment for long term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation and approved by the commissioner. The methodology shall provide for fifty percent (50%) of the assessment to be allocated to accident and health member insurers and fifty percent (50%) to be allocated to life and annuity member insurers.

(g) The total of all assessments imposed upon a member insurer for each account are subject to the following:

(i) Subject to paragraph (ii) of this subsection, the total of all assessments authorized by the association with respect to a member insurer for each account shall not in any one (1) calendar year exceed two percent (2%) of the insurer's average premiums received in this state on the policies and contracts covered by the account during the three (3) calendar years preceding the year in which the member insurer became an impaired or insolvent insurer;

(ii) If two (2) or more assessments are authorized in one (1) calendar year with respect to member insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referenced in paragraph (i) of this subsection shall be equal and limited to the higher of the three (3) year average annual premiums for the applicable subaccount or account as calculated pursuant to this subsection;

(h) The board may refund to member insurers the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to the

account, including assets accruing from assignment, subrogation, net realized gains and income from investments. The board shall use an equitable method to make the refunds and the refunds shall be in proportion to the contribution of each member insurer to the account. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses.

(j) Any member insurer may, in determining its premium rates and policy owner dividends as to any kind of insurance or health maintenance organization business within the scope of this act, consider the amount reasonably necessary to meet its assessment obligations under this act.

(k) The association shall issue to each member insurer paying an assessment under this act, other than a Class A assessment, a certificate of contribution in a form prescribed by the commissioner for the amount of the assessment paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the member insurer in its financial statement as an asset in a form and for an amount, if any, and a period of time as approved by the commissioner.

(m) A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment shall be available to meet association obligations during the pendency of the protest or any subsequent appeal. Payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest. Within sixty (60) days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest. Within thirty (30) days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within sixty (60) days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the commissioner. In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the commissioner for a final decision, with or without a recommendation from the association. If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company-insurer. Interest on a refund due a protesting member insurer shall be paid at the rate actually earned by the association.

26-42-109. Duties and powers of the commissioner.

(a) In addition to the duties and powers enumerated in other provisions of this act, the commissioner shall:

(ii) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to eliminate the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the impaired insurer to promptly comply with the demand shall not excuse the association from the performance of its powers and duties under this act;

(iii) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator, ~~or~~ rehabilitator or conservator.

(b) The commissioner may suspend or revoke after notice and hearing the certificate of authority to transact ~~insurance business~~ in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed five percent (5%) of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars (\$100.00) per month.

26-42-110. Prevention of insolvencies.

(a) To aid in the detection and prevention of member insurer insolvencies or impairments, the commissioner shall:

(i) Notify the commissioners of all the other states, territories of the United States and the District of Columbia by mail within thirty (30) days of any of the following actions taken against a member insurer:

(C) Issuance of any formal order requiring the ~~company~~ member insurer to:

(V) Increase capital, surplus or any other account for the security of ~~policyholders~~ policy owners, contract owners, certificate holders or creditors.

(b) The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member insurers and ~~companies~~ insurers or health maintenance organizations seeking admission to transact ~~insurance~~ business in this state.

(c) The board of directors may by majority vote make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any ~~company~~ insurers or health maintenance organizations seeking to do any ~~insurance~~ business in this state. The reports and recommendations are confidential and shall not be considered public documents.

(f) The board of directors may by majority vote make recommendations to the commissioner for the detection and prevention of member insurer insolvencies.

26-42-111. Credits for assessments paid; tax offsets.

(b) Any sums which are acquired by refund pursuant to W.S. 26-42-107(h) from the association by member insurers and which have been offset against premium taxes as provided in subsection (a) of this section, shall be paid by the member insurers to this state as required by the commissioner. The association shall notify the commissioner that the refunds have been made.

26-42-112. Assessment liability; records; assets; proceedings against impaired or insolvent insurer.

(c) For the purpose of carrying out its obligations under this act, the association is deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies or contracts reduced by any amounts to which the association is entitled as assignee or subrogee pursuant to W.S. ~~26-42-106(p)~~ 26-42-106(q). Assets of the impaired or insolvent insurer attributable to covered policies or contracts shall be used to continue all covered policies or contracts and pay all contractual obligations of the impaired or insolvent insurer as required by this act. As used in this subsection, “assets attributable to covered policies or contracts” means that proportion of the assets which the reserves that should have been established for such policies or contracts bear to the reserves that should have been established for all policies or contracts of insurance or health benefits plans written by the impaired or insolvent insurer.

(d) Prior to the termination of any liquidation, rehabilitation or conservation proceeding the court may consider the contributions of the respective parties including the association, the shareholders, contract owners, certificate holders, enrollees and policy owners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insolvent insurer. In such a determination consideration shall be given to the welfare of the ~~policyholders-owners, contract owners, certificate holders and enrollees~~ of the continuing or successor insurer. No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims and interest on the claims of the association for funds expended in carrying out its powers and duties under W.S. 26-42-106 with respect to the member insurer have been fully recovered by the association.

(e) If an order for liquidation or rehabilitation of ~~an~~ a member insurer domiciled in this state is entered, the receiver appointed under the order shall have a right to recover on behalf of the member insurer from any affiliate that controlled it, the amount of distributions other than stock dividends paid by the member insurer on its capital stock, made at any time during the five (5) years preceding the petition for liquidation or rehabilitation subject to the limitations of subsections (f), (g) and (h) of this section.

(f) No distribution pursuant to subsection (e) of this section is recoverable if the member insurer shows that when paid the distribution was lawful and reasonable and that the member insurer did not know and could not reasonably have known the distribution might adversely affect the ability of the member insurer to fulfill its contractual obligations.

(g) Any person who was an affiliate that controlled the member insurer at the time the distributions were paid is liable up to the amount of distributions he received. Any person who was an affiliate that controlled the member insurer at the time the distributions were declared is liable up to the amount of distributions he would have received if they had been paid immediately. If two (2) or more persons are liable with respect to the same distributions they are jointly and severally liable.

(k) As a creditor of the impaired or insolvent insurer as established in subsection (c) of this section, the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under this act. If the liquidator has not, within one hundred twenty (120) days of a final determination of insolvency of ~~an~~ a member insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, then the association shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

26-42-116. Prohibited advertisement of association chapter in insurance sales; notice.

(a) No person including ~~an~~ a member insurer, agent or affiliate of an insurer shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public in any newspaper, magazine or other publication, in the form of a notice, circular, pamphlet, letter or poster, over any radio station or television station, or in any other way, any advertisement, announcement or written or oral statement which uses the existence of the association of this state for the purpose of sales, solicitation or inducement to purchase any form of insurance or other coverage covered by this act. This subsection shall not apply to the association or any other entity which does not sell or solicit insurance or health maintenance organization coverage.

(b) Within one hundred eighty (180) days of the effective date of this act, the association shall prepare a summary document describing the general purposes and current limitations of the act and complying with subsection (c) of this section and submit it to the commissioner for approval. Sixty (60) days after receiving approval, no member insurer may deliver a policy or contract described in W.S. 26-42-103(b) to a ~~policyholder or policy owner~~.

contract ~~owner, certificate holder or enrollee~~ unless the document provided in subsections (b) and (c) of this section is delivered to the ~~policyholder or policy owner~~, contract ~~owner, certificate holder or enrollee~~ prior to or at the time of delivery of the policy or contract except if subsection (d) of this section applies. The document shall be available upon request by a ~~policyholder policy owner, contract owner, certificate holder or enrollee~~. The distribution, delivery or contents or interpretation of the document shall not mean that either the policy or the contract or the ~~policyholder or policy owner~~, contract ~~owner, certificate holder or enrollee~~ would be covered in the event of impairment or insolvency of a member insurer. The description document shall be revised by the association as required by this act. Failure to receive the document does not give the ~~policyholder, contract holder, policy owner, contract owner~~, certificate holder or ~~insured enrollee~~ any greater rights than those stated in this act.

(c) The document prepared under subsection (b) of this section shall contain a clear and conspicuous disclaimer on its face. The commissioner shall promulgate a rule establishing the form and content of the disclaimer. The disclaimer shall:

(ii) Prominently warn the ~~policyholder or policy owner~~, contract ~~owner, certificate holder or enrollee~~ that the association may not cover the policy or ~~contract~~ or if coverage is available, it will be subject to substantial limitations and exclusions and conditioned on continued residence in the state;

(iii) State that the member insurer and its agents are prohibited by law from using the existence of the association for the purpose of sales, solicitation or inducement to purchase any form of insurance or health maintenance organization coverage;

(iv) Emphasize that the ~~policyholder or policy owner~~, contract ~~owner, certificate holder or enrollee~~ should not rely on coverage under the association when selecting an insurer or health maintenance organization;

26-42-117. Immunity.

Except as provided by W.S. ~~26-42-106(q)(ii)~~ ~~26-42-106(r)(ii)~~, 26-42-109(b) and 26-42-112, there shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors or the commissioner or his representatives, for any action or omission by them in the performance of their powers and duties under this act. Immunity shall extend to the participation in any organization of one (1) or more other state associations of similar purposes and to any such organization and its agents or employees.

26-42-118. Prospective application.

(b) The amendments provided in the 2014 amendments to W.S. 26-24-103(a) and (d) shall not apply to any member insurer placed under an

order of liquidation with a finding of insolvency prior to July 1, 2014.

(c) The amendments provided in the 2019 amendments to this act shall not apply to any member insurer placed under an order of liquidation with a finding of insolvency prior to July 1, 2019.

Section 2. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 129

PUBLIC WORKS AND CONTRACTS

Original House Bill No. 52

AN ACT relating to public works and contracts; modifying requirements for the procurement of furniture and movable equipment in capital construction projects; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 16-6-1001(a)(ii)(A) and (D) is amended to read:

16-6-1001. Capital construction projects restrictions; preference requirements; waivers.

(a) Unless otherwise prohibited by federal law, any funds appropriated or authorized for expenditure for capital construction projects shall be subject to the restrictions of this section which shall be construed where possible as complimentary and consistent with other statutory requirements relating to competitive bidding and contractor preferences. To the extent the restrictions in this section are inconsistent with other state statutes, this section shall supersede all such inconsistent provisions and shall govern. This section shall be applied as follows:

(ii) Unless exempted pursuant to subparagraph (D) of this paragraph, this paragraph shall apply to all construction delivery methods:

(A) The procurement of furniture and movable equipment shall be done by competitive bid based upon ~~either:~~

(I) Specifications of product written for products that are available from Wyoming resident suppliers; or

(II) If specified products are not available from any Wyoming resident supplier, specifications addressing performance standards and functional requirements determined by the agency. The agency may specify suggested individual brands or manufacturers, provided that similar products that meet or exceed specifications and that have been approved by the agency shall be accepted as substitute bid items products. Specified products that are not

available to any responsible Wyoming resident suppliers shall not be used in any group or package within the bid documents which would exclude responsible Wyoming resident suppliers from submitting a bid on the final bid package. As used in this subdivision, “agency” means any department, agency or other instrumentality of the state or of a political subdivision of the state to which funds are appropriated or authorized for expenditure for capital construction projects and includes any entity that the agency contracts with to administer or award any bid.

(D) The requirements of subparagraph (A) ~~or (B)~~ of this paragraph may be waived by a political subdivision of the state for furniture or movable equipment upon a written determination that the furniture or movable equipment requirements of the project are so specialized or that an item or type of furniture or movable equipment is so unique or uncommon that failure to waive the requirements would materially impair the functionality of the project. Waivers under this subparagraph shall be approved by the persons listed in subparagraph (a)(i)(D) of this section and are subject to subparagraph (a)(i)(E) of this section governing body of the political subdivision.

Section 2. This act shall only apply to the procurement of products on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved February 26, 2019.

Chapter 130

GUARDIANSHIPS-REINTEGRATION PLANNING AUTHORIZED

Original House Bill No. 155

AN ACT relating to guardianships; authorizing court orders related to the termination of guardianships 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. 3-3-1107 is created to read:

3-3-1107. Termination of guardianships; reintegration plan.

(a) Upon the filing of a petition for termination of guardianship by a parent, the court shall consider the best interests of the child while giving deference to the rebuttable presumption that a fit parent is entitled to custody of their child.

(b) If the parent was found unfit at the time the guardianship was ordered, upon the parent’s successful petition for the termination of guardianship the court may create a reintegration plan to impose any necessary requirements to facilitate the child’s return to the parent including:

- (i) Establishing a graduated visitation schedule for the parent;
- (ii) Requiring the parent to attend a parenting class or other appropriate

education or treatment designed to address the problems that contributed to the necessity for a guardianship and to pay all or part of the cost of the class, education or treatment in accordance with the parent's ability to pay;

(iii) Any other provision the court deems necessary.

Section 2. This act shall apply to petitions to terminate guardianships filed on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 131

LIFETIME FISHING LICENSES FOR PERMANENTLY DISABLED PERSONS

Original House Bill No. 169

AN ACT relating to game and fish; authorizing the game and fish commission to issue lifetime complimentary fishing licenses and conservation stamps for permanently and totally disabled residents as specified; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 23-1-302 by creating a new subsection (q), 23-1-504(a)(iv), (v) and by creating a new paragraph (vi) and 23-2-306(a)(intro) are amended to read:

23-1-302. Powers and duties.

(q) The commission shall, by rule and regulation, establish a process for issuing a resident lifetime fishing license and conservation stamp at no cost to any resident who is permanently and totally disabled. As used in this subsection, "permanently and totally disabled" means the presence of a permanent physical or mental condition that prevents a person from engaging in substantial gainful activity.

23-1-504. Free and reduced price license revenue recoupment program.

(a) Not later than July 31, 2007, and not later than July 31 of each subsequent year thereafter, the chief fiscal officer of the game and fish department shall prepare and certify a report of licenses sold or issued in the previous calendar year under the following statutes:

(iv) W.S. 23-1-705(a), (d), (e) and (h); ~~and~~

(v) W.S. 23-2-207(a); ~~and~~

(vi) W.S. 23-1-302(q).

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 the time period specified in commission rules not to exceed twelve (12) months. 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. 23-1-302(q), 23-2-101(j)(v) and (vi), 23-2-201(d)(vi), (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. The game and fish commission shall promulgate any rules necessary to implement this act, provided that these rules shall not take effect until July 1, 2019.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(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 February 27, 2019.

Chapter 132

COURT SUPERVISED TREATMENT PROGRAM ACCOUNT

Original House Bill No. 173

AN ACT relating to court supervised treatment programs; revising provisions relating to the court supervised treatment program account; and providing for an effective date.

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

Section 1. W.S. 7-13-1605(a) is amended to read:

7-13-1605. Establishment of court supervised program account; rules and regulations; panel created; program funding.

(a) There is created a court supervised treatment program account. All interest earned on funds within this account shall be deposited in the account. The department shall oversee and provide funding for programs from the court supervised treatment program account. Funds within the account

shall be expended by the department for the purposes of this act upon legislative appropriation provided, however, that surcharges deposited in the account pursuant to W.S. 7-13-1616(e) shall be distributed to programs by the department semiannually. Any expenses incurred by the department in implementing this act shall be paid from the account and Department expenses under this act shall not exceed ten percent (10%) of the amounts appropriated to the department for purposes of this act total amount of funding provided by the department for programs in any fiscal biennium.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 133

ENVIRONMENTAL QUALITY COUNCIL-VOTING AMENDMENTS

Original House Bill No. 111

AN ACT relating to environmental quality; specifying voting procedures of the environmental quality council; and providing for an effective date.

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

Section 1. W.S. 35-11-111(d) is amended to read:

35-11-111. Independent environmental quality council created; removal; terms; officers; meetings; expenses.

(d) The council shall hold at least four (4) regularly scheduled meetings each year. Special meetings may be called by the chairman, and special meetings shall be called by the chairman, upon a written request submitted by three (3) or more members. Four (4) members participating in a matter shall constitute a quorum. All matters shall be decided by a majority vote of those ~~on the council~~ members participating in the matter. For purposes of voting, a member who has recused himself from a matter, a member who is absent and is not participating in the meeting, a member who is unable to participate in proceedings due to illness or incapacity and a vacant position on the council shall be deemed to be not participating in the matter.

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 27, 2019.

Chapter 134**PROCUREMENT AMENDMENTS****Original House Bill No. 65**

AN ACT relating to the administration of government; modifying provisions relating to the procurement of services by public entities; subjecting school districts to the requirements of the Professional Architectural, Engineering and Land Surveying Services Procurement Act; providing applicability; and providing for an effective date.

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

Section 1. W.S. 9-2-1028(a)(i) and (iv), 9-2-1030(b), 9-2-1031(b) and (c), 9-2-3004(c)(iv)(B) and (C), 16-6-112(a)(intro) and 21-3-110(a)(viii) are amended to read:

9-2-1028. Definitions.

(a) As used in this act:

(i) "Agency" means any school district, state office, department, board, commission, institution or other operating entity of the state excluding the University of Wyoming, community college districts, ~~school districts~~, the Wyoming business council and the Wyoming department of transportation;

(iv) "Principal representative" means the governing board of a school district, department, institution or agency or its designated representative, or, if there is no governing board, the executive head of a department, institution or agency;

9-2-1030. Qualification procedures.

(b) If professional services in an amount exceeding ~~five thousand dollars (\$5,000.00)~~ twenty-five thousand dollars (\$25,000.00) are required, the department or the agency shall notify all qualified architects, engineers and land surveyors of record who have submitted an annual statement of qualifications and performance data. In addition if professional services in an amount exceeding fifty thousand dollars (\$50,000.00) are required, the agency or the department shall give ~~statewide~~ notice in a newspaper of ~~statewide-general~~ circulation in the state at least once each week for ~~four (4)~~ two (2) consecutive weeks prior to initiation of selection procedures in accordance with W.S. 9-2-1031. ~~Notification~~ All notifications under this subsection shall contain a general description of the proposed project, and shall indicate the procedures by which interested firms may apply for consideration for a contract to provide professional services for the proposed project.

9-2-1031. Selection procedures.

(b) In addition to the requirements of subsection (a) of this section, for any professional services fee estimated by the agency to exceed ~~twenty-five thousand dollars (\$25,000.00)~~ or, for any project the total cost of which is ~~estimated to exceed one hundred thousand dollars (\$100,000.00)~~ fifty thousand

dollars (\$50,000.00), the principal representative shall interview not less than three (3) firms selected from those which have submitted proposals to do the work. The interview shall be recorded and include discussion of each firm's projections of project costs, qualifications, approaches to the project, ability to furnish required professional services, use of alternative methods for furnishing required professional services and an estimated fee based on the agency's description of the work. The estimated fee may be used as a basis, along with the qualifications listed in subsection (a) of this section, for selection by the principal representative of the most qualified firm for contract negotiations. If unsatisfied with the results of such interviews, the principal representative may select not less than three (3) additional firms for interviews as provided by subsection (a) of this section.

(c) In addition to the requirements of subsection (a) of this section, for any professional services fee estimated by the agency to be ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00) or less, ~~or for any project the total cost of which is estimated to be one hundred thousand dollars (\$100,000.00) or less,~~ the principal representative shall select three (3) firms from which a project specific submittal shall be requested. The information provided by the firm shall include an estimated fee and preliminary scope of services based on the agency's description of the work. The estimated fee may be used as a basis along with the qualifications listed in subsection (a) of this section, for selection by the principal representative of the most qualified firm for contract negotiations.

9-2-3004. Duties of the department.

(c) The department shall:

(iv) Oversee bonding for the procurement of capital construction projects. Bidders shall provide a bond or other form of guarantee satisfactory to the state of Wyoming as hereafter provided:

(B) A bid bond or other form of bid guarantee satisfactory to the state may be retained by the state as surety throughout the term of the awarded contract provided the amount of the contract is less than ~~twenty-five thousand dollars (\$25,000.00)~~ or equal to fifty thousand dollars (\$50,000.00);

(C) Before any contract exceeding ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00) in amount, for the construction, alteration or repair of any public building or public work or improvement of the state is awarded to any person, the person shall furnish to the state a performance and payment bond executed by a surety company authorized to do business in the state of Wyoming or other form of surety satisfactory to the state, in an amount equal to one hundred percent (100%) of the contract price;

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. 9-2-3004(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)~~ fifty thousand dollars (\$50,000.00), shall require any contractor before beginning work under the contract to furnish the state or any political subdivision, as appropriate, 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:

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

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

(viii) ~~Obtain competitive bids when any school building is to be built, when any repairs, additions or improvements costing more than ten thousand dollars (\$10,000.00) and less than twenty-five thousand dollars (\$25,000.00) are to be made to any school building, facility or other district property, or when any purchase of insurance, supplies or materials other than textbooks costing more than ten thousand dollars (\$10,000.00) and less than twenty-five thousand dollars (\$25,000.00) is contemplated unless precluded by other regulation or statute. If the amount of the purchase of insurance, supplies or materials other than textbooks is equal to or exceeds twenty-five thousand dollars (\$25,000.00), a call for bids shall be published at least once in a newspaper of general circulation in the district. When any school building is to be built costing fifty thousand dollars (\$50,000.00) or more or when any repairs, additions or improvements costing fifty thousand dollars (\$50,000.00) or more are to be made to any school building, facility or other district property, the board shall obtain competitive bids and publish a call for bids in a newspaper of general circulation in the state at least once each week for two (2) consecutive weeks.~~ The district shall reserve the right to reject any and all bids and to waive irregularities and informalities in the bidding. No contract shall be divided for the purpose of avoiding this paragraph. Items for which bids must be obtained may be described in the published call for bids by stating general requirements and making detailed specifications available to prospective bidders at the district's administrative headquarters. The requirements of this paragraph shall not apply to the procurement of professional services of architects, engineers or surveyors when the board seeks to procure professional services pursuant to W.S. 9-2-1027 through 9-2-1033;

Section 2. This act shall apply only to procurement activities initiated on or after the effective date of this act.

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

Approved February 27, 2019.

Chapter 135

FAMILY COLLEGE SAVINGS PROGRAM-REPEAL

Original House Bill No. 118

AN ACT relating to the family college savings program; repealing permissive statutes authorizing the state treasurer to administer a family college savings program; and providing for an effective date.

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

Section 1. W.S. 4-10-912, 21-16-809 through 21-16-818 are repealed.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 136

WILDLIFE AND NATURAL RESOURCE TRUST ACCOUNT BOARD-DUTIES

Original House Bill No. 142

AN ACT relating to wildlife and natural resource funding; authorizing the wildlife and natural resource trust account board to 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. 9-15-104(g) by creating a new paragraph (iv) is amended to read:

9-15-104. Wildlife and natural resource trust account board established; terms; meetings; duties.

(g) In fulfilling its duties under this act the board may:

(iv) Recommend to the joint appropriations committee and the select committee that funds be transferred from the income account to the trust account.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 137

CHILD LABOR PENALTIES

Original House Bill No. 163

AN ACT relating to employment of children; clarifying the penalties for violating child labor laws; clarifying an exemption; repealing a provision; and providing for an effective date.

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

Section 1. W.S. 27-6-113 is amended to read:

27-6-113. Children; penalty for violations.

(a) Any person employing any child or children in violation of the provisions of this ~~act~~chapter, or any child, subject hereto, who willfully and intentionally violates the provisions of this ~~act~~chapter, or any person who permits a violation, ~~shall be deemed is~~ guilty of a misdemeanor and upon conviction thereof, shall be ~~fin~~ed ~~punished by a fine of~~ not more than seven hundred fifty dollars (\$750.00), ~~or imprisoned in the county jail imprisonment for~~ not more than one hundred (100) days, or both, ~~in the discretion of the court.~~

(b) Nothing in this ~~act~~chapter applies to or prevents a child under fourteen (14) years of age to be employed in a nonhazardous occupation outside of school hours by his parents, grandparents or legal guardian, or by a business owned by his parents, grandparents or legal guardian.

Section 2. W.S. 27-6-116 is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 138

RIGHTS OF WAY-COMMUNICATIONS SERVICES

Original House Bill No. 98

AN ACT relating to rights-of-way; authorizing communications companies to install equipment within the rights-of-way of public roads; providing definitions; and providing for an effective date.

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

Section 1. W.S. 1-26-813 and 36-9-118 are amended to read:

1-26-813. Right-of-way along public ways granted; permission necessary for new lines.

(a) Corporations authorized to do business in this state for the purpose of constructing, maintaining and operating a public utility or communications company may set their fixtures and facilities along, across or under any of the public roads, streets and waters of this state in such manner as not to inconvenience the public in their use. Any public utility or communications company desiring to install its facilities in any city shall first attempt to obtain consent from the city council in accordance with applicable law. A person shall first obtain permission from the state transportation commission or the board of county commissioners in the county where the construction is contemplated before entering upon any state highway or county road for the purpose of commencing the construction.

(b) As used in this section, “communications company” means a person, or any agent, contractor or subcontractor of the person, who in the course of business, provides services which are telecommunications services, as defined in W.S. 37-15-103(a)(xii), internet protocol enabled service or voice over internet protocol. As used in this section:

(i) “Internet protocol enabled service” means any service, capability, functionality or application, other than voice over internet protocol service, using existing internet protocol, or any successor internet protocol, that enables an end user to send or receive a communication in existing internet protocol format, or any successor internet protocol format, utilizing a broadband connection at the end user’s location, regardless of whether the communication is voice, data or video;

(ii) “Voice over internet protocol service” means any service that:

(A) Enables real time, two-way voice communication originating from or terminating at the user’s location in internet protocol or a successor protocol;

(B) Utilizes a broadband connection at the user’s location; and

(C) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

36-9-118. Rights-of-way for public conveyances.

The board of ~~land commissioners~~ may, at their discretion, grant permanent rights-of-way or easements across or upon any portion of state or school lands, upon such terms as the board may determine, for any ditch, reservoir, railroad, public highway, telegraph and telephone lines, communications company facility or other public conveyances. As used in this section, “communications company” means as defined in W.S. 1-26-813.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 139

DRIVER’S LICENSES-MEDICAL ALERT DESIGNATION

Original House Bill No. 191

AN ACT relating to driver’s licenses; authorizing a medical alert designation on a person’s driver’s license or identification card; providing immunity from civil and criminal liability 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. 31-7-142 is created to read:

31-7-142. Medical alert designation.

(a) The department shall, at the applicant's request, identify on the Wyoming driver's license or identification card that the person has a medical condition for which the person is requesting a medical alert designation.

(b) Any person, official, institution or agency participating in good faith in any act required or permitted by W.S. 31-7-115, 31-7-142 and 31-8-101 is immune from any civil or criminal liability that might otherwise result by reason of the action. For purposes of any civil or criminal proceeding, the good faith of any person, official, institution or agency participating in any act permitted or required by W.S. 31-7-115, 31-7-142 and 31-8-101 shall be presumed.

Section 2. W.S. 31-7-111(b) by creating a new paragraph (xiii), 31-7-115(a)(iii) by creating a new subparagraph (N), 31-7-118, 31-8-101(a) and 31-8-103(c)(intro) and (i) are amended to read:

31-7-111. Application for license or permit generally.

(b) The application shall include:

(xiii) Whether the applicant is requesting a medical alert designation as provided for in W.S. 31-7-142.

31-7-115. Issuance, description and contents.

(a) Upon the satisfactory completion of any required examination, the division shall issue to every qualifying applicant a driver's license, and:

(iii) The driver's license shall include, but not be limited to, the following information:

(N) The space for a medical alert designation as provided for in W.S. 31-7-142.

31-7-118. Replacement license.

If a license issued under this act is lost, destroyed or if the licensee desires to withdraw or insert notice of anatomical organ donation or a medical alert designation, the person may obtain the appropriate replacement license upon payment of the proper fee and surrender of the original license, if available.

31-8-101. Issuance to residents by department; restrictions.

(a) Any Wyoming resident may be issued an identification card by the department of transportation. The application shall state the registrant's full legal name, social security number, date of birth and any other identifying data the department may require and shall be signed and verified by the applicant. The identification card shall at the applicant's request indicate that the applicant is an anatomical organ donor as provided by W.S. 35-5-205 or that the applicant has a medical alert designation as provided for in W.S. 31-7-142.

31-8-103. Expiration; records; new cards.

(c) If any information contained in the identification card becomes inaccurate, or if it is desired to withdraw or insert notice of anatomical organ donation or a medical alert designation, the person to whom it was issued may obtain a new card upon:

(i) Advising the department of his desire to withdraw or insert notice of an anatomical organ donation or a medical alert designation or furnishing proof of the inaccuracies to the department;

Section 3. This act is effective January 1, 2020.

Approved February 27, 2019.

Chapter 140

REAL ESTATE BROKERS-RETENTION OF RECORDS

Original House Bill No. 214

AN ACT relating to real estate brokers; decreasing the length of time licensed real estate brokers must keep and maintain records of real estate transactions; and providing for an effective date.

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

Section 1. W.S. 33-28-123 is amended to read:

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)~~ two (2) years from the latest date on which the real estate company participated in the transaction.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 141

LOCAL REGULATION-SUBDIVISIONS

Original House Bill No. 196

AN ACT relating to real estate subdivisions; amending exemptions for subdivisions; limiting the power of county commissioners regarding subdivision exemptions; and providing for an effective date.

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

Section 1. W.S. 18-5-201, 18-5-303(a)(i)(C) and 18-5-315 are amended to read:

18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns and mineral resources.

To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town and no zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. Nothing in W.S. 18-5-201 through 18-5-208 shall be construed to allow any board of county commissioners, through the establishment of minimum lot size requirements or otherwise, to prevent residential or agricultural uses authorized for land divisions that are exempt from subdivision requirements pursuant to W.S. 18-5-303(a)(i).

18-5-303. Exemptions from provisions.

(a) Unless the method of sale or other disposition is adopted for the purpose of evading the provisions of this article, this article shall not apply to the following subdivisions of land however, the following subdivisions are subject to requirements which may be adopted by the board of county commissioners regarding documentation of the proper use and implementation of the following exemptions:

(i) A division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

(C) The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period of not less than ~~five (5) ten (10)~~ years prior to the division and parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than ~~one (1) year five (5) years~~ unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;

18-5-315. Provisions minimum.

If any board has or enacts resolutions or regulations which impose requirements on subdividers or subdivisions which are more restrictive than the provisions of this article, the authority to enact such local resolutions or regulations being hereby granted, the local provisions are not superseded by the provisions of this article. Nothing in this section shall be deemed to allow any board to impose requirements that contravene the exemptions from this article as provided in

W.S. 18-5-303.

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 27, 2019.

Chapter 142

MENTAL HEALTH AND SUBSTANCE USE COVERAGE PARITY

Original House Bill No. 211

AN ACT relating to insurance; mandating health insurance coverage parity for mental health and substance use disorders as specified; specifying applicability; authorizing rulemaking; and providing for an effective date.

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

Section 1. W.S. 26-20-701 is created to read:

ARTICLE 7

MENTAL HEALTH AND SUBSTANCE USE DISORDER INSURANCE PARITY

26-20-701. Required parity for mental health and substance use disorder insurance.

All individual or group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type health insurance contracts issued by any insurer, including any nonprofit corporation and individual and group service contracts issued by a health maintenance organization, shall meet the requirements of, and the commissioner may enforce subject to the provisions of this section, the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. § 300gg-26, as amended, and the regulations promulgated pursuant thereto as of January 1, 2018. Persons exempt from complying with the Mental Health Parity and Addiction Equity Act shall not be exempted from complying with the requirements of this section if this section otherwise applies to the person. The commissioner may promulgate reasonable rules which establish exemptions from the application of this section.

Section 2. This act shall apply to all health insurance policies, plans and contracts delivered, issued, renewed, modified, amended or extended on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 143**CHILD PROTECTIVE SERVICE WORKERS-TRAINING****Original House Bill No. 170**

AN ACT relating to child protective services; amending training requirements of child protective service workers; 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)(v) is 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:

(v) To know the provisions of federal and state laws governing child welfare practice, including but not limited to the Adoption and Safe Families Act, Indian Child Welfare Act, Multi-Ethnic Placement Act, ~~and the Child Abuse Prevention Treatment Act~~ and the Family First Prevention Services Act, as amended;

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 144**ELECTRONIC NOTICE-PORTABLE ELECTRONIC DEVICE
INSURANCE****Original House Bill No. 195**

AN ACT relating to the insurance code; modifying requirements for providing electronic notices for portable electronic device insurance; and providing for an effective date.

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

Section 1. W.S. 26-23-403(b)(i), (iv) and by creating a new subsection (d) is amended to read:

26-23-403. Policy coverage.

(b) Termination of coverage under subsection (a) of this section shall be effective as follows:

(i) Upon written notice made as described in W.S. 26-35-101, or electronic notice if made in connection with portable electronic device insurance, sent not less than ten (10) days prior to the proposed effective date of cancellation if cancellation is for the reason stated in paragraph (a)(i) of this section;

(iv) Upon written notice made as described in W.S. 26-35-101, or electronic

notice if made in connection with portable electronic device insurance, sent not less than thirty (30) days prior to the proposed effective date of cancellation if cancellation is for the reason stated in paragraph (a)(ii) of this section.

(d) For purposes of this section:

(i) "Portable electronic device insurance" means as defined in W.S. 26-9-202(a)(xi);

(ii) For portable electronic device insurance electronic notice under the Uniform Electronic Transaction Act, W.S. 40-21-101 through 40-21-119, may be used if the parties have agreed to conduct transactions by electronic means according to W.S. 40-21-105.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 145

COLLECTION AGENCY BOARD-MEMBERS

Original House Bill No. 210

AN ACT relating to the collection agency board; amending the number of members of the collection agency board as specified; specifying composition of board members; making conforming amendments; specifying applicability; requiring appointments as specified; and providing for effective dates.

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

Section 1. W.S. 33-11-103(a) and (b) and 33-11-105(a) are amended to read:

33-11-103. Collection agency board created; membership; appointment; term; qualifications; chairman.

(a) The collection agency board is created. The board shall consist of ~~three~~ five (5) members appointed by the governor. One (1) member shall be an attorney-at-law who is actively engaged in collection work. ~~One (1) Two (2) members shall be an officer, partner, owner or resident manager officers, partners, owners or resident managers of a licensed collection agencies but not from the same or affiliated collection agency, and who is are not an attorney-at-law attorneys-at-law.~~ One (1) member shall be a member of the public at large who is neither an attorney-at-law nor affiliated with a collection agency, but who is or has been a user of credit or collection services. ~~Commencing in 1993, One (1) member shall be an officer, partner or owner of a grantor of credit operating in the state that engages or has engaged the services of a Wyoming licensed collection agency.~~ Members of the board shall be appointed for a term of four (4) years. ~~Members of the board and~~ and shall serve until their successors are duly appointed and qualified.

(b) No person shall be appointed as a member of the board who has not been a bona fide resident of the state of Wyoming for at least five (5) years immediately prior to his appointment. The attorney and the ~~officer, partner, owner or resident manager~~ officers, partners, owners or resident managers of ~~a~~ the collection agency ~~agencies~~ shall have been engaged in the collection business within the state of Wyoming for a period of five (5) years immediately prior to appointment. The member of the public at large shall have at least five (5) years experience as a user of credit or collection services.

33-11-105. Powers and duties of collection agency board.

(a) The board ~~shall assist and advise the chairman, who~~ shall have charge of the administration of this act. All applications for licenses under this act shall be referred ~~by the chairman~~ to the board for consideration. The board shall investigate the qualifications of the applicant. If the board finds the applicant fails to meet the required qualifications, the board shall reject the application; otherwise the application shall be approved and a license ~~issued~~ granted on payment of license fees and filing of a bond as required by this act.

Section 2. Appointed members currently serving on the collection agency board may continue to serve on the board, as modified by this act, until the expiration of their terms under W.S. 33-11-103(a).

Section 3. The governor shall appoint the two (2) additional members to the collection agency board as provided in W.S. 33-11-103(a) as amended by section 1 of this act not later than July 1, 2019.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(b) Sections 3 and 4 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 February 27, 2019.

Chapter 146

PAYMENT PROCESSOR-STATE GOVERNMENT

Original House Bill No. 229

AN ACT relating to the administration of government; requiring the department of enterprise technology services to establish uniform state payment processor services and reporting; requiring and authorizing contracting as specified; and providing for an effective date.

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

Section 1. W.S. 9-2-2905(a)(iii), (iv) and by creating a new paragraph (v),

9-2-2906(e) by creating a new paragraph (vi) and (g)(i) and 9-4-217(c) and (h) are amended to read:

9-2-2905. Duties of the department in assisting the governor.

(a) The department may assist the governor in discharging his duties as chief executive and administrative officer of the executive branch of government of the state of Wyoming. The governor through the department shall:

(iii) Promote economy and efficiency in government use of information technology; ~~and~~

(iv) Establish uniform standards of information technology administration; and

(v) Establish uniform practices and reporting for government use of payment processor services.

9-2-2906. Office of the state chief information officer and director; authority; duties of department.

(e) The department shall provide the following services:

(vi) Develop procedures and administer uniform payment processor services and reporting for agencies and upon request, the judiciary and the legislature. In carrying out this paragraph, the department shall:

(A) Administer a statewide contract with a payment processor as provided under W.S. 9-4-217(h);

(B) Develop criteria and procedures for granting waivers to agencies under W.S. 9-4-217(h).

(g) The department shall carry out the following functions:

(i) Establish and promulgate rules and regulations governing the use and funding of telecommunications services, equipment, payment processor services, software and networks by agencies;

9-4-217. Uniform state accounting system.

(c) The state auditor shall promulgate reasonable rules and regulations necessary to carry out this section. ~~The rules and regulations may include the selection of a credit processor to provide credit card services to the entities enumerated in subsection (a) of this section.~~

(h) Unless specifically prohibited by statute, any legislative, judicial or ~~The~~ department of enterprise technology services shall contract with a payment processor for statewide payment processing services that each executive branch agency as defined by W.S. 9-2-1002(a)(i), including the University of Wyoming, the game and fish department and the Wyoming department of transportation, may contract with a credit card processor and shall utilize, except as specifically prohibited by law or as otherwise provided in this subsection, to allow any

tax, assessment, license, permit, fee, fine, or other money owing to the state or collectible by the state on behalf of another unit of government to be paid by negotiable paper, or in payment of any bail deposit or other trust deposit. If the administrative head of a division within a department determines that it is not feasible to utilize the statewide payment processor contract the administrative head shall request a waiver from the state chief information officer. If the waiver is granted, the division may, except as otherwise prohibited by law, contract with a payment processor for the purposes specified in this subsection and as reasonably limited by the waiver. The University of Wyoming, Wyoming community colleges and the judicial and legislative departments of state government may, except as otherwise prohibited by law, contract with a payment processor or utilize the statewide payment processor contract for the purposes specified in this subsection. As used in this subsection, “negotiable paper” means money orders, paper arising from the use of a lender credit card as defined in W.S. 40-14-140(a)(ix), checks and drafts, including, without limitation, sales drafts and checks and drafts signed by a holder of a lender credit card issued by a bank maintaining a revolving loan account as defined in W.S. 40-14-308, for lender credit card holders. The acceptance of negotiable paper by the state or any of its agencies under this subsection shall be in accordance with and subject to the same terms and conditions provided by W.S. 18-3-505. Any fees assessed for processing a ~~credit card payment~~ under this subsection may be borne by the agency or person tendering payment. Any fees borne by the person tendering payment pursuant to this subsection may be used by the state auditor or the agency responsible for the collection of such fees to pay the processing costs of rendering the ~~credit card payment~~ transaction.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 147

WATER SERVICE-PUBLIC UTILITY EXEMPTION

Original House Bill No. 253

AN ACT relating to public utilities; exempting water wells from regulation by the public service commission as specified; and providing for an effective date.

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

Section 1. W.S. 37-1-101(a)(vi)(H) by creating a new subdivision (IX) is amended to read:

37-1-101. Definitions.

(a) As used in chapters 1, 2, 3, 12 and 17 of this title:

(vi) “Public utility” means and includes every person that owns, operates,

leases, controls or has power to operate, lease or control:

(H) None of the provisions of this chapter shall apply to:

(IX) Metered and other direct sales of water by a person operating a water system that:

(1) Has less than fifteen (15) potential service connections;

(2) Is not owned, controlled or otherwise affiliated with a water utility or any other utility that provides water service;

(3) Is not a centralized water supply system associated with a subdivision; and

(4) Is not located within the established service territory of a water utility or the corporate limits of a municipality.

Section 2. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 148

LIVESTOCK BRANDS-AMENDMENTS

Original House Bill No. 134

AN ACT relating to brands; amending procedures regarding brands as specified; creating a permanently recorded brand; requiring rulemaking; repealing unnecessary provisions; and providing for an effective date.

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

Section 1. W.S. 11-20-126 is created to read:

11-20-126. Permanently recorded brand.

(a) Any person may apply to permanently record a new or existing brand. The board shall promulgate rules necessary for providing for permanently recorded brands. Rules promulgated under this section shall establish:

(i) An application process for permanently recording a brand. The application shall include the information required under W.S. 11-20-103(a) and any other information the board may require;

(ii) Recording fees for permanently recording a brand, provided that:

(A) No recording fee shall exceed one thousand five hundred dollars (\$1,500.00) for each application filed under this section;

(B) No additional recording fee shall be charged for additional species or for rerecording;

(C) All fees collected shall be deposited into the account created by W.S. 11-20-405.

(iii) The length of time the permanently recorded brand shall exist, provided that:

(A) The board may require owners of permanently recorded brands to provide notice of continuation of the permanently recorded brand to the board at least once every ten (10) years. The board shall not deem any brand abandoned because of lack of notice;

(B) If the board requires notice of continuation as provided in subparagraph (A) of this paragraph, the board shall prepare a form and shall send the notice of continuation form by mail to the address shown on the brand records, and by electronic mail if provided, at least sixty (60) days before the notice is due.

(b) A certified copy of the recorded brand shall be given to the owner. All fees collected shall be deposited into the account created by W.S. 11-20-405.

(c) Any person with a brand that is permanently recorded under this section shall not be required to rerecord the brand as provided by W.S. 11-20-115.

(d) No brand permanently recorded under this section shall be transferable to another person without the person receiving the transferred brand first paying the recording fee required under this section or the recording fee required under W.S. 11-20-116(b).

Section 2. W.S. 11-20-115(a), (c) and by creating new subsections (d) and (e) is amended to read:

11-20-115. Rerecording; when required; notice; abandonment.

(a) Except as provided by ~~subsection (b) of this section in W.S. 11-20-126,~~ every tenth year after recording a brand, every owner of a brand shall rerecord the brand, and failure to do so is an abandonment of the brand as provided in this section. At least sixty (60) days preceding the expiration date of the brand, the board shall notify by mail and electronic mail if provided, at the address shown on the brand records, the party owning the brand that the brand must be rerecorded and if the brand has not been rerecorded within sixty (60) days from the expiration date of the brand, the brand will be declared delinquent. The board shall send a second notice by certified mail to the party owning the brand at the address shown on the brand records within thirty (30) days following the expiration date of the brand. A delinquent brand may be rerecorded by the brand owner who shall submit a rerecording application and pay a delinquent fee as established by rule of the board not to exceed one hundred fifty dollars (\$150.00). If a delinquent brand is not rerecorded within ~~one (1) year~~ two (2) years from the expiration date of the brand, the brand will be declared abandoned. Not less than six (6) months before declaring a brand abandoned, the board shall send a notice of proposed brand abandonment to the party owning the brand at the address shown on the brand records. The livestock board is authorized to promulgate rules and regulations necessary to

implement this section including rules for issuing abandoned brands to other applicants.

(c) After the rerecording periods established by the board under subsection (b) of this section, The term of the rerecording period shall not exceed ten (10) years and the method of renewal shall be established by the board. Every owner of a brand shall rerecord the brand every ten (10) years and shall pay the renewal fee specified by W.S. 11-20-116 which shall be prorated by the board for any renewal of less than ten (10) years.

(d) As part of any rerecording notice or abandonment notice sent under subsection (a) of this section, the board shall offer the option to a party to rerecord all brands that the party owns upon payment of a prorated fee, whether or not the brand has reached its rerecording date and provided that the rerecording period shall not exceed the ten (10) year term established by subsection (c) of this section.

(e) A party owning a brand declared delinquent under subsection (a) of this section may provide payment in full of the required recording fee and any delinquency fees at the time of brand inspection.

Section 3. W.S. 11-20-115(b) is repealed.

Section 4. This act is effective July 1, 2019.

Approved February 27, 2019.

Chapter 149

EDUCATIONAL ATTAINMENT EXECUTIVE COUNCIL

Original Senate File No. 109

AN ACT relating to government; continuing the educational attainment executive council; amending membership of the council as specified; providing duties; providing for staffing; requiring reports; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) The purpose of this act is to continue the work of the educational attainment executive council, created by executive order 2018-4. The educational attainment executive council is continued and shall consist of the following eleven (11) members:

(i) The president of the University of Wyoming or a designee, who shall serve as a council co-chairman;

(ii) A president of a Wyoming community college as selected by the community colleges' presidents council or a designee of the selected Wyoming community college president, who shall serve as a council co-chairman;

- (iii) The superintendent of public instruction or a designee;
 - (iv) One (1) member of the executive council of economically needed diversity options for Wyoming (ENDOW) as selected by the governor;
 - (v) A school district superintendent as selected by the governor;
 - (vi) A representative of the governor's office as selected by the governor;
 - (vii) The director of the department of workforce services;
 - (viii) The chief executive officer of the Wyoming business council;
 - (ix) An individual with expertise in the delivery of education to individuals on the Wind River Indian Reservation as selected by the governor;
 - (x) One (1) member of the Wyoming senate as selected by the president of the senate; and
 - (xi) One (1) member of the Wyoming house of representatives as selected by the speaker of the house.
- (b) A majority of members of the council shall constitute a quorum for the transaction of any business of the council.
- (c) The educational attainment executive council shall:
- (i) Establish a five (5) year strategic plan and a ten (10) year strategic plan to meet the needs of Wyoming's businesses and to reach the following educational attainment goals:
 - (A) By 2025, sixty-seven percent (67%) of Wyoming's working population, age twenty-five (25) to sixty-four (64), will possess a valuable postsecondary certificate or degree;
 - (B) By 2040, eighty-two percent (82%) of Wyoming's working population, age twenty-five (25) to sixty-four (64), will possess a valuable postsecondary certificate or degree.
 - (ii) Convene stakeholders to develop the strategic plans;
 - (iii) Convene meetings with stakeholders and the public across Wyoming to obtain necessary information and suggestions on strategic plan elements;
 - (iv) Include an analysis of opportunities coordinated across priority economic sectors as identified by the executive council of ENDOW;
 - (v) Establish appropriate data metrics and performance indicators in the development of the strategic plans and communicate relevant data to the governor, state legislators and the public; and
 - (vi) Develop legislative recommendations to present to the joint education interim committee or the joint minerals, business and economic development interim committee to effectuate the strategic plans as necessary.
- (d) The educational attainment executive council shall be staffed by the

Wyoming community college commission. The University of Wyoming, the seven (7) Wyoming community colleges, the department of education and the department of workforce services shall provide assistance to the educational attainment executive council as the council shall direct.

(e) The educational attainment executive council shall report quarterly on its progress to develop strategic plans to the governor, the board of trustees of the University of Wyoming, the Wyoming community college commission and the executive council of ENDOW. The educational attainment executive council, by September 1 of each year, shall report to the joint education interim committee and the joint minerals, business and economic development interim committee on its progress to develop strategic plans. The council may also, by September 1 of each year, present any proposed education related legislation to effectuate the strategic plans to the joint education interim committee and any proposed economic development related legislation to effectuate the strategic plans to the joint minerals, business and economic development interim committee.

(f) The council shall continue until December 31, 2022, at which point its existence shall cease. Members of the council who are legislators shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the council. Subject to constitutional limitations, members of the council who are employees or elected officials of the state of Wyoming shall be considered on official business of their agency or office and shall receive mileage and per diem in the manner provided by their agency or office. Any other member of the council shall be paid no salary but shall receive mileage and per diem at the same rate as state employees as provided by W.S. 9-3-102.

Section 2.

(a) There is appropriated fifteen thousand dollars (\$15,000.00) from the general fund to the legislative service office. This appropriation shall only be expended for providing payments authorized by section 1 of this act to legislative members of the education attainment executive council.

(b) Funds appropriated under this section shall be for the period beginning with the effective date of this act and ending December 31, 2022. Notwithstanding any other provision of law, funds appropriated under this section 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, 2022.

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 28, 2019.

Chapter 150**COMMON COLLEGE TRANSCRIPT-IMPLEMENTATION**

Original House Bill No. 204

AN ACT relating to community colleges and the University of Wyoming; establishing requirements for the community college commission's common college transcript and transfer process system; amending reporting requirements; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 21-18-202(a)(vi) is amended to read:

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

(a) The commission shall perform the following general functions:

(vi) In cooperation with the community colleges and the University of Wyoming, develop and maintain a common transcript and transfer process system that uses common course numbering for all undergraduate courses provided at the community colleges or and the University of Wyoming. The system shall facilitate program planning and the transfer of students and course credits between the community colleges and the University of Wyoming. The development and ongoing maintenance of the statewide course numbering system, including determining course equivalencies, shall be accomplished with the assistance of appropriate committees that shall include faculty members and staff of the community colleges and the University of Wyoming. The system shall:

(A) Facilitate program planning and the transfer of students and course credits between the community colleges and the University of Wyoming;

(B) Offer functionality to transmit transcript information between the community colleges and the University of Wyoming;

(C) Extend to the community college commission, the Wyoming department of education, the department of workforce services and the University of Wyoming a statewide longitudinal education data system, which shall serve as a statewide exchange for management and analytical reporting in support of education and workforce outcomes;

(D) Use a common transcript and transfer process vendor;

(E) Use electronic course catalog software to ensure a consistent experience for students between the community colleges and the University of Wyoming. Each community college and the University of Wyoming may use different course catalog software. The software shall provide a search function for educational programs;

(F) Use course transfer software to support both in-state and out-of-state transfer students. The software shall be common across each community college and the University of Wyoming and shall provide a common database

that provides identification and reconciliation of differences in curricula elements of courses with the same course number;

(G) Use curriculum process management software to facilitate and ensure consistency in curricula development and streamline the transfer process between a Wyoming community college and the University of Wyoming;

(H) Result in internal college or university planning and student program planning with required automated transfer among the community colleges and the University of Wyoming. The automated transfer shall allow automatic transcription of course credits among the community colleges and the University of Wyoming for those credits earned through the common course catalog system and within programs with articulation agreements between the community colleges and the University of Wyoming.

Section 2. 2018 Wyoming Session Laws, Chapter 78, Section 2 is amended to read:

Section 2. The community college commission, the community colleges of the state and the University of Wyoming shall work collaboratively to develop the common college transcript system under W.S. 21-18-202(a)(vi) as created by this act. The University of Wyoming and the community college commission, in cooperation with the seven (7) community colleges, shall submit a report not later than October 31, 2018 to the joint education interim committee that establishes a plan for development of an electronic transcript transfer system that allows each student information system to send and receive transcript data automatically and establishment of a course equivalence and common course numbering system. The plan shall include recommendations for resource needs and policy or statute changes necessary to accomplish this directive. The system shall be developed by July 1, ~~2019~~2020.

Section 3.

(a) Four hundred fourteen thousand dollars (\$414,000.00) is appropriated from the general fund to the community college commission. Of this appropriation, two hundred two thousand dollars (\$202,000.00) is appropriated for transcript consumption licensing, installation and training required to implement this act and two hundred twelve thousand dollars (\$212,000.00) is appropriated for purposes of procuring electronic course catalog software and curriculum process management software for the community college commission, the community colleges and the University of Wyoming. Appropriations made under this subsection are for the period from the effective date of this act to June 30, 2022. Notwithstanding any other provision of law, these funds shall not be transferred or expended for any other purpose and any unexpended,

unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2022.

(b) Notwithstanding any other provision of law, the community college commission shall include in its exception budget request for the biennial budget period commencing July 1, 2020 and ending June 30, 2022 additional appropriations necessary to carry out the purposes of this act.

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

Approved February 28, 2019.

Chapter 151

ORDER OF PROTECTION-TOLLING DURING IMPRISONMENT

Original Senate File No. 115

AN ACT relating to orders of protection; providing for the tolling of the effective period of an order of protection as specified; amending the duration of an extension; and providing for an effective date.

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

Section 1. W.S. 7-3-510(b) and 35-21-106(b) are amended to read:

7-3-510. Service of order; duration and extension of order; violation; remedies not exclusive.

(b) Except as otherwise provided by this subsection, an order of protection granted by the court under W.S. 7-3-509 shall be effective for a fixed period of time not to exceed three (3) years. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time, not to exceed ~~one (1) year~~ three (3) years each, if the court finds from specific facts that a clear and present danger to the victim continues to exist. If a party subject to an order of protection is sentenced and incarcerated or becomes imprisoned, the running of the time remaining for the order of protection shall be tolled during the term of incarceration or imprisonment. The conditions and provisions of an order of protection shall remain in effect during any period of tolling under this subsection. Upon release from incarceration or imprisonment the effective period of the order of protection shall be the amount of time remaining as of the first day of the term of incarceration or imprisonment or one (1) year from the date of release, whichever is greater.

35-21-106. Service of order; duration and extension of order; violation; remedies not exclusive.

(b) Except as otherwise provided by this subsection, an order of protection

granted by the court under W.S. 35-21-105 shall be effective for a fixed period of time not to exceed three (3) years. Either party may move to modify, terminate or extend the order. The order may be extended repetitively upon a showing of good cause for additional periods of time not to exceed ~~one (1) year~~ three (3) years each. If a party subject to an order of protection is sentenced and incarcerated or becomes imprisoned the running of the time remaining for the order of protection shall be tolled during the term of incarceration or imprisonment. The conditions and provisions of an order of protection shall remain in effect during any period of tolling under this subsection. Upon release from incarceration or imprisonment the effective period of the order of protection shall be the amount of time remaining as of the first day of the term of incarceration or imprisonment or one (1) year from the date of release, whichever is greater. The filing of an action for divorce shall not supersede an order of protection granted under this act.

Section 2. This act applies to orders of protection granted, modified or extended on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 152

OPERATION OF MOTORBOAT WHILE INTOXICATED

Original Senate File No. 40

AN ACT relating to watercraft; amending the alcohol concentration level that constitutes operation of a motorboat by an intoxicated person; specifying the alcohol concentration levels applicable to the operation of all other watercraft; and providing for an effective date.

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

Section 1. W.S. 41-13-206(c)(ii), (iii), (d)(ii) and (e) is amended to read:

41-13-206. Operation of watercraft by intoxicated or drugged person prohibited.

(c) No person shall operate or be in actual physical control of a watercraft if the person:

(ii) Has an alcohol concentration of ~~ten one-hundredths of one percent (0.10%) or more~~ eight one-hundredths of one percent (0.08%) or more if the watercraft is a motorboat; or

(iii) Has an alcohol concentration of ~~ten one-hundredths of one percent (0.10%) or more as measured within three (3) hours of the time of operation or actual physical control~~ eight one-hundredths of one percent (0.08%) or more if the watercraft is a motorboat.

(d) In any criminal prosecution for a violation of this section relating to operating or being in actual physical control of a watercraft while under the influence of alcohol, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

(ii) If there was at that time an alcohol concentration of more than five one-hundredths of one percent (0.05%) and less than ~~ten one-hundredths of one percent (0.10%)~~ eight one-hundredths of one percent (0.08%) if the watercraft is a motorboat, that fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(e) Nothing in subsection (d) of this section shall be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol, ~~including tests obtained more than three (3) hours after the alleged violation.~~ The fact that any person charged with a violation of subsection (c) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge under this section. It is an affirmative defense to a violation of paragraph (c)(iii) of this section that the defendant consumed a sufficient quantity of alcohol after the time of actual operation or physical control of a watercraft and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed ~~ten one-hundredths of one percent (0.10%)~~ eight one-hundredths of one percent (0.08%) if the watercraft is a motorboat, but evidence of the consumption may not be admitted unless notice is given to the prosecution pursuant to Rule 12.1 of the Wyoming Rules of Criminal Procedure.

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 153

CONTROLLED SUBSTANCES EDUCATION AND ADMINISTRATION

Original Senate File No. 47

AN ACT relating to controlled substances; providing for specified boards regulating health care practitioners to require continuing education related to controlled substances; requiring electronic prescriptions for controlled substances; requiring practitioners to search the controlled substance prescription tracking program; exempting veterinarians from required use of the program; authorizing exceptions; requiring the state board of pharmacy to provide specified information from the prescription tracking program to providers and dispensers; and providing for an effective date.

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

Section 1. W.S. 33-9-107, 33-15-109(c), 33-21-129 by creating a new subsection (e), 33-23-114, 33-24-121(d)(intro), 33-26-202(b)(xiv), 33-30-211(e), 35-7-1030(a), (c) and by creating a new subsection (e) and 35-7-1060(b) and (c)(i) are amended to read:

33-9-107. Licensing matters.

A license issued under W.S. 33-9-101 through 33-9-114 shall be designated a “registered podiatrist’s license” and may not contain any abbreviations thereof nor any other designation or title except that a statement of limitation shall be contained in the license referring to the licensee as a “registered podiatrist - practice limited to the foot and ankle”, so as not to mislead the public with respect to their right to treat other portions of the body. A renewal license fee in an amount established by the board pursuant to W.S. 33-1-201 shall be due to the board annually on July 1 each year, and if not paid within three (3) months the license shall be revoked and may be reissued only upon an additional application and payment of a fee in an amount established by the board pursuant to W.S. 33-1-201. Application for renewal shall be accompanied by evidence satisfactory to the board of compliance with participation in continuing education activities as established by rules and regulations of the board. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years. The board may waive the continuing education requirement for the first renewal of a license. Licenses shall be conspicuously displayed by podiatrists at their offices or other places of practice.

33-15-109. Renewal license certificate.

(c) The board may set continuing education requirements for renewal certificates and relicensure certificates. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years.

33-21-129. Renewal of licenses or certificates.

(e) For licensees who have prescriptive authority the board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances or treatment of substance abuse disorders every two (2) years.

33-23-114. Continuing education courses required.

All optometrists shall take courses of study in subjects relating to the practice of the profession of optometry for the utilization and application of new techniques, scientific and clinical advances, and achievements of research which will assure expansive and comprehensive care to the public. The board shall prescribe the length of study. Attendance shall be at a course or courses approved by the board. Attendance at any course or courses of study is to be certified to the board upon a form provided by the board and submitted by each optometrist to

the board. The board may use up to one-half (1/2) of its annual renewal fees for the purposes of contracting with institutions of higher learning, professional organizations, or qualified individuals to provide educational programs that meet this requirement. The board may also treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the programs of continuing education. In no instance may the board require a greater number of hours of study than are available at approved courses held within this state. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years. The board may waive the requirements of this section in cases of certified illness or undue hardship.

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.

(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 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 shall require one and one-half (1 1/2) hours of continuing education related to the responsible prescribing of controlled substances annually. The board may require a person licensed as an inactive pharmacist, who seeks to be licensed as an active pharmacist, to:

33-26-202. Board; duties; general powers.

(b) The board is empowered and directed to:

(xiv) Adopt, amend, repeal, enforce and promulgate reasonable rules and regulations necessary to implement and administer continuing medical education requirements of its licensees. The board shall require licensees who are registered with the board of pharmacy to dispense a controlled substance in this state to complete one (1) hour of continuing education related to the responsible prescribing of controlled substances or the treatment of substance abuse disorders every two (2) years.

33-30-211. Expiration and renewal of licenses; fees; veterinarians on active duty with armed services; duplicate licenses; continuing education.

(e) The renewal under subsection (a) of this section shall be accompanied

by evidence satisfactory to the board of compliance with this chapter and completion of continuing education activities as established by rules and regulations of the board. The board shall require three (3) hours of continuing education related to the responsible prescribing of controlled substances every two (2) years.

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

(a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written or electronic prescription of a practitioner. This subsection is repealed effective January 1, 2021.

(c) Except when dispensed directly by a practitioner other than a pharmacy to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under state or federal statute, shall not be dispensed without a written, oral or electronic prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner. This subsection is repealed effective January 1, 2021.

(e) On and after January 1, 2021, except when dispensed directly by a practitioner other than a pharmacy to an ultimate user, no controlled substance included in any schedule shall be dispensed without the electronic prescription of a practitioner. The prescription for a controlled substance included in Schedule III or IV shall not be filled or refilled more than six (6) months after the date of the prescription or be refilled more than five (5) times unless renewed by the practitioner. The board may by rule and regulation provide exemptions from the requirements of this subsection including exemptions for emergencies and technical failures.

35-7-1060. Controlled substance prescription tracking program.

(b) Except as otherwise provided in this subsection, when a practitioner, other than a veterinarian, prescribes a schedule II, III, IV or V controlled substance, the practitioner or his delegate shall search the prescription tracking program for prior prescriptions issued to the patient before first issuing the prescription and shall repeat the search every three (3) months thereafter for as long as the controlled substance remains a part of the patient's treatment. A practitioner who prescribes a schedule V controlled substance shall only be required to search the program as otherwise provided in this subsection if the substance is an opioid. A dispenser, other than a veterinarian, shall electronically file with the board information regarding any prescription for a schedule II, III, IV or V controlled substance dispensed by the dispenser no later than the close of business on the business day immediately following the day the controlled substance was dispensed. The board may grant a reasonable time extension to a dispenser or practitioner who is unable to electronically file

or search information as required under this subsection. The board may require the filing of other prescriptions and may specify the manner in which the prescriptions are filed. The board may, by rule and regulation, ~~exempt provide exemptions~~ from the requirements of this subsection including exemptions for prescriptions dispensed in certain inpatient health care settings; and exemptions for emergencies and other situations as determined by the board in consultation with other professional licensing boards that license practitioners who are affected by the requirements of this subsection.

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

(i) The board may release information to practitioners and practitioner appointed delegates and to pharmacists and pharmacist appointed delegates when the release of the information may be of assistance in preventing or avoiding inappropriate use of controlled substances. The board shall release information to practitioners and practitioner appointed delegates and to pharmacists and pharmacist appointed delegates when the release of the information is necessary to comply with the requirements of subsection (b) of this section;

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 154

WYOMING COWBOY AND COWGIRL LEGACY WEEK

Original House Bill No. 130

AN ACT relating to holidays; making legislative findings; designating the third week of September as Wyoming Cowboy and Cowgirl Legacy Week; and providing for an effective date.

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

Section 1.

(a) The legislature finds the following:

(i) Pioneering men and women, today honored with the title “cowboy” and “cowgirl”, were integral to the founding and development of Wyoming;

(ii) Cowboys and cowgirls transcend ethnicity, gender, geographic boundaries and political affiliations;

(iii) The cowboy and cowgirl today exemplify the Code of the West, which accentuates the values of courage, pride, persistence, hard work, toughness, fairness, fidelity, loyalty, honesty, directness, integrity and a principles-based

lifestyle;

(iv) The cowboy and cowgirl are fiercely independent, preserve an innovative spirit and remain committed to the ideal of equality, underscoring the core values of Wyoming today;

(v) The cowboy and cowgirl are responsible stewards of Wyoming's natural heritage, living off the land and working to protect and enhance the environment for future generations;

(vi) The cowboy and cowgirl continue to be an important part of Wyoming's economy and make products valued in markets across the United States and internationally;

(vii) Ensuring that future generations of Wyomingites are steeped in cowboy and cowgirl heritage, values and spirit is crucial to the future success of Wyoming in an ever-changing world; and

(viii) A designated occasion each year will allow individuals, families, children and the greater Wyoming community to reflect upon cowboy and cowgirl values, the integral role that cowboys and cowgirls have played in the development of this state and the important contribution that the cowboy and cowgirl spirit will make to the future of Wyoming.

Section 2. W.S. 8-4-113 is created to read:

8-4-113. Wyoming Cowboy and Cowgirl Legacy Week.

(a) The third calendar week of September is declared to be "Wyoming Cowboy and Cowgirl Legacy Week".

(b) Wyomingites are encouraged to observe Wyoming Cowboy and Cowgirl Legacy Week with appropriate ceremonies and activities.

(c) The Wyoming department of education shall encourage schools and teachers to commemorate Wyoming Cowboy and Cowgirl Legacy Week through appropriate activities, including study of the Code of the West and cowboy and cowgirl related history and literature.

(d) The University of Wyoming is encouraged to continue to promote and safeguard the cowboy and cowgirl as an emblematic symbol of Wyoming and instill students with knowledge of cowboy and cowgirl values.

Section 3. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 155**K-3 READING ASSESSMENT AND INTERVENTION PROGRAM**

Original House Bill No. 297

AN ACT relating to education; amending the reading assessment and intervention program required for students in grades kindergarten through grade three; and providing for an effective date.

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

Section 1. W.S. 21-3-401(a), (c) and (d) is amended to read:

21-3-401. Reading assessment and intervention.

(a) Each school district shall ~~design~~select and implement a reading ~~screening assessment and intervention~~ program that ~~measures student reading progress and includes prescreening~~uses an instrument that screens for signs of dyslexia and other reading difficulties as early as possible in kindergarten through grade three (3) ~~and that implements with fidelity an evidence based intervention program~~. The screening program shall include a ~~reading assessment plan using screening instruments approved by the department of education, which is instruments that monitor and measure reading progress and assess student reading skills and progress to provide data that informs any intervention. The assessment and intervention program shall be~~ administered to all students in kindergarten through grade three (3), ~~with standardized measures providing statewide longitudinal data and providing the capability for monitoring and measuring reading progress. In addition to a universal screening instrument, the department of education shall identify assessment instruments utilized to identify dyslexia and other reading difficulties. The program shall also include a plan for implementation of research~~implementation of evidence based core curricula aligned to the statewide educational program uniform content and performance standards and evidenced based interventions to meet the needs of all students. The program shall be multi-tiered and shall include various evidence based interventions to facilitate remediation of any reading difficulty as early as possible.

(c) Each district shall annually report to the department of education on the progress of each of its schools toward ~~reaching~~achieving the goal of eighty-five percent (85%) of all students reading at grade level upon completion of the third grade. The report shall ~~include longitudinal data on all students in kindergarten through grade three (3), and shall include the percentage of students meeting or exceeding proficiency levels for the~~annual reporting period. The reporting shall also include the aggregate number of students identified by the screening instruments ~~as having signs of dyslexia or other reading difficulties in addition to listing the evidence based interventions implemented in each district by grade. This report shall include kindergarten through grade three (3) progress toward achieving the goal of eighty-five percent (85%) proficiency in the~~

specific skills known to be predictive of grade three (3) reading proficiency and that are listed in subsection (d) of this section. Grade three (3) reading proficiency shall be determined by the grade three (3) statewide assessment administered pursuant to W.S. 21-2-304(a)(v). Each school not meeting the eighty-five percent (85%) goal specified under this subsection shall submit an improvement plan to the school district, and the school district shall submit an overall improvement plan to the department. At a minimum, the each school and district improvement plan shall outline the district's its general strategy for increasing reading proficiency for the next school year and shall specifically address the evidence based program of instruction, assessment and intervention being implemented, the specific training in those programs that reading teachers have received, the student-teacher ratio, the use of certified tutors and the use of instructional facilitators and paraprofessionals in kindergarten through grade three (3) in all schools within the district trained in the delivery of the evidence based instruction and intervention program selected by the district.

(d) The state superintendent, in consultation with Wyoming school districts, professionals in the area of dyslexia and other reading difficulties, and other appropriate stakeholders, shall promulgate rules and regulations as necessary to assist each school district to administer the its reading assessment and intervention program pursuant to this statute section and to assess the skills in paragraphs (i) through (v) of this subsection using a curriculum-independent assessment. The rules shall provide mechanisms for the state superintendent to directly support schools and school districts in meeting the goals of improvement plans developed pursuant to subsection (c) of this section including, but not limited to, professional development in evidence based literacy instruction and intervention and professional development in identifying the signs of dyslexia and other reading difficulties. To accomplish the purposes of this subsection, the department of education shall collect kindergarten through grade two (2) statewide longitudinal data from assessments selected and performed by each school district, which measures the following specific skills that evidence based research has concluded are predictive of grade three (3) reading proficiency:

- (i) Phonological awareness;
- (ii) Phonics;
- (iii) Decoding words and nonwords;
- (iv) Oral reading fluency; and
- (v) Reading comprehension.

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 156**VETERANS' SKILLED NURSING FACILITY****Original House Bill No. 82**

AN ACT relating to veterans; establishing a skilled nursing facility for veterans and their spouses; specifying that nonveterans may be admitted to the facility; designating administration and operation requirements; authorizing level III design, construction and operation plans and construction; authorizing application for and spending of federal funding; authorizing a loan; providing for a continuous appropriation; providing for repayment of the loan; allowing acceptance of donations and monies; establishing an account; providing for rulemaking; requiring reporting; and providing for an effective date.

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

Section 1. W.S. 25-14-101 through 25-14-105 are created to read:

CHAPTER 14**WYOMING VETERANS' SKILLED NURSING FACILITY**

25-14-101. Purpose; admission of veterans and veterans' spouses; admission of "gold star" nonveterans; preference to veterans and veterans' spouses; capacity.

(a) The Wyoming veterans' skilled nursing facility is created to provide veterans with skilled nursing benefits across multiple levels of need. The skilled nursing facility shall provide community living, care and treatment for individuals who, due to wounds, disease, old age or other infirmities as determined by department of health rules, need safety net care because they cannot be served in private facilities, skilled nursing care or subsidized long-term care benefits and who are:

(i) Honorably discharged veterans of the armed forces of the United States; or

(ii) Members of the state national guard disabled while on duty.

(b) The department of health may admit to the Wyoming veterans' skilled nursing facility a spouse of a person who qualifies under subsection (a) of this section, pursuant to rules or orders the department promulgates in accordance with W.S. 9-2-106(d) or 25-14-105.

(c) The department of health may admit persons to the Wyoming veterans' skilled nursing facility for care and treatment who are not qualifying veterans or spouses of veterans under subsection (a) or (b) of this section if:

(i) The persons are qualifying dependents or the parents of United States military personnel who died while in service or who died as a result of their service as provided by statute, rule or regulation of the United States department of veterans affairs; and

(ii) The persons are admitted pursuant to rules or orders promulgated in accordance with W.S. 9-2-106(d) or 25-14-105.

(d) Veterans and spouses of veterans who qualify for admission under subsections (a) and (b) of this section shall be given preference of admission in all circumstances.

(e) In addition to subsections (a) through (d) of this section, the veterans' skilled nursing facility shall comply with United States department of veterans affairs rules regarding capacity guidelines, number of beds and populations served.

25-14-102. Veterans' skilled nursing facility account; disposition, receipt and expenditure of monies received; acceptance of funding and donations.

(a) There is created the veterans' skilled nursing facility special revenue account. Notwithstanding W.S. 9-4-303(a), the department of health, veterans' commission and state construction department shall deposit all monies and income received and collected by or for the Wyoming veterans' skilled nursing facility into the account. Monies in this account are continuously appropriated to pay the costs of design and planning, construction, operation, loan repayment and maintenance of the veterans' skilled nursing facility.

(b) The department of health on behalf of the state may accept:

(i) State, federal, local and nongovernmental funds for the purposes of this chapter provided that any condition on receipt of the funds is not inconsistent with this chapter;

(ii) Donations of land, money or other property for the construction, maintenance or other benefit of the veterans' skilled nursing facility.

25-14-103. Services for residents; administration; facility operation.

(a) The department of health shall, by contract or otherwise:

(i) Provide skilled nursing care in the veterans' skilled nursing facility in accordance with the federal Social Security Act and the federal Medicare and Medicaid regulations and United States department of veterans affairs requirements;

(ii) Appoint one (1) department of health employee to oversee federal and state requirements applicable to the veterans' skilled nursing facility;

(iii) Provide other care as required under authority of the director of the department of health pursuant to W.S. 9-2-106(d).

(b) The department of health may contract with an organization to provide day-to-day operation and administrative management of the veterans' skilled nursing facility. The contract may provide for a monthly management fee as the department of health determines. The contract for operations and administrative management shall be in accordance with the best practices of a "green house" model community living concept and shall comply with state and federal law and regulations.

25-14-104. Payments for care.

Residents shall pay for services provided under this chapter according to department of health rules. Payments shall be set at amounts to ensure that appropriate services are provided at the veterans' skilled nursing facility, as required by this chapter, and shall be consistent with requirements for grant in aid payments from the United States department of veterans affairs.

25-14-105. Promulgation of rules.

The department of health shall promulgate rules necessary to carry out this chapter. The rules shall provide admission requirements that do not jeopardize the veterans' skilled nursing facility's, or any veteran's, qualifications to receive federal financial aid during admission to the veterans' skilled nursing facility.

Section 2. W.S. 9-2-106(d) and 25-1-201(a) by creating a new paragraph (xv) are amended to read:

9-2-106. Duties and powers of director of department.

(d) The director may authorize the Wyoming life resource center, the Wyoming state hospital, the Wyoming pioneer home, the veterans' home of Wyoming, ~~and the Wyoming retirement center~~ and the Wyoming veterans' skilled nursing facility to provide services to persons with conditions other than those specified in the provisions governing those state institutions in title 25 of the Wyoming statutes when the director determines that there is a need for such services, that the services can be provided effectively by the institution, that the services shall be delivered in a manner that assures the safety of all individuals served by the institution and the services provided are statutorily authorized for any of these institutions, the service needs are similar to those authorized for any of these institutions or the services are necessary to protect the public health and safety. The director shall promulgate rules and regulations and policies and procedures necessary to implement this subsection. Nothing in this subsection shall be construed to authorize the director to eliminate services that are otherwise required by statute.

25-1-201. Establishment of state institutions.

(a) The following state institutions are established:

(xv) The Wyoming veterans' skilled nursing facility at Buffalo, Wyoming.

Section 3. From its currently authorized positions, the department of health shall designate one (1) full-time position to oversee for, and with the assistance of, the veterans' commission, the planning, design and construction of the veterans' skilled nursing facility. The designated employee shall additionally coordinate with all local, state and federal entities involved in the project, and shall create, apply for and manage all documentation required for all relevant grants, including grants from the United States department of veterans affairs. This designation shall continue until the construction of the Wyoming veterans'

skilled nursing facility is complete and the final grant closeout requirements from the United States department of veterans affairs are accepted. At that time, if necessary due to location or provisions of federal law, the department of health shall include in its budget request submitted under W.S. 9-2-103 for the ensuing budget period a request for any additional position, for the management of the veterans' skilled nursing facility.

Section 4.

(a) Based on the level I and level II studies for a veterans' skilled nursing facility initiated pursuant to 2018 Wyoming Session Laws, Chapter 48, the state building commission, through the state construction department and with assistance from the veterans' commission and the department of health, is authorized to contract for the completion of level III design, construction and operation planning for a veterans' skilled nursing facility to be located at Buffalo, Wyoming. The facility shall have the number of patient beds as directed by the state building commission in consultation with the state construction department, veterans' commission and department of health, but not exceeding the number of beds authorized by the United States department of veterans' affairs. No contract shall be executed without the approval of the governor. The veterans' skilled nursing facility shall be designed, planned, constructed and operated according to a "green house" model concept for alternative elder care. Subject to subsection (e) of this section, upon approval of level III design, construction and operation planning by the state building commission, the state construction department shall be authorized to construct the veterans' skilled nursing facility according to this act and the level III plans.

(b) The veterans' commission and department of health shall provide assistance to the state building commission and the state construction department necessary to assure that the veterans' skilled nursing facility is planned, designed and ultimately constructed and operated in a manner that considers impacts on available federal funding. The state building commission or its designee, using services of the veterans' commission, department of health and state construction department, shall apply as necessary to obtain federal funding for the veterans' skilled nursing facility, including but not limited to applying for a United States department of veterans affairs "State Home Grant."

(c) The state building commission and the state construction department shall keep the veterans' commission and the department of health informed of all contracting activities.

(d) Reporting each year shall include:

(i) Quarterly, from the effective date of this act through completion of the veterans' skilled nursing facility's construction, by the state construction department, with the veterans' commission and department of health, submitting a report to the joint transportation, highways and military affairs

interim committee on the level III design, construction and operation planning, construction contracting, construction and related implementation authorized under this act;

(ii) Quarterly, from completion of the veterans' skilled nursing facility's construction through the first three (3) years of the facility's operation, by the department of health, with the veterans' commission, submitting a report to the joint transportation, highways and military affairs interim committee on the facility operation and related implementation authorized under this act; and

(iii) Not later than September 1 from the effective date of this act until completion of the construction authorized by this act, by the department of health, with the veterans' commission, recommending to the joint transportation, highways and military affairs interim committee any additional legislative action necessary.

(e) Construction of the veterans' skilled nursing facility project shall not begin until the United States department of veterans affairs approves construction plans, if required.

Section 5.

(a) For the purposes of planning and constructing a veterans' skilled nursing facility, as authorized by this act, the state construction department is authorized to borrow from the legislative stabilization reserve account up to nine million dollars (\$9,000,000.00). The total loan amount shall not exceed thirty-five percent (35%) of the actual planning and construction costs. Amounts borrowed under this subsection shall be deposited in the veterans' skilled nursing special revenue account. The department of health shall repay, with interest, amounts borrowed under this subsection, from operations revenue deposited to the veterans' skilled nursing special revenue account once the facility is operating. Loan repayment under this subsection shall begin once construction of the Wyoming veterans' skilled nursing facility is completed and the facility is occupied. Loan repayments to the state shall occur annually on June 30, after costs and maintenance for the facility are paid, until the total loan amount is repaid. Repayment shall be completed not later than fifteen (15) years from the date construction of the Wyoming veterans' skilled nursing facility is completed and the facility is occupied. Interest charged on the amounts borrowed under this subsection shall be at a rate equal to the average interest earned on pooled investments of state funds in the four (4) calendar quarters preceding the quarter in which the loan occurred.

(b) The director of the state construction department shall submit a report to the joint appropriations committee and the joint transportation, highways and military affairs interim committee within thirty (30) days of exercising the loan authority granted under this section. On or before September 1 of each

year, the department of health shall submit a report to the joint appropriations committee and joint transportation, highways and military affairs interim committee the total amounts repaid to the legislative stabilization reserve account or appropriate account.

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved February 28, 2019.

Chapter 157

MIXED MARTIAL ARTS REGULATION

Original House Bill No. 180

AN ACT relating to mixed martial arts regulation; modifying a provision relating to bonds for mixed martial arts matches; modifying duties of board representatives as specified; and providing for an effective date.

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

Section 1. W.S. 33-48-106, 33-48-107(a)(i), 33-48-109 and 33-48-110 are amended to read:

33-48-106. License application; fee and bond.

Application for a license to conduct mixed martial arts matches shall be in writing, shall be addressed to the board and shall be verified by the individual promoter or by an officer of the club, organization or corporation on whose behalf the application is made. The application shall be accompanied by a fee as established by the board in accordance with W.S. 33-1-201. The application shall show that the club, organization or corporation has been in existence not less than thirty (30) days. Before any license is issued under this chapter to any person, club, organization or corporation, the applicant shall file with the state treasurer a bond in an amount established by the board, not to exceed the greater of ten thousand dollars (\$10,000.00) or the total estimated expenses associated with the match, with good and sufficient surety, conditioned for the faithful performance of the conditions of this chapter. The applicant shall provide an estimate of the expenses for the match based on matches held at venues with similar audience capacity and other relevant factors. The board shall verify that the application contains a good faith estimate of anticipated expenses for the match.

33-48-107. Report of person, club, organization or corporation; admission fee to be paid.

(a) Every person, club, organization or corporation which exercises any of the privileges conferred by this chapter shall within seventy-two (72) hours

after the determination of every match:

(i) Furnish to the board, or its ~~inspector or deputy representative~~, a written report, verified by the individual promoter or an officer of the club, organization or corporation. The report shall show the number of tickets sold for the match, the amount of gross proceeds from the match and other matters as the board may prescribe; and

33-48-109. Amateur matches.

Whenever an amateur mixed martial arts match is held by any person, club, organization or corporation, and the match is not for pecuniary profit, the license fee and bond provisions of W.S. 33-48-106, the reporting and fee provisions of W.S. 33-48-107, the presence of a board member and the ~~deputy or inspector~~ board representative provisions of W.S. 33-48-110 shall not apply. The match shall, however, be subject to all other provisions of this chapter and the rules and regulations of the board.

33-48-110. Board representatives.

The board shall, ~~after consultation with the county commissioners of the several counties~~, appoint official representatives designated as ~~inspectors and deputy inspectors~~ board representatives for each county ~~the state~~. Each ~~inspector and deputy~~ board representative shall receive from the board a card authorizing him to act as ~~an inspector~~ a representative wherever the board may designate him to act. ~~Any A board member may, and at least one (1) inspector or deputy~~ board representative shall; be present at all matches conducted for pecuniary profit and see that the rules and regulations of the board are strictly observed. ~~An inspector or deputy shall~~ A board representative may also be present at the counting of the gross receipts and, ~~if present, shall immediately mail without undue delay provide~~ to the board the written report received by the ~~inspector or deputy~~ board representative from the individual promoter or officer of the club, organization or corporation showing the number of tickets sold, the gross amount of proceeds and other matters as the board may prescribe. The board may establish compensation for, and pay, any ~~inspectors or deputies~~ board representatives appointed under this section from fees deposited in the mixed martial arts board account in accordance with W.S. 33-1-202 and this chapter.

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 28, 2019.

Chapter 158**ALCOHOLIC BEVERAGES-BUSINESS FLEXIBILITY****Original House Bill No. 212**

AN ACT relating to alcoholic beverages; allowing microbrewery or winery permit holders to hold manufacturer's licenses 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. 12-4-412 by creating a new subsection (j) and 12-5-401 are amended to read:

12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

(j) In addition to the one (1) additional license or permit authorized under paragraph (b)(iii) of this section, the holder of a microbrewery or winery permit under this section may also hold a manufacturer's license under W.S. 12-2-203(a).

12-5-401. Interests in licenses or permits to sell.

(a) No industry representative shall hold any interest, stock or ownership directly or indirectly, in any license to sell products of the industry at retail under privileges of a license or permit to sell any beverage or liquor in Wyoming or in any premises so licensed. This section shall not apply to any person holding a microbrewery or winery permit pursuant to W.S. 12-4-412. This section shall also not apply to a person holding a manufacturer's license under W.S. 12-2-203(a) when the license is held under the complete ownership of a retail business and to the extent he may be permitted one (1) satellite manufacturer's permit pursuant to W.S. 12-2-203(g).

(b) As used in subsection (a) of this section:

(i) "Complete ownership" means that all officers, owners or members are identical for all licenses and permits held;

(ii) "Retail business" means the holder of a microbrewery or winery permit who also holds a license or permit enumerated under W.S. 12-4-412(b)(iii) or (j).

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 28, 2019.

Chapter 159**VOTING SYSTEMS AND BALLOTS**

Original Senate File No. 99

AN ACT relating to elections; authorizing counting of ballots at a central counting location; requiring rule-making; and providing for effective dates.

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

Section 1. W.S. 22-2-121 by creating a new subsection (g), 22-14-102, 22-14-105(f), 22-14-110, 22-14-111(a)(intro) and 22-14-114 are amended to read:

22-2-121. Chief election officer to prepare forms; rules; advice.

(g) The secretary of state shall adopt rules and regulations that allow for the counting of ballots at a central counting center. The rules shall specify procedures for delivering ballots to the central counting center.

22-14-102. Who may be present after polls close; making pollbooks agree; counting votes.

After all the votes are cast and the polls are officially declared closed, only election judges shall be permitted in a polling place. When all ballots are cast, the machine shall be locked against further voting and sealed as prescribed by law. Except as otherwise provided by W.S. 22-14-114(b), election judges shall commence to count votes and shall continue without adjournment until counting is completed.

22-14-105. Vote tallying in voting machine polling places.

(f) This section does not vitiate the provisions of W.S. 22-9-125 permitting an alternate procedure for counting absentee ballots or the provisions of W.S. 22-14-114(b) permitting the counting of ballots at a central counting center.

22-14-110. Sealing paper ballots and voting machine records.

Paper ballots shall be sealed by the election judges in an envelope after being counted and tallied, unless the ballots are being counted at a central counting center as authorized by W.S. 22-14-114(b). One (1) copy of each voting machine record shall be sealed in a separate envelope showing the district, precinct and machine number and endorsed by the election judges. These envelopes shall then be sealed in a single large container. The district and precinct number shall be written on each container.

22-14-111. Returning records and returns to clerk.

(a) Unless the votes are being counted at a central counting center as authorized by W.S. 22-14-114(b), election judges shall, as soon as possible after the tabulation of votes is complete, election judges shall return by messenger to the clerk who prepared the ballots for the election the following records and returns in a sealed packet:

22-14-114. Counting of ballots.

(a) For ballots designed to be counted by machine, each individual vote shall be determined by the voting equipment and shall not be determined subjectively by human tabulation except when the intent of the voter is unmistakable but the ballot was received in such damaged, soiled, or other condition that it is rejected by the machine. The secretary of state may promulgate rules establishing standards for counting such ballots. For ballots not designed to be counted by machine, only votes clearly marked, as provided by W.S. 22-14-104 and rules promulgated pursuant to this code, shall be tallied. For write-in votes, names which are misspelled or abbreviated or the use of nicknames of candidates shall be counted for the candidate if the vote is obvious to the board.

(b) At the request of a county clerk, ballots may be received from a polling place and counted at a central counting center in accordance with rules promulgated by the secretary of state pursuant to W.S. 22-2-121(g).

Section 2. The secretary of state shall promulgate rules required by this act not later than January 1, 2020.

Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective January 1, 2020.

(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 February 28, 2019.

Chapter 160**SPECIAL ELECTRIC UTILITY AGREEMENTS****Original House Bill No. 113**

AN ACT relating to electric utilities; providing requirements for service agreements between electric utilities and customers with specified electrical demands; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 37-3-116 is created to read:

37-3-116. Electric utility service agreements.

(a) An electric utility may enter into a service agreement as specified in subsection (c) of this section, provided that the terms and conditions of the agreement:

(i) Are expected to result in revenue to the utility in an amount that exceeds the expected cost to serve the customer's projected electric usage;

(ii) Shall not result in obligating other customers for any utility investments or any direct, indirect or reasonably assigned costs related to the utility's service to the customer under the agreement. For purposes of this paragraph, investments and costs include known or reasonably ascertainable expenses for power supply, electric transmission and distribution and administrative, general, financial and other costs related to the agreement;

(iii) Provide benefits to other customers without imposing additional current or future costs.

(b) An electric utility shall retain for its owners any profits or losses that result from entering into an agreement with a customer pursuant to this section.

(c) Regulated utilities entering into agreements under this section shall report to the commission at least once every three (3) years as to the impacts on other rate payers.

(d) This section shall only apply to service agreements:

(i) Between an electric utility and a customer with projected electric usage greater than five (5) megawatts;

(ii) For services provided under a tariff approved by the commission consistent with its authority under W.S. 37-2-121.

Section 2. This act shall apply to all service agreements entered into consistent with the provisions of this act.

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

Approved February 28, 2019.

Chapter 161

HOSPITAL COST STUDY

Original Senate File No. 67

AN ACT relating to the provision of health care; requiring a study of high Wyoming hospital costs and discrimination by the federal Medicare program against Wyoming residents and Wyoming health care providers; requiring a study of the impacts of the discrimination; requiring a study relating to health care services and funding as specified; requiring a study of the loss of medical services in Wyoming and the use of out-of-state providers to provide medical services to Wyoming residents; providing an appropriation; and providing for an effective date.

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

Section 1.

(a) The office of the governor, with the assistance of qualified persons or contractors hired for the purpose, shall perform the studies required by this section and include the studies in the report required by this section. The study shall, to the greatest extent possible, take advantage of existing data or studies already performed by state and federal agencies as well as private organizations. This study may be carried out in conjunction with the study required in section 338 of 2019 House Bill 0001.

(b) The governor, with the assistance of qualified persons or contractors, shall study and report on the following topics:

(i) Identify the cost shift in the Medicare prospective payment system (PPS) context to commercial insurers, self-insured businesses and private payors caused by Medicare and other payors who reimburse or pay less than the costs incurred by a health care provider, rural health clinic or hospital in providing a service;

(ii) Identify the cost shift in the critical access hospitals and rural health clinics context, as defined by Medicare, to commercial insurers, self-insured businesses and private payors caused by Medicare and other payors who reimburse or pay less than the costs incurred by a health care provider or hospital in providing a service;

(iii) Identify how actual costs and charges paid in Wyoming by Medicare and by commercial insurers compare to similar payments made in surrounding states and in a sample of community and academic medical hospitals in coastal states for common medical procedures and for those procedures where a patient from Wyoming is most likely to receive the procedure out-of-state;

(iv) Identify or estimate total health care spending for all Wyoming residents and identify how much of that spending occurs outside of Wyoming. Identify whether the percentage of out-of-state spending is likely to change and, if so, the likely reasons for the change;

(v) Determine or estimate health care spending for Wyoming residents broken down by inpatient, outpatient and pharmacy costs and compare the distribution and the costs to comparable populations in other states;

(vi) Identify what types of medical care, if any, may become no longer economically or medically viable in Wyoming as a result of out-of-state or in-state competition or affiliation agreements with other hospitals. Identify the health risks to Wyoming residents which may result from any reduction in the identified types of medical care;

(vii) Any difficulties in recruiting physicians and other health care providers created by low reimbursements in general, and low Medicare reimbursements in particular;

(viii) The reasons for high hospital costs in Wyoming. The validity and

influence of the following factors and answers to the following questions, which may contribute to Wyoming's high hospital costs, shall be analyzed and considered:

(A) To what extent does there exist in Wyoming an inadequate volume of patients to spread fixed hospital costs, including capital costs, fixed or per unit administrative costs and costs of specialized medical teams;

(B) Do high professional labor costs and difficulties recruiting professional labor due to a lack of urban amenities and appropriate employment opportunities for professional spouses contribute to high hospital costs? Do these factors result in hospitals paying higher wages or paying the very high costs of retaining temporary traveling professionals;

(C) Do inefficiencies in hospital operations or governance models cause high hospital costs that could be controlled with better management? Does a lack of competitive cost pressure, caused in part by the isolated nature of many Wyoming hospitals and the fact that few health care options exist outside of a single hospital in many Wyoming communities, contribute to this problem;

(D) Do excessive profits lead to high hospital costs in Wyoming;

(E) Does Wyoming provide less state and local support to hospitals than other states? This support includes Medicaid at the state level, local mill levies (either part of the county mill levy or hospital district mill levies), state programs to compensate hospitals for uncompensated care and, outside Wyoming, municipal support for hospitals;

(F) Does uncompensated care, including bad debt, raise Wyoming's hospital costs as compared to other states;

(G) Is it possible that in Centers for Medicare and Medicaid Services 2014 data or other more recent data sets, Wyoming's nursing home costs may be being shifted to the hospital category, increasing reported hospital costs, decreasing nursing home costs and other anomalous features of the data collection in any data set used;

(H) Does the number of critical access hospitals in Wyoming (25 beds or less, frequently with a low patient census) contribute to Wyoming's high hospital costs relative to other states;

(J) Does prolonged care provided to mental health patients at Wyoming hospitals create additional hospital costs in Wyoming? To what extent are these additional costs caused by the inadequate availability of mental health treatment options outside the hospital;

(K) Are there institutional forces, including network provider requirements within the Wyoming state employees' and officials' group insurance plan and network requirements of private health insurance providers, that cause Wyoming residents to seek hospital care out-of-state and are there

other factors that incentivize residents to seek care in other states;

(M) Do any Wyoming statutes, rules or regulations cause an unnecessary increase in hospital costs in Wyoming.

(ix) What share of Wyoming's total hospital costs are generated by critical access hospitals;

(x) Opportunities to broaden the payor base relating to Wyoming health care services, including alternative funding mechanisms and innovative strategies for reducing health care costs;

(xi) The impacts to rural health clinics, which are fifty (50) or more miles from a critical access hospital, of Medicare reimbursement rates that are less than the reimbursement rates provided to critical access hospitals.

(c) The following entities shall coordinate with the governor's office and any persons or contractors hired by the governor's office and shall provide reports and analyses for inclusion in the reports required by this section as follows:

(i) The department of health shall, based on its professional knowledge and other reliable research, analyze the following issues:

(A) The effect on Wyoming patients in terms of mortality, morbidity and general well-being of receiving medical care in their home community, as opposed to receiving care in a distant location;

(B) Identification of the most common, serious medical conditions treated in Wyoming's larger communities and identification of those medical conditions which pose significant mortality or morbidity risks if treatment becomes unavailable in a Wyoming community and a patient is required to travel elsewhere to obtain the treatment. Consideration shall be given to the risks of both travel time under normal travel conditions and travel when weather or other factors delay or temporarily prevent safe travel.

(d) The governor, or at the governor's direction the persons or consultants hired by the governor pursuant to this section, shall compile all reports and analyses required by this section, together with any recommendations that he and the consultants or persons may have, into a single report that shall be provided to the joint labor, health and social services interim committee, the joint appropriations committee and to the legislative service office on or before October 1, 2019. The governor shall determine if the report will be a final report, or if the report shall be a preliminary report with a final report to be submitted on or before August 1, 2020. In submitting any report, the governor may include or exclude any portion of the analysis provided by the attorney general under paragraph (c)(ii) of this section in order to comply with the law or to not jeopardize any legal claim recommended by the attorney general.

(e) If requested by the governor or contractor any state agency shall provide assistance as necessary to complete the study required by this act.

Section 2.

(a) The governor:

(i) May create a steering committee to advise on the issues identified in section 1 of this act and to help direct any of the duties or tasks imposed by section 1 of this act. The steering committee shall consist of at least one (1) member of the senate appointed by the president of the senate, one (1) member of the house of representatives appointed by the speaker of the house of representatives and additional membership as the governor deems appropriate;

(ii) May assign to the steering committee or any state agency he deems appropriate, or otherwise delegate to anyone he deems appropriate, any duty or task assigned to the governor under section 1 of this act.

Section 3. There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the governor. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2021. This appropriation shall only be expended to contract with qualified persons to provide the studies, analyses and reports required by this act and for assembling, reproducing and distributing the reports required by this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2021.

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 28, 2019.

Chapter 162

FIREMEN'S RETIREMENT FUND PLAN B-CONTRIBUTION

Original Senate File No. 88

AN ACT relating to the Firemen's Pension Account Reform Act of 1981; increasing the member contribution rate for the pension account as specified; modifying the calculation of the employer contribution for the pension account; and providing for an effective date.

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

Section 1. W.S. 15-5-420(a) and 15-5-421 are amended to read:

15-5-420. Member contributions.

(a) Each employer shall deduct monthly from the compensation of each member participating in the account a sum equal to ~~eight and seven hundred twenty-five thousandths percent (8.725%) of the member's compensation until~~

~~June 30, 2014, and thereafter nine and two hundred forty-five thousandths percent (9.245%)~~ nine and seven hundred forty-five thousandths percent (9.745%) for the period from July 1, 2019 through June 30, 2020, ten and two hundred forty-five thousandths percent (10.245%) for the period from July 1, 2020 through June 30, 2021, ten and seven hundred forty-five thousandths percent (10.745%) for the period from July 1, 2021 through June 30, 2022 and thereafter eleven and two hundred forty-five thousandths percent (11.245%) of his compensation, and that amount shall be paid by the employer to the account.

15-5-421. Contribution by employer.

Each employer shall make monthly contributions to the account in an amount equal to the percentage contribution rate multiplied by the salaries paid to members of the account. The contribution rate, expressed as a percentage, shall be based on the results of actuarial valuations made at least every three (3) years. The city's contribution rate shall be comprised of the normal cost plus the ~~level percentage of salary~~ payment required to amortize the actuarial liability over a period of ~~forty (40)~~ thirty (30) years from January 1, 1983, calculated on the basis of an ~~acceptable actuarial reserve funding method~~ amortization policy approved by the board.

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 163

PARI-MUTUEL FEE DISTRIBUTION-STATE FAIR ACCOUNT

Original Senate File No. 107

AN ACT relating to pari-mutuel wagering; providing for distribution of fees to the state fair account as specified; and providing for an effective date.

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

Section 1. W.S. 11-25-105(b)(iii) is amended to read:

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

(b) Every Wednesday following any pari-mutuel event, the permittee shall:

(iii) Pay an amount equal to one percent (1%) of the total amount wagered attributable to historic pari-mutuel events, shown by the report to the commission, to be transferred by the commission to the county and the city or town in which the permittee is located, in equal shares, or to the county alone if the permittee is not located within the boundaries of a city or town. The county, city or town receiving an amount under this paragraph may credit that

amount to the state fair account upon a majority vote of the county's, city's or town's governing body.

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 164

STUDENT EXPULSION HEARING REQUIREMENTS

Original Senate File No. 120

AN ACT relating to education; amending sections related to suspension and expulsion; specifying and amending hearing timeframes for students subject to suspension or expulsion; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 14-6-203(g)(vii)(intro) and (B)(I), 21-4-305(a) through (c) and by creating a new subsection (g) and 21-4-306 by creating new subsections (c) and (d) are amended to read:

14-6-203. Jurisdiction; confidentiality of records.

(g) Except as provided by subsection (j) of this section, all information, reports or records made, received or kept by any municipal, county or state officer or employee evidencing any legal or administrative process or disposition resulting from a minor's misconduct are confidential and subject to the provisions of this act. The existence of the information, reports or records or contents thereof shall not be disclosed by any person unless:

(vii) The disclosure is made to an administrative employee or member of the board of trustees of the minor's school district, authorized by the court to receive the information, for purposes of the suspension or expulsion of the minor pursuant to W.S. ~~21-4-305(d)~~ 21-4-305(c)(ii), provided:

(B) The school district administrative employees or board of trustee members authorized to receive the minor's confidential information shall only disclose the information:

(I) To other members of the board of trustees or the superintendent for purposes of W.S. ~~21-4-305(d)~~ 21-4-305(c)(ii); and

21-4-305. Suspension or expulsion; authority; procedure.

(a) The board of trustees of any school district is authorized to suspend or expel a student subject to the requirements to provide notice and an opportunity to be heard as set forth in this section. The board of trustees may delegate the authority to suspend or expel a student to disciplinarians chosen from the administrative and supervisory staff, ~~to suspend any student from school for a period not to exceed ten (10) school days. In addition, the board of trustees~~

~~shall, subject to the case-by-case modification permitted by this subsection, require the district superintendent to expel from school for a period of one (1) year any student determined to possess, use, transfer, carry or sell a deadly weapon as defined under W.S. 6-1-104(a)(iv) within any school bus as defined by W.S. 31-7-102(a)(xl) or within the boundaries of real property used by the district primarily for the education of students in grades kindergarten through twelve (12). The superintendent with the approval of the board of trustees may modify the period of expulsion on a case-by-case basis based upon the circumstances of the violation. Upon a violation of this subsection and following notice and hearing requirements of this section, the superintendent shall notify the district attorney of the violation together with the specific act in violation of this subsection and the name of the student violating this subsection. Nothing in this subsection prohibits a district from providing educational services to the expelled student in an alternative setting.~~

(b) No student shall be suspended or expelled from school without notice as set forth in this subsection and an opportunity to be heard as set forth in subsection (c) of this section. To provide notice the disciplinarian shall:

(i) Give the student to be suspended or expelled oral or written notice of the charges against him and an explanation of the evidence the authorities have.; ~~The disciplinarian shall~~

(ii) In good faith attempt to notify the student's parents, guardians or custodians within twenty-four (24) hours of the student's suspension or expulsion and the reasons for the suspension or expulsion, using contact information on record with the school or district. The disciplinarian shall keep record of the efforts to provide notice under this paragraph and whether the notice was provided successfully;

(iii) Give the student to be suspended or expelled an opportunity to be heard and to present his version of the charges against him. ~~No student shall be removed from school without such notice and opportunity to be heard, except as provided by as set forth in subsection (c) of this section.;~~

(c) To provide an opportunity to be heard the disciplinarian shall give the every student to be suspended or expelled the opportunity to be heard as soon as practicable after the misconduct, and in accordance with the following, unless a student requests an extension of time and the board of trustees or the disciplinarian designee of the board approves the extension:

(i) For a suspension of ten (10) school days or less, notice shall be provided in accordance with paragraph (b)(ii) of this section and a student shall be provided an opportunity to be heard before a student is removed unless the student's presence endangers persons or property, or threatens disruption of the academic process, in which case his immediate removal from school may be justified, but the opportunity to be heard shall follow as soon

as practicable, and not later than seventy-two (72) hours after his removal, not counting Saturdays and Sundays; ~~Written notice of suspension shall be sent to the student's parents, guardians or custodians within twenty-four (24) hours of the decision to conduct them.~~

(ii) For a suspension or expulsion longer than ten (10) school days a hearing shall be held in accordance with the Wyoming Administrative Procedure Act and, unless the student requests an extension and the board or the disciplinarian designee of the board approves an extension, the hearing shall be held within ten (10) business days, or as soon thereafter as is reasonably practicable, after the supervisory staff disciplinarian recommends suspension or expulsion to the appropriate administrator. The student's suspension shall continue until the hearing is held.

(g) As used in this chapter, an "opportunity to be heard" means at a minimum a meeting in which the disciplinarian or his designee provides the substantive information regarding the suspension or expulsion to the student to be suspended, and the student to be suspended may dispute the substantive information provided. An opportunity to be heard does not require a formal hearing in accordance with the provisions of the Wyoming Administrative Procedure Act except as provided in paragraph (c)(ii) of this section.

21-4-306. Suspension or expulsion; grounds.

(c) The board of trustees shall, subject to the case-by-case modification permitted by subsection (d) of this section, require the district superintendent to expel from school for a period of one (1) year any student determined to violate paragraph (a)(v) of this section.

(d) The superintendent with the approval of the board of trustees may modify the period of any expulsion on a case-by-case basis based upon the circumstances of the violation. Upon a violation of paragraph (a)(v) of this section and following notice and hearing requirements of W.S. 21-4-305, the superintendent shall notify the district attorney of the violation together with the specific act in violation of paragraph (a)(v) of this section and the name of the student violating paragraph (a)(v) of this section. Nothing in this section prohibits a district from providing educational services to the expelled student in an alternative setting.

Section 2. W.S. 21-4-305(d) is repealed.

Section 3. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 165

COUNTY REGULATION OF LIVESTOCK GRAZING

Original Senate File No. 142

AN ACT relating to counties; prohibiting counties from eliminating livestock grazing on public or private lands as specified; and providing for an effective date.

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

Section 1. W.S. 18-5-207 is amended to read:

18-5-207. Continuation of existing uses; effect of alteration or addition; future use after discontinuation of nonconforming use.

(a) A zoning resolution enacted under the provisions of W.S. 18-5-201 through 18-5-206 shall not prohibit the continuance of the use of any land, building or structure for the purpose for which the land, building or structure is used at the time the resolution is adopted and it is not necessary to secure any certificate permitting such continuance. However, the alteration or addition to any existing building or structure for the purpose of effecting any change in use may be regulated or prohibited by zoning resolution. If a nonconforming use is discontinued any future use of such land, building or structure shall be in conformity with the provisions of the resolution regulating uses in the area in which the land, building or structure is located.

(b) A county shall not enact a zoning resolution or take any other action that eliminates livestock grazing on any private land or land owned by the county without first complying with the provisions of this article.

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

Approved February 28, 2019.

Chapter 166

OPIOID PRESCRIPTION LIMITS

Original Senate File No. 46

AN ACT relating to controlled substances; establishing a limit for opioid prescriptions as specified; providing authority to establish exemptions; and providing for an effective date.

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

Section 1. W.S. 35-7-1030 by creating a new subsection (e) is amended to read:

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

(e) No practitioner shall prescribe nor shall any person dispense any opioid or combination of opioids for acute pain to an opioid naive patient for more than a seven (7) day supply in a seven (7) day period. The board shall by rule establish reasonable exceptions to this section, in consultation with other professional licensing boards that license practitioners, including exceptions for chronic pain, cancer treatment, palliative care and other clinically appropriate exceptions. As used in this subsection:

(i) "Opioid" means an opiumlike compound that binds to one (1) or more of the major opioid receptors in the body;

(ii) "Opioid naive patient" means a patient who has not had an active opioid prescription in the preceding forty-five (45) day period.

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 167

PRESENTENCE INVESTIGATION REPORTS-JUDICIAL DISCRETION

Original House Bill No. 143

AN ACT relating to criminal procedure and sentencing; specifying when a presentence investigation report must be completed for convicted felony defendants; making conforming amendments; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 7-13-303(b) and by creating a new subsection (c), 7-13-1105(b), 7-13-1302 and 7-18-108(d) are amended to read:

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

(b) ~~No defendant charged with a felony, and, Unless the court directs otherwise, no defendant charged with a felony or misdemeanor, shall be placed on probation or released under suspension of sentence until the report of the investigation under this section is presented to and considered by the court. If the defendant is sentenced to the custody of the department of corrections to serve a term of incarceration in a state penal institution, a copy of the report of the investigation if completed shall be sent to the department of corrections at the time of sentencing. In all felony cases The clerk of court shall forward copies of the report, if completed, to the department of corrections, together with copies of all orders entered by the court.~~

(c) The court may, in its discretion, dispense with the investigation and preparation of a report required by this section or may limit the scope of the investigation and report to circumstances and conditions the court deems relevant to its sentencing determination.

7-13-1105. Placement of probationer in program by sentencing court.

(b) When a presentence report is required by the court, the department shall be responsible for including in the presentence report to the sentencing judge any recommendations for the utilization of a program created under this article.

7-13-1302. Substance abuse assessment required.

All persons convicted of a third misdemeanor under W.S. 31-5-233(e) or a felony shall receive, ~~as a part of a presentence report,~~ a substance abuse assessment. The substance abuse assessment shall be part of a presentence report if prepared. The cost of the substance abuse assessment shall be assessed to and paid by the offender. A person who has undergone a substance abuse assessment pursuant to W.S. 31-5-233(e) may receive a second assessment under this section if the court finds that enough time has passed to make the first assessment inaccurate.

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

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

Section 2. The provisions of this act shall apply to all persons convicted of a crime on or after the effective date of this act.

Section 3. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 168

PROGRAM EVALUATION STANDARDS

Original House Bill No. 20

AN ACT relating to legislative program evaluation; amending audit standard requirements; and providing for an effective date.

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

Section 1. W.S. 28-8-107(e)(intro) is amended to read:

28-8-107. Auditing of state agencies; management audit committee; factors to be considered in audit reports.

(e) ~~Generally accepted governmental~~ Auditing standards as promulgated by the Comptroller General of the United States adopted by the management

audit committee and approved by the management council shall be used to the extent practicable in conducting audits and shall follow industry best practices, program evaluation standards and performance audit standards. The audit shall consider:

Section 2. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 169

UNCLAIMED LIFE INSURANCE BENEFITS

Original House Bill No. 29

AN ACT relating to insurance; imposing requirements on providers of life insurance, annuity contracts and retained asset accounts to confirm deaths of persons as specified; providing penalties; modifying related provisions within the Uniform Unclaimed Property Act; and providing for an effective date.

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

Section 1. W.S. 26-16-505 is created to read:

26-16-505. Unclaimed life insurance benefits.

(a) An insurer shall perform a comparison of its insureds' policies and retained asset accounts against a death master file on at least a semi-annual basis by using the full death master file once and thereafter using the death master file update files for future comparisons in order to identify potential matches of its insureds.

(b) Not later than ninety (90) days after a death master file match an insurer shall:

(i) Complete and document a good faith effort to confirm the death of the insured or retained asset account holder against other available records and information; and

(ii) Determine whether benefits are due in accordance with the applicable policy. If benefits are due in accordance with the applicable policy the insurer shall complete and document good faith efforts to locate the beneficiary. The insurer shall also provide the appropriate claims forms or instructions to the beneficiary to make a claim including the need to provide an official death certificate, if applicable under the policy.

(c) With respect to group life insurance, an insurer shall confirm the possible death of an insured pursuant to paragraph (b)(i) of this section when the insurer maintains at least the following information on those covered under a policy:

(i) Social security number or name and date of birth;

- (ii) Beneficiary designation;
- (iii) Coverage eligibility;
- (iv) Benefit amount; and
- (v) Premium payment status.

(d) Every insurer shall implement procedures to account for all of the following:

(i) Common nicknames, initials used in lieu of a first or middle name, use of a middle name, compound first and middle names and interchanged first and middle names;

(ii) Compound last names, maiden or married names and hyphens, blank spaces or apostrophes in last names;

(iii) Transposition of the month and date within a date of birth;

(iv) Incomplete social security numbers.

(e) To the extent permitted by law, an insurer may disclose minimum necessary personal information about the insured or beneficiary to a person whom the insurer reasonably believes may be able to assist the insurer in locating the beneficiary.

(f) An insurer or its service provider shall not charge any beneficiary or other authorized representative for any fees or costs associated with a death master file search or verification of a death master file match conducted pursuant to this section.

(g) Benefits due and owing from a policy or a retained asset account, plus any applicable accrued contractual interest, shall first be payable to the designated beneficiary. If the beneficiary cannot be found, the insurer shall comply with the applicable provisions of the Uniform Unclaimed Property Act. Interest otherwise payable as required by law shall not be considered unclaimed property pursuant to W.S. 34-24-120(a).

(h) Once benefits and accrued contractual interest are presumed abandoned under W.S. 34-24-108, the insurer shall notify the state treasurer, as part of the report sent under W.S. 34-24-118, that:

(i) A beneficiary has not submitted a claim with the insurer; and

(ii) The insurer has complied with this section and has been unable, after good faith efforts documented by the insurer, to contact the beneficiary.

(j) Failure to meet any requirement of this section may constitute an unfair trade practice and is subject to the penalty provided in W.S. 26-1-107.

(k) As used in this section:

(i) "Death master file" means the United States social security administration's death master file or any other database or service that is at

least as comprehensive as the United States social security administration's death master file for determining that a person has reportedly died;

(ii) "Death master file match" means a search of the death master file that results in a match of the social security number or the name and date of birth of an insured, annuity owner or retained asset account holder;

(iii) "Policy" means any policy or certificate of life insurance that provides a death benefit or any annuity contract, except that the term shall not include:

(A) Any policy or certificate of life insurance that provides a death benefit under an employee benefit plan that is:

(I) Subject to the Employee Retirement Income Security Act of 1974; or

(II) Part of a federal employee benefit program.

(B) Any policy or certificate of life insurance that is used to fund a prearranged funeral contract;

(C) Any policy or certificate of credit life or accidental death insurance;

(D) Any policy issued to a group master policyholder for which the insurer does not provide record keeping services; or

(E) An annuity used to fund an employment based retirement plan or program if the insurer:

(I) Does not perform the record keeping services; or

(II) Is not committed by terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants.

(iv) "Record keeping services" means services provided by an insurer for a group policy customer pursuant to an agreement under which the insurer is responsible for obtaining, maintaining and administering, in its own or its agent's systems, at least the following information about each individual insured under the group policy or a line of coverage thereunder:

(A) Social security number or name and date of birth;

(B) Beneficiary designation information;

(C) Coverage eligibility;

(D) Benefit amount; and

(E) Premium payment status.

(v) "Retained asset account" means any mechanism whereby the settlement of proceeds payable under a policy is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with check or draft writing privileges, where those proceeds are retained by the insurer or its agent, pursuant to a supplementary contract not involving

annuity benefits other than death benefits.

Section 2. W.S. 26-16-101, 34-24-118(b)(ii) and 34-24-120(a) are amended to read:

26-16-101. Scope and applicability of chapter.

This chapter, except W.S. 26-16-118, ~~and~~ 26-16-120 and 26-16-505, applies only to contracts of life insurance and annuities, other than reinsurance, group life insurance and group annuities.

34-24-118. Report of abandoned property.

(b) The report shall be verified and shall include:

(ii) In the case of unclaimed funds of fifty dollars (\$50.00) or more held or owing under any insurance policy or annuity contract, the full name and last known address of the insured policy owner or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds. The report shall also include any information required by W.S. 26-16-505(h);

34-24-120. Payment or delivery of abandoned property.

(a) At the time of the filing of the report required by W.S. 34-24-118 and with that report, the person holding property deemed abandoned and subject to custody as unclaimed property shall pay or deliver to the administrator all of the property shown on the report and remaining unclaimed by the apparent owner. Upon written request showing good cause, the administrator may postpone the payment or delivery upon such terms or conditions as the administrator deems necessary and appropriate. The property paid or delivered to the administrator shall include all interest, dividends, increments and accretions due, payable or distributable on the property on November 1 of the year in which the report is required, except that interest accrued on a policy as defined in W.S. 26-16-505(k)(iii) or a retained asset account as defined in W.S. 26-16-505(k)(v) shall not be considered unclaimed property. If payment or delivery is postponed, the property paid or delivered to the administrator shall include all interest, dividends, increments and accretions due, payable or distributable on the day that the property is paid or delivered to the administrator.

Section 3. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 170

WYOMING UTILITY TOKEN ACT-PROPERTY AMENDMENTS

Original House Bill No. 62

AN ACT relating to property; making legislative findings; establishing that open blockchain tokens with specified consumptive characteristics are intangible personal property and not subject to a securities

exemption; providing definitions; requiring developers and sellers of open blockchain tokens to file notices of intent and fees with the secretary of state; authorizing specified enforcement actions; making specified violations unlawful trade practices; repealing provisions granting open blockchain tokens a securities exemption; specifying applicability; providing an appropriation; and providing for effective dates.

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

Section 1.

(a) The legislature finds the following:

(i) Certain open blockchain tokens may be restricted to only be exchangeable for specified consumptive purposes, including services, software, content or property, whether real or tangible personal property, and do not entitle a token holder to a cash payment or a share of profits from the technology developer or business that created the token;

(ii) Open blockchain tokens with specified consumptive purposes are similar to loyalty programs operated by many businesses today, in which an individual is provided with services, content or property redeemable from the developer or business in exchange for a specified number of transactions or cash paid to the developer or business;

(iii) The open blockchain tokens governed by this act do not constitute securities because a person who is sold a consumptive open blockchain token cannot receive a cash payment or share of profits from a developer or business, but will instead receive a fixed amount of consumable services, content or property; and

(iv) Because of the consumptive nature of open blockchain tokens and for the other reasons specified above, these tokens are properly classified as intangible personal property under Wyoming law and, therefore, do not require an exemption from securities laws.

Section 2. W.S. 34-29-101 is created to read:

CHAPTER 29
DIGITAL ASSETS

34-29-101. Wyoming Utility Token Act; open blockchain tokens classified as intangible personal property; characteristics; filing requirements; fee; enforcement authority; definitions; virtual currency.

(a) This section may be cited as the “Wyoming Utility Token Act.”

(b) An open blockchain token with the following characteristics constitutes intangible personal property:

(i) The predominant purpose of the token is consumptive, as defined in paragraph (g)(ii) of this section;

(ii) The developer or seller did not market the token to the initial buyer as a financial investment, as defined in paragraph (g)(v) of this section; and

(iii) At least one (1) of the following subparagraphs is satisfied:

(A) The developer or seller reasonably believed that it sold the token to the initial buyer for a consumptive purpose;

(B) The token has a consumptive purpose that is available at or near the time of sale and can be used at or near the time of sale for a consumptive purpose;

(C) The initial buyer of the token is prohibited by the developer or seller of the token from reselling the token until the token is available to be used for a consumptive purpose;

(D) The developer or seller takes other reasonable precautions to prevent an initial buyer from purchasing the token as a financial investment.

(c) Before making an open blockchain token under subsection (b) of this section available for sale, the developer or seller of a token, or the registered agent of the developer or seller, shall electronically file a notice of intent with the secretary of state and pay a filing fee of one thousand dollars (\$1,000.00) to offset the costs of administering this section. The notice of intent shall contain the name of the person acting as a developer or seller, the contact information of the person, or the registered agent of the person and comprehensive details on the open blockchain token under subsection (b) of this section made available for sale, as required by the secretary of state. A form shall be made available by the secretary of state for this purpose, which shall include a secure electronic form conspicuously posted on the internet website of the secretary of state. A developer, seller and the registered agent of these persons, if applicable, shall have a continuing duty to update the contact information provided on a notice of intent as long as the open blockchain token associated with the notice is actively being sold.

(d) A facilitator shall comply with the following requirements:

(i) A facilitator shall, before making any token available for resale to the public, confirm with the secretary of state that a notice of intent has been filed pursuant to subsection (c) of this section;

(ii) A facilitator shall, at all times, have a reasonable and good faith belief that a token subject to resale conforms to the requirements of paragraphs (b)(i) through (iii) of this section; and

(iii) The facilitator shall take reasonably prompt action to terminate the resale of a token which does not conform to the requirements of this subsection.

(e) A willful failure by a developer, seller or facilitator to comply with the duties imposed by this section shall constitute an unlawful trade practice under W.S. 40-12-105(a)(xvii). A developer, seller or facilitator is subject to all applicable criminal statutes, including the fraud provisions of W.S. 6-3-601 through 6-3-615.

(f) The secretary of state may refer the following to appropriate state or federal agencies for investigation, criminal prosecution, civil penalties and other appropriate enforcement actions:

(i) Suspected violations of this section;

(ii) The developer, seller or facilitator of either an open blockchain token which conforms to the requirements of this section or another digital asset which substantially resembles an open blockchain token, but which, in the determination of the secretary of state, is being sold for financial investment or fraudulent purposes.

(g) As used in this section:

(i) “Blockchain” means a digital ledger or database which is chronological, consensus-based, decentralized and mathematically verified in nature;

(ii) “Consumptive” means a circumstance when a token is exchangeable for, or provided for the receipt of, services, software, content or real or tangible personal property, including rights of access to services, content or real or tangible personal property;

(iii) “Developer” means the person primarily responsible for creating an open blockchain token or otherwise designing the token, including by executing the technological processes necessary to create the token;

(iv) “Facilitator” means a person who, as a business, makes open blockchain tokens under subsection (b) of this section available for resale to the public after a token has been purchased by an initial buyer;

(v) “Financial investment” means a contract, transaction or arrangement where a person invests money in a common enterprise and is led to expect profits solely from the efforts of a promoter or a third party;

(vi) Except as otherwise provided in subsection (h) of this section, “open blockchain token” means a digital unit which is:

(A) Created:

(I) In response to the verification or collection of a specified number of transactions relating to a digital ledger or database;

(II) By deploying computer code to a digital ledger or database, which may include a blockchain, that allows for the creation of digital tokens or other units; or

(III) Using a combination of the methods specified in subdivisions (I) and (II) of this subparagraph.

(B) Recorded to a digital ledger or database, which may include a blockchain; and

(C) Capable of being traded or transferred between persons without an

intermediary or custodian of value.

(vii) “Seller” means a person who makes an open blockchain token available for purchase to an initial buyer.

(h) Virtual currency or a digital security, as defined in W.S. 34-29-101(a), shall not constitute an open blockchain token.

Section 3. W.S. 17-4-102(a)(xvii)(intro) and 40-12-105(a) by creating new paragraph (xvii) are amended to read:

17-4-102. Definitions.

(a) In this act, unless the context otherwise requires:

(xvii) “Issuer” means a person that issues or proposes to issue a security, subject to ~~W.S. 17-4-206(a) and (c) and~~ the following:

40-12-105. Unlawful practices.

(a) A person engages in a deceptive trade practice unlawful under this act when, in the course of his business and in connection with a consumer transaction, he knowingly:

(xvii) Willfully fails to comply with the duties imposed by W.S. 34-29-101.

Section 4. W.S. 17-4-102(a)(iv)(F) and (xxviii)(F), 17-4-206, 40-22-104(a)(vii) and 40-22-126(b) are repealed.

Section 5.

(a) Except as otherwise provided in subsection (b) of this section, a person who has properly filed a notice of intent pursuant to 2018 Wyoming Session Laws, chapter 44 before the effective date of this act shall be subject to the requirements of this act.

(b) Notices of intent properly filed with the secretary of state pursuant to 2018 Wyoming Session Laws, chapter 44 before the effective date of this act, shall constitute compliance with W.S. 34-29-101(c), as of the effective date of this act.

(c) Open blockchain tokens relating to a notice of intent properly filed pursuant to 2018 Wyoming Session Laws, chapter 44 before the effective date of this act shall constitute intangible personal property under W.S. 34-29-101 after the effective date of this act.

Section 6. For the period beginning July 1, 2019 and ending June 30, 2020, there is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the secretary of state. This appropriation shall only be expended to provide services relating to the administration and enforcement 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. The secretary of state may include a request for an appropriation for these services in its 2021-2022 standard budget request. This section shall be effective July 1, 2019.

Section 7. Except as provided in section 6 of this act, 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 28, 2019.

Chapter 171

DISTRICT COURT FILING FEES

Original House Bill No. 125

AN ACT relating to district courts; amending filing and other fees for probate and civil cases 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. 2-2-401(a)(i) and (iii) and 5-3-206(a)(i) 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:

(i) Original filing fee.....~~\$50.00~~ \$110.00

(iii) In addition to the original filing fee under paragraph (a)(i) of this subsection, a court automation fee in the amount of ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00) which shall be deposited into the judicial systems automation account established by W.S. 5-2-120;

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 ~~eighty-five dollars (\$85.00)~~ one hundred ten dollars (\$110.00) 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. ~~Twenty-five dollars (\$25.00)~~ Thirty dollars (\$30.00) 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;

Section 2. The increases in filing fees and other judicial fees as provided in this act shall not apply to any state agency until July 1, 2020.

Section 3. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 172

DRIVER'S LICENSES

Original House Bill No. 243

AN ACT relating to motor vehicles; extending the expiration date for driver's licenses as specified; and providing for an effective date.

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

Section 1. W.S. 31-7-119(a), (c), (f)(intro) and (i) is amended to read:

31-7-119. Expiration and renewal; required tests; extension.

(a) Every driver's license shall expire on the licensee's birthday in the ~~fourth~~ fifth year following the issuance of the license.

(c) Notwithstanding subsection (f) of this section, the division may defer the expiration of the license of a licensee who is on active duty in the armed forces of the United States for successive ~~four (4)~~ five (5) year periods, upon terms and conditions as it may prescribe. The division may similarly defer the expiration of the license of the spouse or dependent child of the person in the armed forces if residing with that person.

(f) Once in any ~~eight (8)~~ ten (10) year period, a driver's license may be extended for a ~~four (4)~~ five (5) year period without the examination required by subsection (b) of this section for a licensee:

(i) Whose license has not been suspended or revoked in the ~~four (4)~~ five (5) years immediately preceding the date of license expiration;

Section 2. This act applies to licenses issued or renewed on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved February 28, 2019.

Chapter 173**HEMP, CANNABIDIOL AND OTHER CONTROLLED SUBSTANCE
REGULATION****Original House Bill No. 171**

AN ACT relating to food and drugs; amending substances regulated by the controlled substances act; requiring the commissioner of drugs and substances control to conform controlled substances regulation to federal law within a specified period; providing for hemp production and hemp processing; providing rulemaking authority; providing a penalty; authorizing the use and possession of hemp and hemp products; repealing conflicting provisions; requiring the department to submit a state plan for the regulation of hemp; providing appropriations; requiring a report; and providing for an effective date.

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

Section 1. W.S. 11-51-101 through 11-51-107 are created to read:

CHAPTER 51
HEMP PRODUCTION

11-51-101. Definitions.

(a) As used in this article:

(i) “Corrective action plan” means a plan the department develops in consultation with a licensee to correct any violation of this article;

(ii) “Disposal” means activities to alter or treat hemp or hemp products that contain an amount of THC in excess of the amount authorized in this article to ensure that the THC is reduced to bring the hemp or hemp product into compliance with this article or, if compliance is not attainable, that the THC is rendered inaccessible;

(iii) “Hemp” or “hemp product” means all parts, seeds and varieties of the plant *cannabis sativa* L., whether growing or not, or a product, derivative, extract, cannabinoid, isomer, acid, salt or salt of isomer made from that plant with a THC concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis when using post-decarboxylation or another similarly reliable testing method;

(iv) “Licensee” means a person licensed under this article to produce, process or test hemp;

(v) “Produce” means all acts necessary to produce and market hemp including, without limitation, planting, cultivating, harvesting, cloning, producing seeds, handling, transporting and selling;

(vi) “Process” means converting hemp into another product that contains no more than three-tenths of one percent (0.3%) THC on a dry weight basis when using post-decarboxylation or another similarly reliable testing method;

(vii) “THC” means tetrahydrocannabinol, the psychoactive component of the cannabis plant, with the scientific name *trans-delta 9-tetrahydrocannabinol*.

11-51-102. Hemp as agricultural crop; use of hemp.

(a) Hemp is an agricultural crop in this state. Upon meeting the requirements of this article, a person may produce or process hemp.

(b) Notwithstanding the requirements of this article, the possession, purchase, sale, transportation and use of hemp and hemp products by any person is allowable without restriction.

11-51-103. Licensing.

(a) No person shall produce or process hemp unless the person has obtained a license from the department on a form provided by the department.

(b) The application for a license under this section shall include:

(i) The name and address of the applicant;

(ii) The physical address and legal description of all land and property where the production or processing will occur;

(iii) A statement that the applicant has not been convicted of or pled nolo contendere to a controlled substance felony within the past ten (10) years, or in the event the applicant is not an individual, a statement that no member, principal, officer or director of the applicant has been convicted of or pled nolo contendere to a controlled substance felony;

(iv) Authorization for reasonable access by the department for random inspections related to production or processing activities; and

(v) Verification that the applicant is a business entity organized under the laws of Wyoming or a Wyoming resident, as defined by rule of the department.

(c) The department shall issue a license, or renewal thereof, which is valid for one (1) year if:

(i) The requirements of subsection (b) of this section are met including that the applicant has not been convicted of or pled nolo contendere to a controlled substance felony within the past ten (10) years; and

(ii) Seven hundred fifty dollars (\$750.00) is received for each annual license or renewal application. This fee shall be reduced to five hundred dollars (\$500.00) for a nonprofit or educational organization.

(d) Licenses under this section may authorize producing hemp and processing hemp products at more than one (1) location for the same licensee.

(e) Any person possessing hemp or hemp products only for the purpose of testing THC levels may, but shall not be required to, obtain a license under this article.

11-51-104. Enforcement; penalties.

(a) The department shall perform inspections and provide chemical analysis of a random sample of licensees to determine compliance with this article.

(b) Any licensee who violates any provision of this article or any regulation promulgated pursuant to this article shall be subject to a corrective action plan. The corrective action plan may include reporting requirements, additional inspections, suspension of a license, steps necessary to restore a license, or requirements related to disposal of hemp or hemp products that contain in excess of three-tenths of one percent (0.3%) THC on a dry weight basis. The plan may require rendering THC inaccessible by using hemp or hemp products as a soil amendment material or by destruction of the hemp or hemp product as authorized by rule of the department.

(c) Any person who intentionally violates 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.

(d) If any person has three (3) or more violations of this article or any regulation promulgated pursuant to this article within five (5) years, the department shall revoke the license and the person shall be ineligible for licensure under this article for five (5) years.

11-51-105. Rules; agreements; research activities.

(a) The department shall adopt rules necessary to implement the provisions of this article.

(b) The department may enter into agreements with tribal governments related to hemp production and the processing of hemp products.

(c) The department, the University of Wyoming and Wyoming community colleges may produce or process hemp for research purposes.

11-51-106. Disposition of fees.

All fees collected under this article shall be deposited with the state treasurer in a separate account which is continuously appropriated to the department for the administration of this article.

11-51-107. Exception if this article is not implemented.

Nothing in this article shall preclude any person from applying for and receiving authorization to produce and process hemp from another authorized entity if the department does not receive authority to do so or is otherwise not implementing this article.

Section 2. W.S. 35-7-1011(d) and 35-7-1063(a)(i), (iii) and by creating a new subsection (b) are amended to read:

35-7-1011. Control of substances.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law ~~and notice thereof is given to the commissioner;~~ the commissioner shall ~~similarly~~ control the substance under this act ~~after the expiration of in the same manner as federal law within~~ thirty (30) days

~~from after receiving notice of the change but not later than thirty (30) days after the first publication of the change in the Federal Register, of a final order designating a substance as a controlled substance, or rescheduling, or deleting a substance unless within that thirty (30) day period. Under this subsection, the commissioner shall control the substance in the same manner as federal law through the promulgation of an emergency rule, followed by promulgation of a permanent rule under the Wyoming Administrative Procedure Act. If the commissioner objects to inclusion the designation, rescheduling or deletion: In that case of a substance, the commissioner shall within the same period required to control the substance publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the commissioner shall publish his decision which shall be final unless altered by statute. Upon publication of an objection to inclusion designation, rescheduling or deletion under this act by the commissioner, control under this act is stayed until the commissioner publishes his final decision. Any final decision that ultimately controls the substance under this act in the same manner as federal law shall be finalized through the promulgation of an emergency rule, followed by promulgation of a permanent rule under the Wyoming Administrative Procedure Act.~~

35-7-1063. Exceptions to provisions.

(a) The provisions and penalties of this chapter shall not apply to:

(i) ~~The medical possession or use of hemp extract when used in accordance with the provisions of W.S. 35-7-1901 through 35-7-1903 or hemp products for any purpose or application;~~

(iii) ~~Industrial Hemp farming production, processing or testing 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 W.S. 11-51-101 through 11-51-107.~~

(b) As used in this section “hemp” or “hemp product” means all parts, seeds and varieties of the plant cannabis sativa l. or a product made from that plant with a trans-delta 9-tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.

Section 3. W.S. 35-7-1901 through 35-7-1903 and 35-7-2101 through 35-7-2109 are repealed.

Section 4.

(a) Not later than thirty (30) days after the effective date of this act, the department of agriculture, after consulting with the governor and the attorney general, shall submit a state plan to the United States secretary of agriculture for primary regulatory authority of hemp in Wyoming as provided in the Agriculture Improvement Act of 2018, Section 10113.

(b) The department of agriculture shall receive and process license applications for the production and processing of hemp as provided in W.S. 11-51-103, created under section 1 of this act, immediately upon approval of the state plan submitted under subsection (a) of this section.

(c) There is appropriated one hundred twenty-thousand dollars (\$120,000.00) from the general fund to the department of agriculture. 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 administering 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.

(d) There is appropriated three hundred fifteen thousand dollars (\$315,000.00) from the general fund to the department of agriculture. 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 building maintenance, employee training, laboratory supplies and equipment and maintenance agreements necessary to implement 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. This appropriation shall not be included in the department of agriculture's 2021-2022 standard biennial budget request.

(e) The department of agriculture shall provide a report to the joint agriculture, public lands and water resources interim committee and the joint appropriations committee on the production and processing of hemp as provided in this act. The report required under this subsection shall be provided on October 1 of each year beginning in 2019 and ending after the report is submitted in 2021.

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 6, 2019.

Chapter 174

PUBLIC RECORDS

Original Senate File No. 57

AN ACT relating to public records; requiring the release of public records within a specified time; requiring the designation of a public records person for each governmental entity; requiring applications for public records to be made to the designated public records person; requiring the department of administration

and information to post contact information of designated public records persons; requiring the governor to designate an ombudsman to receive complaints for violations of the public records act as specified; modifying penalties and providing remedies for violations of the public records act; authorizing a position; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 16-4-201(a)(ii), (v), (vi)(A), (B), (ix), by creating new paragraphs (xii) and (xiii) and by creating a new subsection (b), 16-4-202(a) through (c), (d)(ii) through (iv) and by creating a new subsection (e), 16-4-203(b)(iii), (iv), (vi)(intro), (C), (D), (d)(xiv)(intro), (B), (xv) and (f) and 16-4-205 are amended to read:

16-4-201. Definitions; short title.

(a) As used in this act:

(ii) “Official custodian” means any officer or employee of ~~the state or any agency, institution or political subdivision thereof~~ a governmental entity, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

(v) “Public records” when not otherwise specified includes any information in a physical form created, accepted, or obtained by ~~the state or any agency, institution or political subdivision of the state~~ a governmental entity in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term “public records” includes any written communication or other information, whether in paper, electronic, or other physical form, received by ~~the state or any agency, institution or political subdivision of the state~~ a governmental entity in furtherance of the transaction of public business of the ~~state or agency, institution or political subdivision of the state~~ governmental entity, whether at a meeting or outside a meeting. Electronic communications solely between students attending a school in Wyoming and electronic communications solely between students attending a school in Wyoming and a sender or recipient using a nonschool user address are not a public record of that school. As used in this paragraph, a “school in Wyoming” means the University of Wyoming, any community college and any public school within a school district in the state;

(vi) Public records shall be classified as follows:

(A) “Official public records” includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which ~~the state or any agency or subdivision thereof~~ a governmental entity is a party; all fidelity, surety and performance bonds; all claims filed against ~~the state or any agency or subdivision thereof~~ a governmental entity; all records or documents required by law to be filed with or kept by ~~any agency or the~~

~~state a governmental entity~~ of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any ~~agency of the state or subdivision thereof~~ governmental entity; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda.

(ix) "Application" means a written request for a public record. However, a ~~custodian designated public records person~~ may in his discretion deem a verbal request to be an application;

(xii) "Designated public records person" means the person designated as required by W.S. 16-4-202(e) or that person's designee;

(xiii) "Governmental entity" means the state of Wyoming, an agency, political subdivision or state institution of Wyoming.

(b) This act shall be known and may be cited as the "Public Records Act."

16-4-202. Right of inspection; rules and regulations; unavailability; designation of public records person.

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the ~~state governmental entity, or political subdivision,~~ except as provided in this act or as otherwise provided by law, but the official custodian of any public records may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office. All applications for public records shall be made to the designated public records person.

(b) If the public records requested are not in the custody or control of the ~~person governmental entity to whom application is made, the custodian or authorized person having personal custody and control of the public records~~ designated public records person shall notify the applicant within seven (7) business days from the date of acknowledged receipt of the request of the unavailability of the records sought, ~~unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed and provide the name and contact information of the appropriate designated public records person if known.~~

(c) If the public records requested are in the custody and control of the

~~person-governmental entity to whom application is made, but the following shall apply:~~

~~(i) If the records are in active use or in storage, and therefore not available at the time an applicant asks to examine them, the designated public records person shall immediately forward the request to the custodian or authorized person having personal custody and control of the public records and shall notify the applicant of this situation within seven (7) business days from the date of acknowledged receipt of the request, unless good cause exists preventing a response within such time period. In the event the applicant is not satisfied that good cause exists, the applicant may petition the district court for a determination as to whether the custodian has demonstrated good cause existed.~~

~~(ii) If a public record is readily available, it shall be released immediately to the applicant so long as the release does not impair or impede the agency's governmental entity's ability to discharge its other duties;~~

~~(iii) All public records shall be released not later than thirty (30) calendar days from the date of acknowledged receipt of the request unless good cause exists preventing release as authorized by paragraph (iv) of this subsection;~~

~~(iv) If good cause exists preventing release within the time period specified in paragraph (iii) of this subsection, the public records shall be released on a specified date mutually agreed to by the applicant and the governmental entity. If a release date cannot be agreed upon, the applicant may file a complaint with the ombudsman as provided by paragraph (v) of this subsection;~~

~~(v) The applicant may at any time file a complaint with an ombudsman designated by the governor or may petition the district court for a determination as to whether the custodian has demonstrated good cause. In determining whether good cause existed, the ombudsman or district court may consider whether the records are privileged or confidential by law or whether release of the records impairs or impedes the governmental entity's ability to discharge its other duties. The ombudsman or the district court shall review the records in camera and determine whether redaction of privileged or confidential information would permit release of the records.~~

~~(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so inform the requester. Electronic record inspection and copying shall be subject to the following:~~

~~(ii) An agency-A governmental entity shall provide an electronic record in alternative formats unless doing so is impractical or impossible;~~

~~(iii) An agency-A governmental entity shall not be required to compile data, extract data or create a new document to comply with an electronic record request if doing so would impair the agency's governmental entity's ability to discharge its duties;~~

(iv) ~~An agency~~ A governmental entity shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;

(e) Each governmental entity shall designate a person to receive all applications for public records. The governmental entity shall submit the name, business email address and business mailing address of the designated public records person to the department of administration and information for publication on the department of administration and information official website. The designated public records person shall serve as a point of contact between the governmental entity and applicants seeking public records.

16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.

(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(iii) The specific details of bona fide research projects being conducted by ~~a state institution, agency~~ governmental entity or any other person;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the ~~state or a political subdivision thereof~~ governmental entity, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the ~~state or political subdivision~~ governmental entity. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by ~~the state or any of its political subdivisions~~ a governmental entity, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:

(C) Records of any other building or structure owned, leased or operated by ~~the state or any of its political subdivisions~~ a governmental entity that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and

(D) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by ~~the state or any of its political subdivisions~~ a governmental entity.

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xiv) Information concerning an agricultural operation, farming or conservation practice, or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of ~~the state or any agency, institution or political subdivision of the state~~ a governmental entity. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:

(B) The custodian shall allow the right of inspection of payment information under a program of ~~the state or of any agency, institution or political subdivision of the state~~ a governmental entity, including the names and addresses of recipients of payments;

(xv) Within any record held by ~~an agency~~ a governmental entity, any income tax return or any individual information derived by the ~~agency~~ governmental entity from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;

(f) Any person ~~denied the right to inspect any record covered by this act aggrieved by the failure of a governmental entity to release records on the specified date mutually agreed upon pursuant to W.S. 16-4-202(c)(iv) or by the failure of a governmental entity to comply with an order of the ombudsman pursuant to W.S. 16-4-202(c)(v)~~ may:

(i) Apply to the district court of the district wherein the record is found for an order directing to direct the custodian of the record to show cause why he should not permit the inspection of the record and to compel production of the record if applicable. An order issued by the district court under this paragraph may waive any fees charged by the state governmental entity;

(ii) File a complaint with the ombudsman who may:

(A) Mediate disputes between the governmental entity and the person;

(B) Prescribe timelines for release of the records;

(C) Waive any fees charged by the governmental entity.

16-4-205. Penalties; remedies.

Any person who knowingly or intentionally violates the provisions of this act is liable for a penalty not to exceed seven hundred fifty dollars (\$750.00). The penalty may be recovered in a civil action and damages ~~shall~~ may be assessed by the court. ~~Any action pursuant to this section shall be initiated by the attorney general or the appropriate county attorney.~~

Section 2. The office of the governor is authorized one (1) additional full-time permanent position for designation of an ombudsman as required by this act. There is appropriated one hundred twenty-five thousand dollars (\$125,000.00) from the general fund to the office of the governor. This appropriation shall only be expended to fund the position authorized in this section. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

Section 3. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 175

HEALTH CARE INNOVATION

Original Senate File No. 150

AN ACT relating to the department of health; authorizing the department of health to carry out health care innovation studies; creating an account; providing a waiver from procurement requirements; authorizing the department of health to waive existing rules as necessary to conduct innovative studies; authorizing the adoption of rules; clarifying a definition; making an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-2-128 and 9-2-129 are created to read:

9-2-128. Health care innovation; studies; account.

(a) The department is authorized to carry out innovative studies relating to the following:

(i) Reduction of costs associated with long-term care, chronic disease or other health care services to the state of Wyoming;

(ii) Allowing individuals in need of long-term care to remain in their homes and communities;

(iii) Developing necessary long-term care or other health care services in Wyoming;

(iv) Use of broadband internet to access health care services.

(b) There is created the health care innovation account. Funds in the account may include any applicable federal funds and shall be used to carry out innovative studies under this section, subject to legislative appropriation.

(c) Not later than September 30 of each year, the department shall provide a report to the joint labor, health and social services interim committee and the joint appropriations committee relating to funding and studies carried out under this section.

(d) The department may enter into agreements to carry out this section. Except as otherwise provided in this section, agreements under this section shall be exempt from the procurement requirements set forth in W.S. 9-2-1016 and other state laws and rules governing the procurement of services by a state agency. The department shall obtain approval of all agreements from the attorney general.

(e) A person undertaking an innovative study under this section shall make available to the department all documents relating to the study for review upon request. Documents under this section containing any personally identifiable information or any trade secret shall not be subject to the Wyoming Public Records Act.

(f) The department may adopt rules to implement this section, including specifying a method of application for funding and standards for program operation.

(g) As used in this section:

(i) “Innovative study” means a randomized, controlled trial, pilot project, model or analysis conducted under scientific conditions for:

(A) Assessing a new approach to the provision of long-term care, care of chronic diseases, early detection or other health care services which have no substantially comparable, widely available analogue in Wyoming;

(B) Testing of noninvasive diagnostic equipment. As used in this paragraph, “noninvasive” means equipment that does not cause mental or physical effects on the human body.

(ii) “Innovative study” shall not include the testing of pharmaceuticals, medical procedures or medical devices other than noninvasive diagnostic equipment.

9-2-129. Waiver of rules.

(a) The department may waive existing rules as necessary to carry out an innovative study under W.S. 9-2-128.

(b) The department shall adopt rules specifying standards for a waiver under this section.

Section 2. W.S. 9-2-101(b)(intro) is amended to read:

9-2-101. Creation; definitions; divisions.

(b) As used in ~~W.S. 9-2-101 through 9-2-108~~ this article:

Section 3. There is appropriated one million dollars (\$1,000,000.00) from the general fund to the health care innovation account created by W.S. 9-2-128 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, 2022. The department of health may include an exception budget request for an appropriation to the health care innovation account for the 2021-2022 biennium.

Section 4. The report requirement in W.S. 9-2-128(c) shall not apply in the year 2019.

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 8, 2019.

Chapter 176

WYOMING WORKS PROGRAM

Original Senate File No. 122

AN ACT relating to education; establishing the Wyoming works program at community colleges; providing for grants for students and funding for community college technical programs approved to meet labor and economic development needs; specifying requirements for student grants and for community college program funding; providing for administration; requiring reports; reappropriating funds; specifying funding distributions; and providing for an effective date.

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

Section 1. W.S. 21-18-401 through 21-18-409 are created to read:

ARTICLE 4

WYOMING WORKS PROGRAM

21-18-401. Wyoming works program created; short title.

This article may be cited as the “Wyoming works program”.

21-18-402. Definitions.

(a) As used in this article:

(i) “Academic term” means the fall semester or term, the spring semester or term, summer school, or other defined period of time within a term or semester in which the approved credential program or course is offered. In this article, “term” and “semester” have the same meaning. If an approved credential program or course encompasses a defined period of less than a full semester or term the beginning of the defined period shall be considered the beginning of the term or semester for that program or course;

(ii) “College” or “community college” means an institution established under the Wyoming Community College System Code;

(iii) “Commission” means the Wyoming community college commission;

(iv) “Consortium” means two (2) or more colleges sharing or jointly

delivering credential programs in more than one (1) geographic location, by sharing resources or otherwise collaborating in order to more efficiently provide access to credential programs for students;

(v) "Cost of attendance" means the sum cost of tuition, mandatory fees, room and board, books and supplies, travel and personal expenses to attend a community college as determined annually by the college in accordance with W.S. 21-18-404(b);

(vi) "Credential" means a license, permit, certificate or other government or industry recognized qualification for working in a trade or occupation in this state, including, but not limited to, drivers of commercial motor vehicles, welders, machine shop operators or other workforce training programs. College academic credit and an applied science degree or certificate may be earned in a credential program, but college academic credit shall not be a requirement for a credential program;

(vii) "Unmet financial need" means the cost of attendance minus the sum of expected family contribution and all federal, state, local, institutional and privately funded scholarships or grants received by the student, all as determined by the community college. The college shall use the most recent federal free application for federal student aid form to determine expected family contribution and shall do so annually in accordance with W.S. 21-18-404.

21-18-403. Wyoming works program created; eligibility requirements.

(a) There is created the Wyoming works program for Wyoming community college students.

(b) Under the Wyoming works program, subject to the availability of funds as determined by the legislature, the state may provide grant funds pursuant to this article on behalf of an eligible student who has been accepted by and enrolled in a community college to pursue a credential program approved by the commission for the Wyoming works program, who has demonstrated Wyoming residency as determined by the community college at which the student is enrolled and who is not ineligible under subsection (c) of this section. No college shall require a high school diploma or high school equivalency certificate as a prerequisite for admission to a credential program funded in whole or in part with monies under this article, unless the credential program is included within a college academic credit program requiring the diploma or equivalency certificate and the college provides the student assistance in achieving the diploma or equivalency certificate.

(c) No student shall be eligible for a grant under this article for more than six (6) academic terms. A student is not eligible for a grant under this article if he:

(i) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements or

requirements of a subsequent similar federal enactment;

(ii) Has not complied with United States selective service system requirements for registration, if the requirements are applicable to the student;

(iii) Is in default on a federal Title IV education loan. Nothing in this paragraph prohibits a student who is otherwise eligible for a grant under this article and has fully repaid a defaulted loan or is no longer in default, from receiving a grant for future academic terms;

(iv) Owes a refund under a federal Title IV student financial aid program or a subsequently enacted similar federal student financial aid program, or a student financial aid program administered through the state. Nothing in this paragraph prohibits a student who is otherwise eligible for a grant under this article and has fully paid the refund owed, from receiving a grant for future academic terms;

(v) For continued enrollment in a credential program if he fails to make satisfactory academic progress as required for the credential program by commission rule;

(vi) Is currently receiving a scholarship under the Hathaway scholarship program established in W.S. 21-16-1301 through 21-16-1311.

21-18-404. Student grants; amounts.

There shall be made available student grants under the Wyoming works program. The grant amount shall not exceed the amount provided for two (2) semesters under the Hathaway provisional opportunity scholarship pursuant to W.S. 21-16-1305(a)(i)(A), in any one (1) academic year, unless the credential program is in an economic sector determined by the commission to fulfill a critical workforce need. For credential programs in such economic sectors, the grant amount shall not exceed the amount provided for two (2) semesters under the Hathaway honor scholarship pursuant to W.S. 21-16-1304(a)(iii)(A) in any one (1) academic year. One-half (1/2) of the annual award shall be provided to the student at each fall and spring academic term of qualification, unless the credential program or course is for a defined period of less than a full semester or the student elects to reserve any portion of the annual award for attendance at a subsequent summer school term. For credential programs of one (1) term or less, cost of attendance and unmet financial need shall be calculated on a projected annual basis, but the annual award amount shall be provided in full in the term of attendance, on a prorated basis.

21-18-405. Administration; rules and regulations.

(a) Distribution of funds for student grants shall be administered by the commission in accordance with the following:

(i) Distributions shall be made from funds available in the Wyoming works student grant account. Distributions for students grants shall not exceed

two million dollars (\$2,000,000.00) in appropriated state funds in any academic year;

(ii) Student grants shall be limited to students enrolled in an approved credential program;

(iii) Colleges shall apply to the commission for grant funds to be expended by the college on eligible students for approved credential programs. The commission shall provide student grant funding to each college based upon the actual or projected enrollment in the approved program and the commission's prioritization of program funding in accordance with this article and rule of the commission;

(iv) Students shall make application for grants under this article with the community college at the time of applying for admission or in any event prior to the beginning of the applicable credential program at the college. The application shall contain information required by rule of the commission;

(v) For students transferring from a community college to another community college and making application for continuance of a grant, the college from which the student is transferring shall at the student's request provide a list of all academic terms of attendance in which a Wyoming works grant was received by the student;

(vi) Each community college receiving an application from a student applying for a Wyoming works grant shall determine the student's eligibility for the grant. Each community college shall certify to the commission not later than thirty (30) days after the academic term or program commences, a list of students enrolled at the college who qualify for a grant under this article, including the maximum amount of each grant. The executive director of the community college commission shall verify within ten (10) days after receiving a list from a community college whether there is any duplication of students on the community college list with previously submitted student grant lists and shall certify to the commission the maximum amount a college would be eligible to receive for student grants under this article for an approved program;

(vii) For students attending more than one (1) community college the commission may distribute any student grant funds provided on a proportionate basis as determined by rule of the commission;

(viii) Following each spring semester, each college shall refund to the commission the difference, if any, between the amounts distributed to colleges for student grants under this section for the spring term and the previous fall and summer terms and the amount actually expended by colleges on those student grants. Colleges shall refund the difference not later than August 1. The commission shall deposit all payments under this paragraph to the Wyoming works student grant account.

(b) The commission, in consultation with each community college, shall

by rule designate a date or dates for each academic year upon which each college shall make the final computation for unmet need for students eligible to receive a grant under this section, consistent with each college's schedule for determining actual cost of attendance for students at that college.

(c) The commission shall, in consultation with community college admissions officers and financial aid officers, promulgate rules and regulations necessary to implement student grant provisions under this article, including:

(i) A means for informing potential students of the availability of the grants under this article;

(ii) Applications, forms, financial and program audit procedures, eligibility and other matters related to efficient operation;

(iii) Any other rules and regulations necessary for the implementation and administration of student grants under this article.

(d) The commission may conduct an audit of any college participating in the student grant program under this article to determine compliance with any student grant provision of this article.

21-18-406. Student grant limitations.

To the extent a student grant under this article would, when combined with any grant or scholarship from a student financial aid program administered through the state or any state institution, in any academic term exceed the cost of attendance at the community college, the grant under this article shall be reduced by the amount necessary to not exceed the cost of attendance. The commission shall by rule require that student grant funds under this article shall be provided for unmet financial need and only after all other public or private grants, scholarship or other financial aid available for the student's enrollment in the credential program have been applied.

21-18-407. College program grant funds; distribution by community college commission; matching funds requirements.

(a) From monies within the Wyoming works program account the commission shall distribute to colleges funds for instructor positions and to acquire instructional and resource materials and classroom equipment necessary to support the Wyoming works program. The community colleges may collaborate on the use of funds received from the Wyoming works program account, including entering into consortium agreements for operation of credential programs.

(b) Funds distributed under this section shall be subject to the following:

(i) The funds shall be designated as Wyoming works program funding, accounted for separately from funding provided under the allocation model under W.S. 21-18-205(c) and special purpose funding under W.S. 21-18-205(e) and shall not be transferred to or expended for any other purpose;

(ii) The funds shall be expended only for credential programs approved by the commission. The commission shall develop by rule criteria under which to approve credential programs and to determine the amount of funding provided. The process for approving programs for funding shall reflect the primary goals of the Wyoming works program to develop technical skills most in demand in a college's service area or colleges' combined service areas and to fund programs which are most able to immediately respond to that demand by making grant funds available to students able to acquire the credential needed. The criteria for funding amounts shall include, at a minimum, the need for the program in the community, the region's workforce needs and the contribution of the program to the state's overall economic development. Priority shall be given to programs developed and delivered through consortiums and partnerships of colleges, to those programs which, based upon enrollment and projected enrollment, are most able to respond to industry training needs in the community and region. Colleges shall make application for funding of credential programs to the commission at times determined by rule of the commission;

(iii) Funds shall only be distributed if matched in the ratio of two dollars (\$2.00) of Wyoming works program account funds to not less than one dollar (\$1.00) of matching nonstate funds. The commission shall distribute matching funds at the time any accumulated matching funds actually received by or pledged to the community college or consortium of community colleges total ten thousand dollars (\$10,000.00) or more. Matching nonstate funds under this paragraph include but are not limited to the following:

(A) Cash or cash equivalents;

(B) The fair market value, as determined by the commission, of in-kind donations of facilities, equipment or services to support approved credential programs, including donations actually received prior to the effective date of this section but after June 30, 2018.

(iv) Any amount of funding distributed under this section which remains unexpended or unencumbered at the end of the biennial budget period for which it was distributed shall revert to the Wyoming works program account.

21-18-408. Accounts created.

(a) The Wyoming works program account is created. The account shall consist of funds appropriated by the legislature, gifts and grants accepted by the state and such other funds as directed by law. Monies within the account are continuously appropriated to the commission for distribution to colleges as provided in this article. Interest and other earnings on funds within the account shall be credited to the account. Unexpended and unencumbered monies within the account at the end of each fiscal year shall not lapse but shall remain in the account.

(b) The Wyoming works student grant account is created. The account shall consist of funds appropriated by the legislature, gifts and grants accepted by the state and such other funds as directed by law. Monies within the account are continuously appropriated to the commission for distribution as provided in this article. Interest and other earnings on funds within the account shall be credited to the account. Unexpended and unencumbered monies within the account at the end of each fiscal year shall not lapse but shall remain in the account.

(c) Appropriated state funds within the Wyoming works student grant account and within the Wyoming works program account shall be accounted for separately from all other funds within each account.

21-18-409. Legislative oversight and authority; reporting.

(a) Nothing in this article shall be construed to constitute an entitlement to a grant established and funded by the legislature. Wyoming works grants shall be subject to legislative appropriation and the legislature reserves the right to modify or terminate the program established under this article at any time.

(b) The Wyoming community college commission shall report to the legislature by October 1 of each year the colleges, programs, industries and total number of students served by the Wyoming works program in the preceding school year. The report shall specify the funding provided to each college from the Wyoming works student grant account and the Wyoming works program account. The commission may require information from each college as necessary to provide the report required by this section.

Section 2. W.S. 21-18-102(a)(xxiii) and 21-18-205 by creating a new subsection (h) are amended to read:

21-18-102. Definitions.

(a) As used in this act:

(xxiii) "This act" means W.S. 21-18-101 through ~~21-18-319~~ 21-18-409.

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

(h) The commission may request funding for and shall distribute funds to colleges as provided in the Wyoming works program. Funds requested for the Wyoming works program shall be requested by an exception budget and designated as separate special funding for the Wyoming works program only. Funds distributed pursuant to the Wyoming works program shall be accounted for and distributed separately from the funding allocation model under subsection (c) of this section and from special funding distributed pursuant to subsection (e) of this section.

Section 3. Of the unobligated, unencumbered balance in the Wyoming workforce development-priority economic sector partnership subaccount created by W.S. 9-12-1404(a)(iii), two million dollars (\$2,000,000.00) shall be deposited to the Wyoming works program account and the remainder shall be deposited to the Wyoming works student grant account. These appropriations shall be made upon the effective date of this act. All funds deposited to the Wyoming works program account and to the Wyoming works student grant account under this section shall only be expended as provided by the Wyoming works program and this act. Notwithstanding any other provision of law, these appropriations shall not be transferred or expended for any other purpose.

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

Approved March 8, 2019.

Chapter 177

WYOMING PUBLIC LANDS DAY

Original House Bill No. 99

AN ACT relating to state holidays and observances; providing for a public lands day; and providing for an effective date.

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

Section 1. W.S. 8-4-113 is created to read:

8-4-113. Public lands day.

(a) In tribute to the importance of public lands in the state, to acknowledge the multiple use of public lands and in recognition of the value of public lands to the state's economy, open spaces, diversity of mineral, grazing and forestry resources, wildlife and recreational opportunities, the fourth Saturday in September of each year is designated as "public lands day" and appropriate observance may be held by the public and in all public schools of the state.

(b) Not later than September 1 of each year, the governor is authorized to issue a proclamation requesting the proper observance of "Public Lands Day."

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

(d) As used in this section, "public lands" means all federal and state public lands. "Public lands" shall not include state trust lands managed for the benefit of Wyoming's public schools and institutions.

Section 2. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 178

STATEWIDE 911 COORDINATOR

Original House Bill No. 161

AN ACT relating to emergency telephone service; requiring designation of a statewide 911 coordinator; specifying duties of the statewide 911 coordinator; and providing for an effective date.

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

Section 1. W.S. 16-9-110 is created to read:

16-9-110. Statewide 911 coordinator.

The governor shall designate an individual within the department of transportation as the statewide 911 coordinator, who shall be a qualified elector of the state and whose duties may be removed by the governor. The coordinator shall be responsible for coordinating with 911 local and state stakeholders to develop a statewide 911 plan and ensuring compliance with federal grant regulations.

Section 2. W.S. 16-9-102(a)(x) is amended to read:

16-9-102. Definitions.

(a) As used in this act:

(x) "This act" means W.S. 16-9-101 through ~~16-9-109~~ 16-9-110;

Section 3. The governor shall designate an individual within the department of transportation as the statewide 911 coordinator pursuant to W.S. 16-9-110 created by this act within thirty (30) days 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 8, 2019.

Chapter 179

REPORTING OF ABORTIONS

Original House Bill No. 103

AN ACT relating to abortions; establishing additional requirements for abortion reporting; providing for a public report of abortion statistics; authorizing the board of medicine to investigate and discipline specified conduct; and providing for an effective date.

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

Section 1. W.S. 35-6-107(a)(intro), (v), by creating a new subsection (b), by amending and renumbering (b) as (c) and by creating a new subsection (d) and 35-6-108 are amended to read:

35-6-107. Forms for reporting abortions.

(a) The state office of vital records services shall establish an abortion reporting form which shall be used after May 27, 1977 for the reporting of every abortion performed or prescribed in this state. The form shall include the following items in addition to ~~such other~~ the information as ~~may be~~ necessary to complete the form, ~~but in no case shall information be required that would tend to disclose the identity of any individual participating in an abortion~~ subject to subsection (b) of this section:

(v) The length and weight of the aborted fetus or embryo, when measurable or the gestational age of the aborted fetus or embryo in completed weeks at the time of abortion;

(b) In addition to the requirements provided in subsection (a) of this section, the form shall not contain the name or the address of the pregnant woman or any other common identifiers including a social security number, driver's license number or any other information or identifier that would tend to disclose the identity of the pregnant woman or any other participant other than the reporting physician.

(b)(c) The form shall be completed by the attending physician and sent submitted to the state health officer as defined in W.S. 9-2-103(e) within twenty (20) days after the abortion is performed. A physician who fails to submit a form under this section within one hundred ten (110) days after an abortion is performed shall be reported to the board of medicine by the state health officer. The board of medicine shall investigate the matter and may take disciplinary action under W.S. 33-26-402(a)(x).

(d) Termination of a pregnancy by natural miscarriage or as a treatment consequence of a natural miscarriage shall not be reported as an abortion pursuant to this section, provided that the miscarriage was not induced with the intent of terminating the pregnancy. An alleged miscarriage that was induced with the intent of terminating a pregnancy shall be reported as an abortion pursuant to this section.

35-6-108. Compilations of abortions; matter of record; exception.

(a) The state office of vital records services shall prepare and after May 27, 1977 keep on file for seven (7) years compilations of the information submitted on the abortion reporting forms. The compilations shall be available only to a local, state or national public health official or a physician upon his written request as provided in this section. The state health officer, in order to maintain

and keep such compilations current, shall file with the reports any new or amended information. The information submitted under W.S. 35-6-107 and compiled under this section, except the report required under subsection (c) of this section, shall not be stored in any computer.

(b) An abortion reporting form received under W.S. 35-6-107 shall be maintained in strict confidence by the state office of vital records services, shall not be a public record and shall not be made available except to the attorney general or a district attorney with appropriate jurisdiction pursuant to a criminal investigation or to the state board of medicine pursuant to an investigation. The attorney general or a district attorney receiving an abortion form pursuant to this subsection shall keep the form and information from the form confidential except as may be required by law for a criminal prosecution. The state board of medicine receiving an abortion form pursuant to this subsection shall keep the form and information from the form confidential except as may be required by law to determine or enforce an action regarding licensure.

(c) Not later than June 30 of each year the office of vital records services shall issue a public report providing summary statistics for the previous calendar year compiled from all of the abortion reporting forms from that year submitted in accordance with this section for each of the items listed in W.S. 35-6-107. The report shall also include the statistics for all previous calendar years during which this subsection was in effect, adjusted to reflect any additional information from late or corrected reports. The office shall ensure that no information included in the public reports could reasonably lead to the identification of any woman upon whom an abortion was performed, induced or attempted. The report shall be transmitted to the United States centers for disease control and prevention for the national abortion surveillance report.

Section 2. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 180

SEXUAL ASSAULT PARENTAL RIGHTS

Original House Bill No. 107

AN ACT relating to termination of parental rights; including sexual assault as a factor that a court may consider to terminate parental rights as specified; specifying no reunification effort is required; and providing for an effective date.

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

Section 1. W.S. 14-2-309(a) by creating a new paragraph (ix) is amended to read:

14-2-309. Grounds for termination of parent-child relationship; clear and convincing evidence.

(a) The parent-child legal relationship may be terminated if any one (1) or more of the following facts is established by clear and convincing evidence:

(ix) The parent committed sexual assault and the child was conceived as a result of the sexual assault. For the purposes of this paragraph, the following shall apply:

(A) A person committed sexual assault if the person was convicted of an offense under W.S. 6-2-302, 6-2-303, 6-2-314 through 6-2-316 or other similar law of another jurisdiction;

(B) Reasonable effort to reunify the family is not required to terminate parental rights;

(C) This paragraph shall not apply if the parent seeking termination was married to or cohabiting with the parent committing the sexual assault resulting in the birth of the child for not less than two (2) years immediately after the birth of the child. Nothing in this subparagraph shall be construed as limiting a parent from seeking termination under another provision of this section or from seeking sole custody under title 20, chapter 5 of the Wyoming statutes.

Section 2. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 181

CARE OF ANIMALS

Original House Bill No. 235

AN ACT relating to animals; modifying provisions governing the treatment of animals; modifying penalties; authorizing conditions a court may require as part of an order of protection in a domestic abuse case related to animal protection; and providing for an effective date.

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

Section 1. W.S. 6-3-203(a)(intro) and (ii), (m)(i) through (iv) and (n) and 35-21-105(a) by creating new paragraphs (ix) and (x) are amended to read:

6-3-203. Cruelty to animals; penalties; limitation on manner of destruction.

(a) A person commits cruelty to animals if he knowingly: ~~and with intent to cause death, injury or undue suffering;~~

(ii) ~~Unnecessarily or cruelly beats, tortures, torments, injures, mutilates or attempts to kill~~ beats or injures an animal; or

(m) Nothing in subsection (a), (b), (c)(vii) or (n) of this section shall be construed to prohibit:

(i) A person from humanely destroying an animal, including livestock;

(ii) The use of industry accepted agricultural and livestock practices on livestock or other animal used in the practice of agriculture;

(iii) Rodeo events, whether the event is performed in a rodeo, fair, jackpot, agricultural exhibition or otherwise; or

(iv) The hunting, capture, killing or destruction of any predatory animal or other wildlife in any manner not otherwise prohibited by law.

~~(n) A person commits a felony if he commits aggravated cruelty to animals as defined in subsection (c) of this section or knowingly and with intent to cause death, injury or undue suffering, cruelly beats, tortures, torments, injures or mutilates an animal resulting in the death or required euthanasia of the animal. A felony under this subsection or subsection (c) of this section is punishable by not more than two (2) years imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both. punishable by not more than two (2) years imprisonment, a fine of not more than five thousand dollars (\$5,000.00) or both, if the person:~~

~~(i) Commits aggravated cruelty to animals as defined in subsection (c) of this section, resulting in the death or required euthanasia of the animal; or~~

~~(ii) Knowingly, and with intent to cause death or undue suffering, cruelly beats, tortures, torments or mutilates an animal.~~

35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions.

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

~~(ix) Grant sole possession of any household pet, as defined in W.S. 6-3-203(o), owned, possessed or kept by the petitioner, the respondent or a minor child residing in the residence or household of either the petitioner or the respondent to the petitioner during the period the order of protection is effective if the order is for the purpose of protecting the household pet;~~

~~(x) Order that the respondent shall not have contact with any household pet, as defined in W.S. 6-3-203(o), in the custody of the petitioner and prohibit the respondent from abducting, removing, concealing or disposing of the household pet if the order is for the purpose of protecting the household pet.~~

Section 2. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 182**LIVESTOCK ENFORCEMENT-REIMBURSEMENT**

Original Senate File No. 66

AN ACT relating to the livestock board; creating a livestock law enforcement account to reimburse county sheriffs for eligible expenses and to conduct training as specified; requiring promulgation of rules; 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. 11-18-120 is created to read:

11-18-120. Livestock law enforcement account; reimbursement of county sheriffs by livestock board; rules.

(a) There is created the livestock law enforcement account. Unexpended, unobligated funds in the account shall revert to the general fund at the end of a biennium. Unless otherwise provided by law, the balance in the account shall not exceed five hundred thousand dollars (\$500,000.00).

(b) Funds in the livestock law enforcement account shall only be expended by the livestock board to:

(i) Reimburse county sheriffs for activities relating to in-state and out-of-state livestock investigations;

(ii) Provide training to county sheriffs regarding livestock enforcement.

(c) Notwithstanding any other provision of law, reimbursement provided under paragraph (b)(i) of this section shall be credited to the applicable account, fund, subaccount or other accounting unit within the budget of a county which is controlled by the county sheriff. Reimbursement provided under paragraph (b)(i) of this section shall not be withheld by a board of county commissioners from a county sheriff or deducted from the budget of a county sheriff.

(d) The livestock board shall adopt rules to implement this section, which shall include eligible expenses, rates and procedures for reimbursement.

Section 2. W.S. 11-18-103(a) by creating a new paragraph (x) is amended to read:

11-18-103. Livestock board; powers generally.

(a) In addition to powers and duties hereinafter provided, the Wyoming livestock board shall:

(x) Administer the livestock law enforcement account created by W.S. 11-18-120.

Section 3. There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the livestock law enforcement account created by W.S. 11-18-120.

Section 4.

(a) The livestock board shall promulgate rules as required by this act.

(b) The livestock board shall report on the operation of the livestock law enforcement account created by W.S. 11-18-120 to the joint agriculture, public lands and water resources interim committee and the joint appropriations committee not later than October 1, 2019.

Section 5.

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

(b) Except as otherwise provided by subsection (a) of this section, this act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 183**PROPERTY REDEMPTION****Original House Bill No. 290**

AN ACT relating to the code of civil procedure; modifying provisions relating to the sale and redemption of realty sold under mortgage foreclosure or execution; authorizing a certificate of sale as specified; creating a purchaser's right of entry as specified; and providing for an effective date.

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

Section 1. W.S. 1-18-103(a) and (c) and 1-18-111 are amended to read:

1-18-103. Right of redemption; redemption of agricultural real estate; "agricultural real estate" defined.

(a) Except as provided with respect to agricultural real estate, it is lawful for any person, his heirs, executors, administrators, assigns or guarantors whose real property has been sold by virtue of an execution, decree of foreclosure, or foreclosure by advertisement and sale within three (3) months from the date of sale, to redeem the real estate by paying to the purchaser, his heirs, executors, administrators or assigns, or to the sheriff or other officer who sold the property, for the benefit of the purchaser, the amount of the purchase price or the amount given or bid if purchased by the execution creditor or by the mortgagee under a mortgage, together with interest at the rate of ten percent (10%) per annum from the date of sale plus the amount of any assessments or taxes and the amount due on any prior lien which the purchaser paid after the purchase, with interest. On payment of this amount the sale and certificate granted are void and the sheriff or other officer shall issue a certificate of redemption.

(c) The term “agricultural real estate” means any single parcel of land in excess of eighty (80) acres lying outside the exterior boundaries of any incorporated city, town or recorded subdivision or any property that is used substantially for agricultural purposes, which, if combined with other property in the mortgage that is used substantially for agricultural purposes, equals eighty (80) acres or more in aggregate. If the mortgage recites that the real estate involved is agricultural real estate, it is presumed the parties to the mortgage, their heirs, executors, administrators, assigns, guarantors or successors in interest have agreed to and are bound by all the provisions of law relative to the twelve (12) month right of redemption provided in subsection (b) of this section.

1-18-111. Sale on foreclosure of mortgage; generally.

(a) When a mortgage is foreclosed a sale of the premises shall be ordered. The decree directing the sale is sufficient warrant for the sheriff or other officer to proceed to advertise and conduct the sale. An order of sale issued by the clerk of court or an appraisal of the real property to be sold is not necessary. When the premises to be sold are in one (1) or more tracts, the court may direct the officer who makes the sale to subdivide and sell the same in parcels, or to sell any one (1) of the tracts as a whole.

(b) Upon the sale of the premises, a purchaser shall have a limited right of entry to ensure the property does not significantly deteriorate during the full redemption period. As used in this subsection, “limited right of entry” means entrance into the premises which is not occupied by a legal inhabitant.

Section 2. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 184

AUDIT REQUIREMENTS FOR SPECIAL FIRE AND WATER DISTRICTS

Original Senate File No. 9

AN ACT relating to special districts; exempting fire protection districts and water and sewer districts from the audit requirements of the Uniform Municipal Fiscal Procedures Act; amending oversight of districts as specified; and providing for an effective date.

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

Section 1. W.S. 9-1-507(a) by creating a new paragraph (ix), 35-9-203(a), 41-10-110(g) and 41-10-151 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:

(ix) In lieu of the rules described in subparagraphs (A) through (D) of paragraph (iii) of this subsection, fire protection and water and sewer districts shall be required to comply with the rules to provide for different levels of oversight as follows:

(A) At least one million dollars (\$1,000,000.00) - an audit by a certified public accountant shall be required;

(B) At least one hundred thousand dollars (\$100,000.00) but less than one million dollars (\$1,000,000.00) - requirements shall be greater than those in subparagraph (C) of this paragraph but less than those in subparagraph (A) of this paragraph. The rules shall provide for more stringent oversight requirements for districts with higher total revenues within this range than the requirements for districts with lower total revenues within this range;

(C) Less than one hundred thousand dollars (\$100,000.00) but more than twenty-five thousand dollars (\$25,000.00) - the only requirements shall be a proof of cash procedure conducted by an independent third party with a certification from two (2) authorized representatives of the district that the proof of cash procedure was performed by the independent third party in accordance with procedures required by the director and that to the best of their knowledge the financial information used was complete and accurate;

(D) Twenty-five thousand dollars (\$25,000.00) or less - the only requirement shall be the annual report of district revenues, expenses and ending cash balance.

35-9-203. Powers and duties of board of directors generally; administration of finances; assessment and levy of taxes.

(a) The board of directors of any fire protection district is hereby authorized to enact such ordinances as may be necessary to establish and operate a fire protection district and shall file them with the county clerk for each county in which the district is located. The board of directors of fire protection districts shall administer the finances of such districts according to the provisions of the Wyoming Uniform Municipal Fiscal Procedure Act, except that an annual audit in accordance with W.S. 16-4-121 is not required. Each fire protection district shall comply with the provisions of W.S. 9-1-507(a)(iii). The assessor shall, at the time of making the annual assessment of his county, also assess the property of each fire protection 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 fire protection 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.

41-10-110. Original board generally.

(g) The district shall be subject to an audit or oversight of its accounts by the director of the state department of audit or his designee as required by W.S.

9-1-507(a)(iii), ~~or 16-4-121(f)~~, as applicable. The board of directors shall cause an audit or other oversight to be made of all financial affairs of the district during each fiscal year ending June 30, during the next succeeding six (6) months. If an audit is required, a summary of the financial statement shall be certified by the person making the audit, which shall be published in a newspaper of general circulation in the district, one (1) issue during the next succeeding two (2) weeks following the audit. Except as provided in W.S. 9-1-507(d), the audit, if required, shall be made by a certified public accountant, who is not otherwise employed by the district.

41-10-151. Finances administered according to the Uniform Municipal Fiscal Procedures Act.

The board of directors of the water and sewer districts shall administer the finances of such districts according to the provisions of the Uniform Municipal Fiscal Procedures Act, except that an annual audit in accordance with W.S. 16-4-121 is not required. Each water and sewer district shall comply with the provisions of W.S. 9-1-507(a)(iii).

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

Approved March 8, 2019.

Chapter 185

PROFESSIONAL SERVICES PROCUREMENT

Original Senate File No. 74

AN ACT relating to professional services procurement; modifying residency requirements related to the procurement of professional architectural, engineering and land surveying services as specified; providing a definition; modifying applicability of residency requirements; modifying contract requirements as specified; and providing for an effective date.

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

Section 1. W.S. 9-2-1028(a)(i), by creating a new paragraph (vi) and by renumbering (vi) to (vii), 9-2-1031(a) and by creating new subsections (f) and (g) and 9-2-1032 by creating a new subsection (g) are amended to read:

9-2-1028. Definitions.

(a) As used in this act:

(i) "Agency" means any state office, department, board, commission, institution or other operating entity of the state excluding, except as otherwise provided in W.S. 9-2-1031(f) and 9-2-1032(g), the University of Wyoming, community college districts, school districts, the Wyoming business council and the Wyoming department of transportation;

(vi) “Resident firm” means a firm that:

(A) Possesses a physical office within the state that is staffed by individuals with professional and technical expertise who are employed in the state; and

(B) Certifies in the firm’s current statement of qualifications or application that if selected for the project the percentage of the contract costs for professional services specified in this subparagraph shall be performed by individuals or consultants employed in the state who will perform their labor or professional services provided under the contract within the boundaries of the state. The individuals who will perform the professional services shall possess the professional and technical qualifications necessary to perform the work required by the contract. The following percentages shall apply to this subparagraph:

(I) For any projects with project contract costs in an amount equal to twenty million dollars (\$20,000,000.00) or less - fifty percent (50%) of the contract costs;

(II) For capital construction projects with construction contract costs in an amount greater than twenty million dollars (\$20,000,000.00) but less than forty million dollars (\$40,000,000.00) - forty percent (40%) of the contract costs;

(III) For capital construction projects with construction contract costs in an amount equal to forty million dollars (\$40,000,000.00) or more - thirty percent (30%) of the contract costs.

(vi)(vii) “This act” means W.S. 9-2-1027 through 9-2-1033.

9-2-1031. Selection procedures.

(a) For each proposed project, the principal representative of the agency for which the project is proposed shall evaluate current statements of qualifications and performance data of firms on file with the department or the agency, together with any applications submitted by other qualified firms, and shall select in accordance with subsection (f) of this section not less than three (3) firms considered qualified to perform the required professional services. ~~Consideration in each selection process by the principal representative shall be based upon the ability of professional personnel, past performance, willingness to meet time requirements, location, residency, current and projected work loads, the volume of work previously awarded to the firm by the agency, and the equitable distribution of contracts among qualified firms. The agency shall provide a complete description of the work to the firms selected. These firms shall submit an unpriced proposal to do the work. For purposes of this subsection, residency does not require satisfaction of the elements contained in W.S. 16-6-101(a)(i).~~

(f) Every agency shall base selection of a firm for professional services in accordance with the following:

(i) Except as provided in paragraph (ii) of this subsection, the agency shall select firms that are resident firms as defined by this act. Consideration between these firms shall be based upon:

(A) The ability of professional personnel;

(B) Past performance;

(C) Ability to meet time requirements;

(D) Location;

(E) Current and projected work loads;

(F) The volume of work previously awarded to the firm by the agency;

(G) The equitable distribution of contracts among the firms considered qualified.

(ii) If less than three (3) firms on file, together with any applications submitted for the project, are resident firms as defined by this act or if the resident firms are determined not qualified by the agency, consideration shall be based upon the considerations listed in subparagraphs (i)(A) through (G) of this subsection;

(iii) For purposes of this subsection, agency as defined in this act shall include the University of Wyoming, community college districts, the Wyoming business council and the Wyoming department of transportation when the proposed project is funded in whole or in part with state funds.

(g) The provisions of this section giving preference to resident firms shall not apply to the extent any proposed project will utilize funds, the receipt of which is conditioned to prohibit a residency preference.

9-2-1032. Contract procedure.

(g) Each contract for professional services entered into by an agency shall contain a certification by the resident firm providing professional services that the firm will comply with W.S. 9-2-1028(a)(vi)(B). For purposes of this subsection, agency as defined in this act shall include the University of Wyoming, community college districts, the Wyoming business council and the Wyoming department of transportation when the proposed project is funded in whole or in part with state funds.

Section 2. This act shall only apply to the procurement of professional services on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 186**REVISOR'S BILL**

Original Senate File No. 31

AN ACT relating to the revision of statutes; correcting statutory references and language resulting from inadvertent errors and omissions in previously adopted legislation; amending obsolete references; repealing provisions; renumbering sections; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 7-13-1205(a)(i) and (iii), 9-1-625(c), 9-2-1016(b)(xxi), 9-2-2610(a)(xvi), 9-3-602(a)(xvii), 9-4-203(a)(xiii), 9-12-105(d)(V)(G), 9-12-1404(a)(iv), 10-7-104, 14-4-112, 14-4-113(a), 16-4-202(d)(v), 21-4-107, 21-16-1302(b), 22-4-402(d), 22-25-106(b)(iv), 25-10-125, 26-24-102(b), 27-4-409, 28-1-116(c), 31-2-112(a), 35-7-1058(a)(intro) and (iv)(intro), 35-7-2104(b), 39-11-101(a)(xviii) and 40-12-109 are amended to read:

7-13-1205. Juvenile courts authorized to establish teen court program.

(a) Notwithstanding any other provision of the Juvenile Justice Act, W.S. 14-6-201 through 14-6-252, a juvenile court may establish and offer a teen court program substantially complying with the provisions of this act as an alternative to any disposition authorized by W.S. 14-6-229(d), provided:

(i) Participation in the teen court program shall be limited to teens charged under the Juvenile ~~Court~~ Justice Act with having committed a minor offense and who have been adjudicated delinquent;

(iii) The juvenile and the juvenile's parents or guardian waive any rights to confidentiality otherwise available under the Juvenile ~~Court~~ Justice Act; and

9-1-625. Division of criminal investigation; adult arrestees to be processed accordingly; data on persons in state custodial institutions; minors.

(c) No minor shall be photographed or fingerprinted except in accordance with the Juvenile ~~Court~~ Justice Act.

9-2-1016. General services division.

(b) For the purpose of this subsection the term "agencies" does not include the University of Wyoming, community college districts, or school districts. It does not include the department of transportation except as to paragraphs (xi), (xii) and (xiii) of this subsection. The department through the general services division shall:

(xxi) Administratively implement the state building commission's rules relating to the leasing, routine maintenance, management, operation and equipping of state office buildings as provided in W.S. ~~9-1-501~~ 9-5-101 through ~~9-1-508~~ 9-5-108;

9-2-2610. Definitions.

(a) As used in this act:

(xvi) “Wyoming workforce development-priority economic sector partnership subaccount” or “subaccount” means the subaccount created in W.S. ~~9-12-1404(a)(i)~~ 9-12-1404(a)(iii);

9-3-602. Definitions.

(a) As used in this ~~article~~ act:

(xvii) “This act” or ~~“this article”~~ means W.S. 9-3-601 through 9-3-620;

9-4-203. Definitions.

(a) As used in this act:

(xiii) “This act” means W.S. 9-4-201 through ~~9-4-220~~ 9-4-223.

9-12-105. Economic development services.

(d) The council shall administer a small business innovation research matching program in accordance with this subsection. The program shall match federal funds approved for Wyoming based companies as provided in this subsection. The program shall be administered by the council in consultation with the University of Wyoming research office. The following shall apply to the program under this subsection:

(v) The council shall adopt rules for the program in consultation with the coordinator of economic diversification. The rules shall include but not be limited to:

(G) Provisions to ensure adequate consideration for the amount of the funding provided. The council may include, but is not limited to, assessment of those items specified in W.S. ~~9-12-408(b)(i) through (iv)~~ 9-12-1405(b)(i) through (iv), specifying the allowable use of funds, requiring a recipient to seek additional nonstate investment funding and requiring the recipient to conduct its research in Wyoming to the extent practical.

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 for the purposes of this article and as otherwise specified by law, 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 or subaccounts of 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 or appropriate subaccount. Within the account shall be subaccounts. For accounting and investment purposes only all subaccounts shall be treated as separate accounts. The subaccounts are as follows:

(iv) The Wyoming research and innovation subaccount. Funds within

this subaccount may be expended as requested by the Wyoming business council and approved by the governor or his designee to provide funding for agreements entered into pursuant to W.S. ~~9-12-408~~ 9-12-1405;

10-7-104. Contracts to improve commercial air service.

The commission may, after competitive bidding, enter into contracts to procure commercial air service, to obtain professional, financial or technical assistance directly related to the commercial air service improvement plan or for any other purposes necessary to implement the commercial air service improvement plan. The attorney general shall review and approve any contract under this ~~subsection~~ section before it is executed. Beginning September 30, 2019, and by September 30 annually thereafter, the commission shall provide a report on any contracts entered into under this ~~subsection~~ section to the governor, the joint minerals, business and economic development interim committee, the joint appropriations committee and the air transportation liaison committee. The report shall describe any actions taken and funds expended in consideration of, and pursuant to, any contract entered into under this ~~subsection~~ section, and shall analyze the performance of any recipient of funds under any contract.

14-4-112. Contracts by department of family services.

The department of family services is authorized to contract with any lawful authority of any child caring facility for the care and custody of Wyoming children which have been placed therein by court order under the Juvenile ~~Court Justice~~ Act or otherwise. The department shall select those child caring facilities requiring the least expense to the state for the care and custody of children.

14-4-113. Commitment of uncontrollable child; refusal to receive.

(a) If a child is committed to a child caring facility by a court under the Juvenile ~~Court Justice~~ Act or otherwise and the child caring facility cannot exercise proper control over the child, the child caring facility may report the facts to the court with jurisdiction for a reconsideration or rehearing on the order. If the facts warrant, the child shall then be committed to the Wyoming boys' school, the Wyoming girls' school, or such other privately or publicly operated facility as the court deems appropriate.

16-4-202. Right of inspection; rules and regulations; unavailability.

(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so inform the requester. Electronic record inspection and copying shall be subject to the following:

(v) Nothing in this section shall prohibit the ~~director of the office of homeland security~~ governor from enacting any rules pursuant to his authority under W.S. ~~19-13-104(d)(v)~~ 19-13-104(c)(i).

21-4-107. Notice to district attorney of habitual truancy; duty of district attorney.

When the board of trustees of any school district shall determine that a child is an habitual truant as defined by this article the board or its attendance officer shall notify the district attorney who shall then initiate proceedings in the interest of the child under the Juvenile Court Justice Act.

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 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 joint education interim 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.

22-4-402. Petition; form; validity.

(d) To be valid, a petition shall contain the names and signatures of registered electors equal in number to not less than two percent (2%) of the total number of votes cast for the office of United States house of ~~representative~~ representatives in the last general election.

22-25-106. Filing of campaign reports.

(b) Reports of itemized statements of contributions and statements of contributions and expenditures, and statements of termination shall be made with the appropriate filing officers specified under W.S. 22-25-107 and in accordance with the following:

(iv) In addition to the reports required under paragraphs (i) through (iii) of this subsection, a political action committee formed for the support of or opposition to any initiative or referendum petition drive or any organization

supporting or opposing a petition drive shall file an itemized statement of contributions and expenditures within ten (10) days after the petition is submitted to the secretary of state pursuant to W.S. ~~22-24-115~~ 22-24-315 or 22-24-412.

25-10-125. Clothing and transportation upon discharge.

(a) The department, pursuant to W.S. 25-10-112 shall ~~insure~~ ensure that a patient discharged from the state's custody possesses suitable clothing and adequate means to ~~insure~~ ensure his arrival at the home from which he was admitted or another place within the state, which is in the best interests of the state and of the patient.

(b) The county responsible for payment of costs pursuant to W.S. 25-10-112(a) shall ~~insure~~ ensure that a patient discharged from emergency detention within seventy-two (72) hours, or upon expiration of emergency detention after seventy-two (72) hours without a court order for hospitalization under W.S. 25-10-110, possesses suitable clothing and adequate means to ~~insure~~ ensure his arrival at the home from which he was admitted or another place, which is in the best interests of the county and of the patient.

26-24-102. Applicability of general corporation statutes; exceptions.

(b) Domestic stock insurers and domestic mutual insurers are exempt from the provisions of W.S. 17-16-1630 and ~~17-16-1820(e)~~ 17-16-1720(e).

27-4-409. Hearing procedure.

The procedure before the director for hearing of objections shall be as provided in the Wyoming Administrative Procedure Act.

28-1-116. Continuous planning; performance budgeting.

(c) On or before September 1 of each odd numbered year, each state agency, as defined under W.S. ~~28-1-115(f)~~ 28-1-115(g), following an opportunity for public review, shall submit to and have approved by the governor a plan as described by W.S. 28-1-115(a)(ii).

31-2-112. Glider kit vehicle certificate of title.

(a) Any county clerk may issue a glider kit vehicle certificate of title for a glider kit vehicle, as defined in W.S. ~~31-1-101(a)(xv)(R)~~ 31-2-106(a)(vii), containing the following notation "glider kit" conspicuously branded on the face of the certificate.

35-7-1058. Definitions.

(a) As used in this ~~article~~ section and W.S. 35-7-1059:

(iv) "Equipment" or "laboratory equipment" means all products, components or materials of any kind when used, intended for use or designed for use in the manufacture, preparation, production, compounding, conversion or processing of a controlled substance in violation of this ~~article~~ section or

W.S. 35-7-1059. “Equipment” or “laboratory equipment” includes:

35-7-2104. Industrial hemp seed certification; power of department to examine seeds; purchase of samples; authority to make rules; fees and disposition thereof.

(b) The department shall certify varieties of seeds and 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.

39-11-101. Definitions.

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

(xviii) “This act” means W.S. 39-11-101 through ~~39-19-111~~ 39-22-111.

40-12-109. Limitation of actions.

No action may be brought under this act, except under W.S. ~~40-12-108~~ 40-12-106, unless the consumer bringing the action gives within the following time limits notice in writing to the alleged violator of the act, (a) within one (1) year after the initial discovery of the unlawful deceptive trade practice, (b) within two (2) years following such consumer transaction, whichever occurs first, and unless the unlawful deceptive trade practice becomes an uncured unlawful deceptive trade practice as defined in this act. The notice required under this section shall state fully the nature of the alleged unlawful deceptive trade practice and the actual damage suffered therefrom. No action may be brought under this act, except under W.S. ~~40-12-108~~ 40-12-106, unless said action is initiated within one (1) year after the furnishing of notice as required under this section.

Section 2. W.S. 6-2-301(a)(x), 6-3-401(a)(iii), 9-3-501(a)(viii), 16-1-201(a)(x), 18-5-302(a)(i), 19-11-101, 20-2-303(a)(iv), 21-1-102, 21-3-129(e), 21-16-506, 21-16-810(a)(xvi), 21-17-121, 24-10-114, 33-24-202(a)(v), 35-7-1058(a)(viii), 35-11-531(d), 35-11-1415(a)(x), 37-12-401(a)(viii), 39-15-101(a)(xii), 39-15-201(a), 39-15-301(a)(viii), 39-16-101(a)(viii), 39-16-201(a), 39-16-301(a)(viii), 39-17-101(a)(xxi), 39-17-201(a)(xxv), 39-17-301(a)(xlix) and 39-18-101(a)(iii) are repealed.

Section 3. W.S. 9-2-803(c)(vi)(B) and 24-1-118(b)(iii), as created by 2019 Wyoming Statutes, Chapter 64, Section 1 are amended to read:

9-2-803. State geologist; appointment; term; removal; pecuniary interest in mineral property in state prohibited; duties; powers.

(c) The state geologist shall:

(vi) Regarding roadside bedrock geological formations

shall:

(B) Report ~~complaints—grievances under W.S. 24-1-118(b)(iii)~~ to the joint minerals, business and economic development interim committee; ~~as provided in W.S. 24-1-118(b)(iii);~~

24-1-118. Construction and maintenance to be performed at expense of state; geologic formations.

(b) When a new permanent highway cut is made that exposes a bedrock geological formation:

(iii) The department of transportation shall work with the state geologist to address and resolve any grievances raised under this subsection; ~~(b) of this section;~~

Section 4.

(a) If 2019 House Bill 0134 is enacted into law, W.S. 11-20-115(d) as amended by that act is amended to read:

11-20-115. Rerecording; when required; notice; abandonment.

(d) As part of ~~any a~~ rerecording notice or abandonment notice sent under subsection (a) of this section, the board shall offer the option to a party to rerecord all brands that the party owns upon payment of a prorated fee, whether or not the brand has reached its rerecording date and provided that the rerecording period shall not exceed the ten (10) year term established by subsection (c) of this section.

(b) If 2019 Senate File 0125 is enacted into law, W.S. 13-2-101(a)(ix) as amended by that act is amended to read:

13-2-101. Generally.

(a) Each bank may:

(ix) Operate a trust department and exercise all powers enumerated by W.S. ~~13-5-101(b)~~ 13-5-510(b) and 34-29-104;

(c) If 2019 House Bill 0113 is enacted into law, W.S. 37-3-116(a)(intro) as created by that act is amended to read:

37-3-116. Electric utility service agreements.

(a) An electric utility may enter into a service agreement as specified in subsection ~~(c)~~ (d) of this section, provided that the terms and conditions of the agreement:

Section 5. W.S. 9-12-408 is renumbered as W.S. 9-12-1405 and W.S. 9-12-409 is renumbered as W.S. 9-12-114.

Section 6.

(a) Except as otherwise provided in subsection (b) of this section, 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.

(b) Sections 3 and 4 of this act shall be given precedence and shall prevail over any other act adopted by the Wyoming legislature during the 2019 general session.

Section 7.

(a) Except as otherwise provided in this section, this act is effective July 1, 2019.

(b) Section 3 of this act is effective November 1, 2019.

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

Approved March 8, 2019.

Chapter 187**TAX LIABILITY MINERAL PRODUCTION****Original Senate File No. 118**

AN ACT relating to taxation and revenue; providing for tax lien priority for liens on mineral production; providing for continual and perpetual liens on mineral production for ad valorem taxes as specified; providing requirements prior to filing an action to foreclose or enforce an ad valorem tax lien; specifying applicability; 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)(A), (C), (D), (E)(intro), (IV) and (F) is amended to read:

39-13-108. Enforcement.

(d) Liens. The following shall apply:

(vi) Liens on mineral production. The following shall apply:

(A) All taxes, fees, penalties and interest imposed upon mineral production under this article are an automatic and continuing lien in favor of the county in which the mineral was produced. For any lien related to mineral production on or after January 1, 2021, the county lien is perpetual against all persons excluding the United States and the state of Wyoming and attaches and is perfected immediately upon production of the mineral subject to all prior existing liens. The lien is on all property in the county, real, tangible

and intangible, including all after acquired property rights, future production and rights to property, of any delinquent taxpayer to the extent permitted by W.S. 39-14-103(c)(i), 39-14-203(c)(i), 39-14-303(c)(i), 39-14-403(c)(i), 39-14-503(c)(i), 39-14-603(c)(i) and 39-14-703(c)(i);

(C) For any lien related to mineral production on or after January 1, 2021, a county lien arising under this paragraph is superior and paramount to all other liens, claims, mortgages or any other encumbrance of any kind except as provided in subparagraph (A) of this section and the lien shall survive foreclosure actions until paid in full or until released by the lienholder. Except as otherwise provided in this subparagraph, any lien arising under this paragraph related to mineral production before January 1, 2021 is superior and paramount to all other liens, claims, mortgages or any other encumbrance of any kind held by any person except a lien, claim, mortgage or other encumbrance of record held by a bona fide creditor and properly perfected, filed or recorded under Wyoming law prior to the filing of a lien as provided by subparagraph (E) of this paragraph; if the county fails to:

(I) Not later than ninety (90) days after the date the tax became delinquent or was billed, whichever is later, provide notice of delinquent taxes due by certified mail to any bona fide creditor that holds a properly perfected, filed or recorded lien as set forth in subparagraph (C) of this paragraph and that provided a copy of its properly perfected, filed or recorded lien to the county treasurer; and

(II) Not later than one hundred twenty (120) days after the date the tax became delinquent or was billed, whichever is later, file its lien as provided by subparagraph (E) of this paragraph.

(D) The county may file a notice of lien at any time at its discretion, subject to the priorities in subparagraph (C), except no lien shall be enforced until the right of the taxpayer to file and properly perfect an appeal concerning the tax delinquent property before the state board of equalization has expired. A properly perfected appeal on the tax delinquent property before the state board of equalization or any subsequent properly perfected appeal on the same property to a district court or the supreme court shall stay enforcement of a lien filed by the county until such appeal has been exhausted or concluded;

(E) In order to perfect or bring an action to enforce or foreclose a tax lien under this paragraph, the county treasurer shall file a notice of the tax lien and a certified copy of the delinquent tax statement with the clerk and recorder of the real estate records in the county in which the mineral production occurred. A copy of the lien shall be filed with the secretary of state, but such filing is not required to perfect, enforce or foreclose the lien. Nothing in this subparagraph shall be deemed to require a county to perfect a lien that is perfected immediately under subparagraph (A) of this paragraph. The notice of the tax lien shall contain:

(IV) A legal description of the premises of the mineral estate of the taxpayer from which the mineral was produced;

(F) No other action beyond that described in subparagraph (E) of this paragraph shall be required to perfect or bring an action to enforce or foreclose a tax lien;

Section 2. This act applies to any county ad valorem tax lien perfected on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 188

TRANSPORT OF MOBILE HOMES-COPY OF TITLE

Original House Bill No. 55

AN ACT relating to title and registration; authorizing the use of a copy of a title for the transport of a mobile home; and providing for an effective date.

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

Section 1. W.S. 31-2-508 is amended to read:

31-2-508. Payment of taxes, receipt and over-width permit for transportable homes.

Before any transportable home or portion thereof, whose original movement commences within the state of Wyoming is conveyed upon any street or highway, the owner shall present a proof of ownership for each portion of a prebuilt or modular home, or a certificate of title or copy of the certificate of title if for a mobile home, to the county treasurer of the county in which the transportable home is located, and pay the current year's taxes as computed by the county treasurer. If a copy of the certificate of title is presented, the county treasurer shall verify that the copy is a true and accurate copy of the current title issued for the mobile home. In the event the ad valorem levy has not been set for the current year, the current year's tax shall be computed upon the levy for the previous year. Upon full payment of the current year's taxes due, the county treasurer shall issue a receipt describing the transportable home, indicating that a copy of the certificate of title was verified if applicable and indicating the current year's taxes are paid. Upon presentation of the receipt to the director of the department of transportation, or his authorized representative, the owner may be issued an over-width permit. Payment of the taxes due on a transportable home is not required for the issuance of an over-width permit if the transportable home is abandoned and is moved pursuant to W.S. 31-13-101 through 31-13-116. As used in this section, "transportable home" means as defined in W.S. 31-1-101(a)(xxiv).

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

Approved March 8, 2019.

Chapter 189

AIR AMBULANCE COVERAGE-MEDICAID

Original House Bill No. 194

AN ACT relating to Medicaid; making legislative findings; providing for air ambulance transport coverage under Medicaid as specified; requiring a copay; creating an account; imposing a premium assessment on certain insurers for the purposes of this act; requiring reimbursements from state agencies for air ambulance transport services; authorizing the submission of federal Medicaid state plan amendments and other necessary waivers and agreements; classifying air ambulance subscription plans as disability insurance; making conforming amendments; requiring reports and certain other actions; requiring the promulgation of rules; specifying applicability; providing sunset dates; and providing for effective dates.

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

Section 1.

(a) The legislature finds it necessary, through this act, to ensure affordable air ambulance transport services are provided in this state and to safeguard the future health and safety of Wyomingites for the following reasons:

(i) Air ambulance transport expenses cost Wyomingites a significant portion of their yearly income, often ranging from twenty-five thousand dollars (\$25,000.00) to seventy-five thousand dollars (\$75,000.00), with no ability to compare air ambulance providers or negotiate costs because of an emergency or medically necessary situation;

(ii) The Airline Deregulation Act, 49 U.S.C. § 41713, broadly preempts state regulation of air ambulance providers, but does not extend to Medicaid;

(iii) Both private and public payors, including workers' compensation and private health benefit plans, often only pay a portion of air ambulance providers' fees, frequently resulting in Wyomingites receiving a large bill from these providers for unpaid fees;

(iv) As a result, most Wyomingites cannot reasonably afford to pay air ambulance providers' fees and often face significant financial challenges, including bankruptcy, as the result of medical costs they cannot reasonably control or predict;

(v) Many insurers who provide private health benefit plans are forced to charge higher premiums and deductibles because of the exceptional cost of air ambulance transport services;

(vi) Wyoming's Medicaid program, in partnership with the federal

government, is designed to assist individuals and families who cannot reasonably afford basic medical care, including air ambulance transport services;

(vii) Because of the unusual and extraordinary nature of air ambulance costs in Wyoming, air ambulance transport services are generally beyond the financial means of the vast majority of Wyoming's population, representing a serious concern to the health and safety of this state;

(viii) Providing air ambulance coverage to additional Wyoming residents through Medicaid, while charging a reasonable copay and limiting the total amount that can be charged in both emergency and medically necessary situations, will enable many Wyomingites to receive the medical care they need while not forcing them into financial hardship.

Section 2. W.S. 9-3-219 and 42-4-123 are created to read:

9-3-219. Air ambulance transport services for employees, officials and dependents; reimbursement; sunset.

(a) Emergency and medically necessary air ambulance transport services for employees, officials and their dependents shall be covered under W.S. 42-4-123, subject to availability and any limitations specified by the department of health under W.S. 42-4-123(a).

(b) The department of administration and information shall pay reimbursement for services under this section to the department of health, as specified under W.S. 42-4-123.

(c) This section is repealed effective July 1, 2023.

42-4-123. Air ambulance transport services for Wyoming residents; sunset.

(a) With the consent of the governor, the department shall apply, in the form of any necessary federal waiver, state plan amendment or other agreement, to the United States department of health and human services and endeavor to make coverage of air ambulance transport services through Medicaid available to all Wyoming residents, except that coverage may be limited to specified groups of Wyoming residents as necessary to obtain approval.

(b) Contingent on federal approval under subsection (a) of this section, there is created the air ambulance transport services program under the department.

(c) Coverage for air ambulance transport services under this section shall be provided through retroactive eligibility. A Wyoming resident or air ambulance provider may make a claim for payment of air ambulance transport services to the department. A claim shall be submitted within ninety (90) days of air ambulance transport services occurring, except for good cause as determined by the department. An air ambulance provider shall provide services under this section if the provider otherwise makes air ambulance transport services available to persons in Wyoming who are eligible for Medicaid independent

of the coverage provided by this section. Except as otherwise provided in subsection (d) of this section, an air ambulance provider who provides services under this section shall accept payment under this subsection as full satisfaction of all charges, costs and fees relating to air ambulance transport services.

(d) An air ambulance provider shall collect a copay or other cost sharing requirement for services covered under this section, as established by the department and consistent with federal requirements, based on the following:

(i) For persons who are eligible for Medicaid independent of the coverage provided by this section, any copay or other cost sharing requirement shall be consistent with the copay or cost sharing requirement specified for other services under Medicaid;

(ii) For persons who are not eligible for Medicaid independent of the coverage provided by this section, any copay or cost sharing requirement shall be proportionate, based on income and shall not be greater than fifty percent (50%) of the allowable costs for air ambulance transport under this section, as determined by the department.

(e) All premium assessments and reimbursements received under this section shall be deposited into the air ambulance coverage account and shall be used by the department to pay air ambulance transport claims covered under this section, as well as to administer this section.

(f) Consistent with subsection (a) of this section, all air ambulance transport services otherwise provided or covered by any program administered by the state of Wyoming, including, but not limited to, the State Employees and Officials Group Insurance Act and the Wyoming Worker's Compensation Act, shall be covered under this section. Other than paying reimbursements under this section, state agencies shall not have a duty to provide or cover air ambulance transport services after the department begins providing services under this section, except for persons otherwise not covered pursuant to subsection (a) of this section.

(g) To facilitate coverage under this section, the department of workforce services, the department of administration and information and other state agencies that are otherwise responsible for coverage of air ambulance transport services shall pay reimbursement for these services to the air ambulance coverage account, in the manner prescribed by the department of health after consultation with the relevant state agency. As a component of reimbursement under this section, the department of health shall require a state agency to pay, on a proportional basis, administrative costs necessary to implement this section.

(h) The department may enter into agreements with the following persons for the purposes of this section:

(i) Air ambulance providers;

(ii) Persons who provide dispatch for air ambulance transport services;

(iii) A third party administrator;

(iv) Any other person or entity necessary to implement this section, except as otherwise provided by subsection (j) of this section.

(j) The insurance commissioner may enter into agreements with employee welfare benefit plans, as defined in 29 U.S.C. § 1002, and other health insurance plans operating in this state not subject to state regulation, in order to make air ambulance transport coverage available under this section to insured persons covered by those plans. If a plan enters into an agreement under this paragraph, the plan shall pay an assessment on net premiums and net considerations in this state to the insurance commissioner as otherwise provided in W.S. 26-4-103(n) but shall not be required to file a report under W.S. 26-4-103(a).

(k) There is created the air ambulance coverage account. Premium assessments collected by the insurance commissioner and state agency reimbursements paid to the department of health under this section shall be deposited into the account and used by the department to cover air ambulance transport services under this section and to implement this section. Other funds used to provide air ambulance coverage, including federal funds, may be deposited into the account. The account may be divided into subaccounts for purposes of administrative management. Funds in the account and any amounts earned from those funds are continuously appropriated and shall not lapse at the end of any fiscal period. For accounting and investing only, subaccounts shall be treated as separate accounts.

(m) The rules of the department governing administrative hearings under Medicaid shall apply to any action of the department under this section. The department may, if appropriate, establish a managed care program under this section.

(n) Federal funds shall only be expended under this section for persons who are eligible for Medicaid independent of the coverage provided by this section, or as otherwise provided by federal law or any waiver, state plan amendment or agreement executed with the federal government.

(o) This section shall not apply to Wyoming residents eligible for Medicare.

(p) The department shall adopt all necessary rules to implement this section, including:

(i) Payment rates, which shall be set as a percentage multiplier of current Medicare air ambulance transport service rates applicable to rural Wyoming, and which shall balance the following priorities:

(A) The financial risk to Wyoming residents, including potential cost sharing requirements;

(B) Adequate air ambulance service provider participation and access

to services;

(C) Quality of services;

(D) Availability of program funding; and

(E) Unnecessary utilization and cost growth in the industry.

(ii) Procedures for filing a claim for payment under this section.

(q) As used in this section:

(i) "Air ambulance coverage account" means the account created by subsection (k) of this section;

(ii) "Air ambulance provider" means a person who provides air ambulance transport services in Wyoming;

(iii) "Air ambulance transport" means medical conveyance by air in the following situations:

(A) Emergency circumstances;

(B) Nonemergency, but medically necessary circumstances, as determined by a licensed health care provider, pursuant to rule of the department.

(iv) "Emergency" means a situation in which immediate medical care is necessary to prevent death or serious injury, or additional serious injury, pursuant to rule of the department;

(v) "Wyoming resident" means a natural person who is either of the following:

(A) Domiciled in Wyoming;

(B) Covered by the Wyoming Worker's Compensation Act.

(r) This section is repealed effective July 1, 2023.

Section 3. W.S. 9-3-203(a)(xvii), 26-4-102(b) by creating a new paragraph (iii), 26-4-103(m) and by creating a new subsection (n), 26-5-103(a)(ii), 27-14-401(e) and by creating a new subsection (j) and 42-4-103(a) by creating a new paragraph (xxxii) are amended to read:

9-3-203. Definitions.

(a) As used in this act:

(xvii) "This act" means W.S. 9-3-202 through ~~9-3-218~~ 9-3-219.

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

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

(iii) Premium assessments collected under W.S. 26-4-103(n), which shall

be transferred to the air ambulance coverage account not more than thirty (30) days after receipt.

26-4-103. Premium taxes; generally; preemption by state.

(m) The amount of tax credits for which an insurer qualifies under W.S. 9-12-1301 through 9-12-1312 shall be allowed as a credit against premium tax owed by the insurer under subsections (a) through (k) of this section.

(n) At the same time a report under subsection (a) of this section is filed, an insurer making private health benefit plans available in this state, and any plan which has entered into agreement under W.S. 42-4-123(j), shall pay to the commissioner a three-quarter percent (.75%) assessment upon net premiums and net considerations. The commissioner shall, not more than thirty (30) days after receipt, transfer premium assessments paid under this subsection to the air ambulance coverage account.

26-5-103. "Disability insurance" defined.

(a) Disability insurance is insurance of any kind on human beings against:

(ii) Disablement or expense resulting from sickness, including subscription or membership plans relating to air ambulance transport services.

27-14-401. Medical, hospital and ambulance expenses; review of claim; employer and division designated providers; contracts for bill review, case management and related programs; air ambulance reimbursement.

(e) If transportation by ambulance is necessary, the division shall allow a reasonable charge for the ambulance service at a rate not in excess of the rate schedule established by the director under the procedure set forth for payment of medical and hospital care, provided this subsection shall not apply to air ambulance transport services.

(j) Emergency and medically necessary air ambulance transport services for an employee shall be covered under W.S. 42-4-123, subject to availability and any limitations specified by the department under W.S. 42-4-123(a). The department of workforce services shall pay reimbursement for services under this section to the department of health as specified under W.S. 42-4-123.

42-4-103. Authorized services and supplies.

(a) Services and supplies authorized for medical assistance under this chapter include:

(xxxii) Air ambulance transport services, consistent with W.S. 42-4-123.

Section 4. The department of the health, with the consent of the governor, shall pursue all necessary and prudent state plan amendments, federal waivers under 42 U.S.C. §§ 1315 and 18052 and other agreements necessary to implement this act and to access all available federal funds, which may include modifying eligibility under Medicaid for specified income groups for air

ambulance transport services only. The department is also authorized to take all necessary actions to obtain an exemption for insurers, plans who enter into an agreement under W.S. 42-4-123(j) and other qualified health plans from essential benefits requirements specified by federal law. Any action taken under this section shall only relate to the coverage of air ambulance transport services as provided by this act. Upon applying for a state plan amendment, waiver or other agreement under this section, the department of health shall provide a report to the joint labor, health and social services interim committee and the joint appropriations committee detailing the reasons for the application and the reasons why the state plan amendment, waiver or agreement is viable and fiscally advantageous for the state of Wyoming and its residents. A report shall be submitted as soon as possible after an application is made.

Section 5.

(a) The department of health shall seek approval from the governor to proceed under section 4 of this act on or before April 1, 2019.

(b) The department of health shall transmit a copy of this act to the Wyoming congressional delegation. The department shall seek the support of the Wyoming congressional delegation in relation to any necessary state plan amendments, federal waivers or other agreements with the federal government.

(c) As soon as possible after the effective date of this act, the director of the department of health shall convene an unpaid working group of stakeholders, which may include legislators, insurers, health care facilities, air ambulance providers and state agency representatives, to provide feedback to the department regarding the implementation of this act.

Section 6. This act applies to air ambulance transport services provided on or after April 1, 2020.

Section 7.

(a) Sections 4, 5 and 7 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 otherwise provided in subsection (a) of this section, this act is effective April 1, 2020.

Approved March 8, 2019.

Chapter 190**WYOMING STATUTORY FOUNDATION ACT****Original House Bill No. 236**

AN ACT relating to corporations, partnerships and associations; creating statutory foundations as a new form of entity; establishing procedures and standards for the management of statutory foundation affairs; specifying liability; imposing fees as specified; providing for the operation and transfer of foreign foundations; authorizing the adoption of rules and the establishment of fees; making conforming amendments; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 17-30-101 through 17-30-106, 17-30-201 through 17-30-204, 17-30-301 through 17-30-309, 17-30-401, 17-30-402, 17-30-501 through 17-30-506, 17-30-601 through 17-30-603, 17-30-701 through 17-30-704, 17-30-801, 17-30-901 through 17-30-906, 17-30-1001 through 17-30-1003, 17-30-1101 and 17-30-1102 are created to read:

CHAPTER 30**WYOMING STATUTORY FOUNDATION ACT****ARTICLE 1****GENERAL PROVISIONS****17-30-101. Short title.**

This chapter may be cited as the “Wyoming Statutory Foundation Act”.

17-30-102. Definitions.

(a) As used in this act:

(i) “Articles of formation” means the articles required by W.S. 17-30-303, including any amendments thereto and restatements thereof;

(ii) “Beneficiary” means a person designated as a beneficiary in the operating agreement of a statutory foundation, which may be any of the following:

(A) A person who has a present or future, vested or contingent, beneficial interest in the statutory foundation;

(B) If permitted under the terms in the operating agreement, a person designated as a beneficiary of the statutory foundation by the board of directors, at the discretion of the board of directors;

(C) A charitable organization, as defined in paragraph (v) of this subsection.

(iii) “Certificate of existence” means the certificate issued to a statutory foundation under W.S. 17-30-308;

(iv) “Certificate of registration” means the certificate of registration of a foreign foundation required under W.S. 17-30-1101;

(v) “Charitable purpose” means the relief of poverty, the advancement of education or religion, the promotion of a health, governmental or municipal purpose or the achievement of other purposes which are beneficial to the community;

(vi) “Contributor” means any person, excluding a founder, who contributes property to a statutory foundation;

(vii) “Court” means the district court of the county where a statutory foundation has its registered office or another court of competent jurisdiction which is the most appropriate forum in the circumstances;

(viii) “Financial institution” means as defined in W.S. 13-1-101(a)(ix);

(ix) “Foreign foundation” means an entity formed under the law of a foreign jurisdiction as a statutory foundation, pursuant to the law of the foreign jurisdiction, or which appears to the secretary of state to possess characteristics sufficiently similar to those of a statutory foundation organized under this act;

(x) “Founder” or “organizer” means one (1) or more persons that acts under W.S. 17-30-303 to form a statutory foundation;

(xi) “Insolvency law” means title 11, United States Code or successor federal statutes of general application;

(xii) “Operating agreement” means the written agreement, whether or not designated as an operating agreement, of a founder of a statutory foundation concerning the matters described in W.S. 17-30-309, including any amendments thereto and restatements thereof;

(xiii) “Person” means as defined in W.S. 8-1-102(a)(vi);

(xiv) “Power” shall include discretion as to the way in which an act may be performed;

(xv) “Principal office” means the principal executive office of a statutory foundation or a foreign foundation, whether or not the office is located in this state;

(xvi) “Protector” means the person designated as a protector of a statutory foundation under W.S. 17-30-503;

(xvii) “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;

(xviii) “Registered agent” means a person appointed as a registered agent under W.S. 17-28-101 through 17-28-111;

(xix) “Sign” or “signature” shall include any manual, facsimile, conformed or electronic signature;

(xx) “State” means a state of the United States, the District of Columbia,

Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States;

(xxi) “Statutory foundation” means an entity formed or continued under this act;

(xxii) “This act” means W.S. 17-30-101 through 17-30-1102.

17-30-103. Governing law.

(a) This act governs:

(i) The internal affairs of a statutory foundation; and

(ii) The liability of a person as a founder or contributor of a statutory foundation for the debts, obligations or other liabilities of a statutory foundation.

(b) The transfer of property by a founder or a contributor to the statutory foundation, or any disposition made subject to the terms of the operating agreement of the foundation, shall not rendered ineffective for any reason, including the following:

(i) The law of a foreign jurisdiction prohibits or does not recognize the concept of a statutory foundation;

(ii) The statutory foundation, a transfer of property by a founder or a contributor to a foundation or a disposition made subject to the terms of the operating agreement of the foundation, avoids or defeats any forced heirship or legitime right, claim or interest under the law of a foreign jurisdiction.

17-30-104. Supplemental principles of law.

The principles of law and equity shall supplement this act, unless in conflict with this act.

17-30-105. Electronic records and signatures.

The provisions of this act governing the legal effect, validity or enforceability of electronic records or electronic signatures, and of contracts formed or performed with the use of such records or signatures, shall be construed to conform to the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7002, and supersede, modify and limit the requirements of the Electronic Signatures in Global and National Commerce Act.

17-30-106. Powers of secretary of state.

The secretary of state shall promulgate reasonable rules, forms and other requirements which are necessary to carry out the purposes of this act.

ARTICLE 2

PURPOSE, POWERS AND CAPITAL

17-30-201. Nature, purpose and duration of statutory foundations.

(a) A statutory foundation shall be an entity distinct from its founders, contributors, beneficiaries and any other persons.

(b) Unless stated otherwise in the articles of formation, a statutory foundation has perpetual duration.

(c) Except for those purposes provided in subsection (e) of this section, a statutory foundation may be created for any lawful purpose, which may be included in the articles of formation of the foundation, regardless of whether the foundation is for profit or for charitable purposes, as defined in W.S. 17-30-102(a)(v), provided that a statutory foundation shall:

(i) Confer a benefit on at least one (1) person; and

(ii) Be authorized to hold tangible and intangible property and accumulate income generated by that property for the purposes of this act.

(d) In addition to those purposes provided in subsection (c) of this section, a statutory foundation may be organized for the purpose of holding or investing in other entities or assets, including those entities or assets that are the property of the statutory foundation.

(e) A statutory foundation may not be created to act as a financial institution or an insurer, as defined in W.S. 26-1-102(a)(xvi).

(f) The purposes for which a statutory foundation may be created under this act shall not be amended or restated unless the articles of formation expressly provide that the purpose of the statutory foundation “may be amended”, “may be restated” or include words of similar import or an amendment or restatement is required pursuant to a court order.

17-30-202. Enforcement of charitable purposes.

(a) If the articles of formation or the operating agreement of a statutory foundation formed for a charitable purpose do not indicate or otherwise provide for selection of a particular charitable purpose or beneficiary, or if the designated charitable purpose cannot be completed or no longer exists, the court may select one (1) or more charitable purposes or beneficiaries. The selection shall be consistent with the intent of the founder, to the extent intent can be ascertained.

(b) A founder, the board of directors or the protector of a statutory foundation formed for a charitable purpose may commence a civil action to enforce the charitable purpose of the statutory foundation.

17-30-203. Powers of a statutory foundation.

A statutory foundation has the capacity to sue and be sued in its own name and has the power to take all actions necessary or convenient to carry on the activities of the foundation.

17-30-204. Property contribution.

(a) The initial property contributed to a statutory foundation may consist of tangible or intangible property, whether or not the contribution is made as a gift or otherwise.

(b) After the contribution of initial property to the statutory foundation, and if permitted by the operating agreement of the foundation, additional contributions may be made to the statutory foundation by a founder or any contributor.

(c) The tangible and intangible property of the statutory foundation may include:

- (i) Initial contributions of property;
- (ii) Additional contributions of property;
- (iii) Any accumulated income.

ARTICLE 3

NAME, FORMATION, ARTICLES OF FORMATION, OTHER FILINGS AND ORGANIZATIONAL DOCUMENTS

17-30-301. Name of a statutory foundation.

(a) The words “statutory foundation”, or its abbreviations “SF” or “S.F.”, shall be included in the name of a statutory foundation formed under this act. A statutory foundation name shall not:

(i) Contain words indicating or implying that the foundation is organized for a purpose other than one (1) or more of the purposes contained in its articles of formation;

(ii) Be the same as, or deceptively similar to in the determination of the secretary of state, any trademark or service mark registered in this state. The name shall be distinguishable by the secretary of state from other business names as provided in W.S. 17-16-401;

(iii) Contain a word or phrase which indicates or implies that it is organized under the Wyoming Business Corporation Act, the Wyoming Statutory Close Corporation Supplement, the Wyoming Nonprofit Corporation Act, the Wyoming Limited Liability Company Act or the Wyoming Statutory Trust Act.

(b) Nothing in this article shall prohibit the use of a trade name in accordance with applicable law.

17-30-302. Registered office and registered agent.

(a) Each statutory foundation shall continuously maintain a registered office and registered agent, as provided in W.S. 17-28-101 through 17-28-111, in this state.

(b) The provisions of W.S. 17-28-101 through 17-28-111 shall apply to all statutory foundations.

17-30-303. Formation of statutory foundation; articles of formation.

(a) One (1) or more persons may act as an organizer to form a statutory foundation by signing and delivering articles of formation to the secretary of state. Articles of formation shall be accompanied by a written consent of appointment signed by a registered agent.

(b) Articles of formation shall state:

(i) The name of the statutory foundation, which shall comply with W.S. 17-30-301; and

(ii) The street address of the statutory foundation's initial registered office and the name of its initial registered agent at that office.

(c) Articles of formation may state:

(i) The names and addresses of the individuals who are to serve as the initial directors;

(ii) The name and address of the individual who is to serve as the initial protector;

(iii) Other provisions not inconsistent with law, which may include:

(A) The purpose for which the statutory foundation is organized;

(B) An express statement that the purpose of the statutory foundation "may be amended", "may be restated" or words of similar import, pursuant to W.S. 17-30-201(f);

(C) A statement of the duration of the statutory foundation;

(D) Any provision under this act that is required or permitted to be stated in the operating agreement.

(d) A statutory foundation is formed when the articles of formation become effective. The filing of articles of formation by the secretary of state is conclusive proof that the organizer has satisfied all conditions required for the formation of a statutory foundation, except in a civil action commenced by the state of Wyoming to terminate a statutory foundation. In that case, a court may require other additional evidence as it determines appropriate.

17-30-304. Signing of records to be delivered for filing to secretary of state.

(a) A record delivered to the secretary of state for filing under this act shall be signed as follows:

(i) Except as otherwise provided by this subsection, a record signed on behalf of a statutory foundation shall be signed by a person who has appropriate authority granted by the foundation;

(ii) The initial articles of formation of a statutory foundation shall be signed by at least one (1) person acting as founder or organizer;

(iii) A record filed on behalf of a terminated statutory foundation that

has no founders shall be signed by the person winding up the activities of the foundation under article 9 of this chapter, the organizer or another person appointed by the board of directors of the foundation;

(iv) Any other record shall be signed by the person on whose behalf the record is delivered to the secretary of state or by the person appointed by the board of directors of the statutory foundation.

(b) Any record filed under this act may be signed by an agent.

17-30-305. Delivery to and filing of records by secretary of state; effective time and date.

(a) A record authorized or required to be delivered to the secretary of state for filing under this act shall be captioned to describe the purpose of the record and be delivered to the secretary of state in an authorized medium. The secretary of state shall file the record upon receipt, unless:

(i) The secretary of state determines that a record does not comply with the filing requirements of this act;

(ii) The filing fees required by this act or other provisions of law or past due fees, taxes or penalties have not been paid.

(b) Upon filing the record, the secretary of state shall send a copy of the filed record and a receipt for fees to the person on whose behalf the record was filed.

(c) Upon request and payment of the requisite fee, the secretary of state shall send to the requester a certified copy of a requested record.

(d) Except as otherwise provided in this section and W.S. 17-28-103, a record delivered to the secretary of state for filing under this act shall be effective as of the date of filing by the secretary of state.

17-30-306. Correcting filed record.

(a) A statutory foundation or foreign foundation may deliver to the secretary of state for filing a statement of correction to correct a record if the record contained inaccurate information or a defective signature.

(b) A statement of correction shall:

(i) Describe the record to be corrected, including its filing date, or attach a copy of the record as filed;

(ii) Specify the inaccurate information and the reason the information is inaccurate or the manner in which the signature was defective; and

(iii) Correct the inaccurate information or defective signature.

(c) When filed by the secretary of state, a statement of correction is effective retroactively as of the effective date of the record the statement corrects, except that the statement shall be effective when filed in the context of persons that previously relied on the uncorrected record and would be adversely impacted

by retroactive effect.

17-30-307. Liability for inaccurate information in filed record.

(a) If a record delivered to and filed by the secretary of state under this act contains inaccurate information, a person that suffers a loss by relying in good faith on the record may recover damages relating to the loss from the statutory foundation or foreign foundation if:

(i) The record was delivered for filing on behalf of the statutory foundation or foreign foundation; and

(ii) The statutory foundation or foreign foundation had notice of the inaccuracy for a reasonably sufficient time and was able to correct the record in the period of time before the record was relied upon.

(c) An individual who signs a record authorized or required to be filed with the secretary of state under this act shall affirm, under penalty of perjury, that the information stated in the record is accurate.

17-30-308. Certificate of existence.

(a) The secretary of state, upon request and payment of the requisite fee, shall furnish to any person a certificate of existence for a statutory foundation or a foreign foundation.

(b) A certificate of existence shall state:

(i) The name of the statutory or foreign foundation used in this state;

(ii) That the statutory foundation was duly formed under the laws of this state and the date of formation, or that the foreign foundation is registered in this state;

(iii) Whether all fees, taxes and penalties due under this act or under other provisions of law have been paid;

(iv) Whether the most recent annual report required pursuant to W.S. 17-30-703 has been filed by the secretary of state;

(v) Whether the secretary of state has classified the statutory foundation or foreign foundation as delinquent;

(vi) Whether articles of termination were delivered to the secretary of state for filing; and

(vii) Other facts of record maintained by the secretary of state which are specified by the person requesting the certificate of existence.

(c) Subject to any qualification stated in a certificate of existence, a certificate of existence issued by the secretary of state shall be conclusive evidence that the statutory foundation or foreign foundation is in existence.

17-30-309. Operating agreement; scope, function and limitations.

(a) The founders or board of directors of a statutory foundation shall adopt an operating agreement for the foundation as soon as possible after filing articles of formation with the secretary of state.

(b) An operating agreement may contain any provision for managing the business and regulating the affairs of the statutory foundation that is not inconsistent with this act, other provisions of law or the articles of formation of the foundation.

ARTICLE 4 FOUNDERS

17-30-401. Reservation to founder of power to amend, revoke, restate or terminate.

(a) Subject to subsections (b) and (c) of this section, a founder may reserve the following powers to himself, or a specific number of founders if applicable:

(i) The power to amend or restate the articles of formation of a statutory foundation;

(ii) Pursuant to W.S. 17-30-201, the power to amend the purposes of the statutory foundation;

(iii) The power to amend, revoke or restate the terms of the operating agreement of the statutory foundation;

(iv) The power to terminate the statutory foundation.

(b) A founder must expressly reserve those powers specified in paragraphs (a)(i) and (ii) of this section in the articles of formation of the statutory foundation. The founder may expressly reserve those powers specified by paragraphs (a)(iii) and (iv) of this section in the articles of formation.

(c) Unless the articles of formation or operating agreement of a statutory foundation provide otherwise, any powers reserved to a founder in subsection (a) of this section shall lapse on the death, dissolution or termination of the founder.

17-30-402. Protection from founder's successors.

(a) The heirs, spouse or creditors of a founder shall not:

(i) Amend or restate the articles of formation of a statutory foundation;

(ii) Amend the purpose of a statutory foundation, if any;

(iii) Terminate the statutory foundation.

ARTICLE 5 DIRECTORS AND PROTECTORS

17-30-501. Board of directors.

(a) A statutory foundation shall maintain a board of directors.

(b) Unless the articles of formation or operating agreement of a statutory foundation provide otherwise:

(i) The board of directors of the foundation shall have the authority to exercise all powers of the foundation and to manage foundation affairs;

(ii) The board of directors shall consist of one (1) or more persons;

(iii) One (1) or more founders may be appointed as a director; and

(iv) No director shall simultaneously serve as a director and a protector for the same statutory foundation.

(c) A board of directors shall conduct the affairs of the statutory foundation in accordance with the articles of formation and operating agreement, if any, of the foundation, as well as this act and any other applicable provision of law.

(d) Each director shall act:

(i) In good faith; and

(ii) In a manner not opposed to the best interests of the statutory foundation.

(e) An act of a director shall be retroactively valid despite any defect that may be found in:

(i) The appointment of the director;

(ii) The qualifications of the director.

17-30-502. Liability of directors.

A director is not personally liable for the acts, omissions, obligations or debts of the statutory foundation, whether arising in contract, tort or otherwise.

17-30-503. Protector.

(a) If a statutory foundation has a charitable purpose, the foundation shall maintain a protector in relation to that purpose.

(b) If a statutory foundation has any purpose permitted under this act other than a charitable purpose, then the foundation may have a protector in relation to that purpose.

(c) Except as otherwise provided by law, a founder or other person may be appointed as the protector of a statutory foundation.

(d) The operating agreement of a statutory foundation may authorize a protector to approve or disapprove any specified action of the board of directors of the statutory foundation.

17-30-504. Protector as a fiduciary.

A protector shall serve as a fiduciary to the extent of authority and duties granted under the terms of the operating agreement.

17-30-505. Liability of protector.

(a) Except as otherwise provided in subsection (b) of this section, the debts, obligations or other liabilities of a statutory foundation, whether arising in contract, tort or otherwise:

(i) Are solely the debts, obligations or other liabilities of the foundation; and

(ii) Do not become the debts, obligations or other liabilities of a protector solely by reason of the protector performing his duties.

(b) A court may impose liability for the debts, obligations or other liabilities of the statutory foundation on a protector in the following circumstances, except that no single factor other than fraud is sufficient to impose liability:

(i) Fraud;

(ii) Inadequate capitalization;

(iii) Failure to observe foundation formalities as required by law;

(iv) Intermingling of assets, business operations and finances of the foundation and the protector to such an extent that there is no distinction between them.

(c) A court shall not consider factors intrinsic to the character and operation of a statutory foundation under subsection (b) of this section. These factors shall include:

(i) The ability to elect treatment as a disregarded or pass-through entity for tax purposes;

(ii) Flexible operation or organization, including the failure to observe any particular formality relating to the exercise of the powers of the foundation or management of activities;

(iii) The exercise of ownership, influence and governance by a protector;

(iv) The protection of the personal assets of the protector from the obligations and acts of the foundation.

17-30-506. Conflict of interest transactions.

(a) A sale, encumbrance or other transaction involving the investment or management of the property of the statutory foundation which is entered into by a director or protector for the personal account of the director or protector or which is otherwise affected by a conflict between the fiduciary or personal interests of the director or protector is voidable by a beneficiary affected by the transaction unless:

(i) The transaction was authorized by the terms of the operating agreement;

(ii) The transaction was approved by a court;

(iii) The beneficiary did not commence a judicial proceeding within the time specified by W.S. 4-10-1005;

(iv) The beneficiary consented to the transaction, ratified the transaction or released the director or protector pursuant to W.S. 4-10-1009; or

(v) The transaction involves a contract entered into, or claim acquired by the director or protector, before the person became or contemplated becoming a director or protector.

ARTICLE 6 BENEFICIARIES

17-30-601. Beneficiaries.

(a) The articles of formation or operating agreement of a statutory foundation may provide for the distribution of property of the foundation to one (1) or more beneficiaries.

(b) Notwithstanding subsection (a) of this section, a beneficiary of a statutory foundation shall not have the right to, or interest in, property of the statutory foundation unless such right or interest arises by express terms stated in the operating agreement of the statutory foundation.

17-30-602. Beneficial interest.

(a) A beneficiary may have a beneficial interest in the property of the statutory foundation in the form of cash, property, a promissory note or other obligation. A beneficiary may have a beneficial interest in a statutory foundation without making a contribution, or being obligated to make a contribution, to the foundation.

(b) Except to the extent otherwise provided in the governing instrument, a beneficial owner shall have an undivided beneficial interest in the property of the statutory foundation and shall share in the profits or losses of the foundation in the proportion of the entire undivided beneficial interest he owns in the foundation. The governing instrument of a statutory foundation may provide that the foundation or the directors, acting for and on behalf of the foundation, shall be deemed to hold beneficial ownership of any income earned on securities of the foundation issued by any business entities formed, organized or existing under the laws of any jurisdiction, including the laws of any foreign country.

(c) No creditor of the beneficial owner shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the statutory foundation.

(d) The beneficial interest of a beneficial owner in the statutory foundation is personal property notwithstanding the nature of the property of the foundation. Except to the extent otherwise provided in the governing instrument, a beneficial owner has no interest in specific foundation property.

(e) Except to the extent otherwise provided in the governing instrument, the transferee of the beneficial interest of a beneficial owner in the statutory foundation shall only be entitled to receive the share of profits and the return of contributions to which the beneficial owner otherwise would be entitled. In the absence of the unanimous written consent of the owners of all other beneficial interests and of all directors of the foundation, and except to the extent otherwise provided in the governing instrument, the transferee of the beneficial interest of a beneficial owner shall have no right to participate in or be kept apprised of the affairs of the foundation or to become a beneficial owner of a beneficial interest in the foundation.

(f) Except to the extent otherwise provided in the governing instrument, at the time a beneficial owner becomes entitled to receive a distribution, the owner has the status of, and is entitled to all remedies available to, a creditor of the statutory foundation with respect to the distribution. A governing instrument may provide for the establishment of record dates with respect to allocations and distributions by a statutory foundation.

17-30-603. Limitation of transferability of rights.

Subject to the operating agreement of the statutory foundation, a beneficial interest in a foundation is transferable.

ARTICLE 7
RECORDS AND REPORTS

17-30-701. Right to information.

(a) Unless the operating agreement of a statutory foundation provides otherwise, upon written request by a beneficiary, the foundation shall provide, within a reasonable time, a copy of the operating agreement of the foundation to the beneficiary. Information regarding beneficiaries other than the beneficiary making a request under this section may be redacted.

(b) Upon written request by a protector, a statutory foundation shall provide all information requested by the protector within a reasonable time. After the death of the last founder of a statutory foundation or if there is no protector, the foundation shall provide all information requested by a beneficiary within a reasonable time, upon written request by a beneficiary.

(c) Except as otherwise provided in this section, no beneficiary shall have the right to receive information related to the administration, operation or affairs of a statutory foundation.

17-30-702. Recordkeeping and identification of statutory foundation property.

(a) The board of directors of a statutory foundation shall keep and maintain adequate records regarding the administration of the foundation.

(b) The board of directors of a statutory foundation may invest property of

two (2) or more statutory foundations as a whole as long as the board maintains clear records indicating the respective interests of each foundation.

17-30-703. Annual report for secretary of state.

(a) Every statutory foundation formed under the laws of this state and every foreign foundation that obtains a certificate of registration shall file an annual report, under penalty of perjury, with the secretary of state on or before the first day of the month of formation. The annual report shall contain the address of the principal office of the statutory foundation or the foreign foundation.

(b) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting statutory foundation or foreign foundation in writing and return the annual report for correction.

(c) Every statutory foundation formed under the laws of this state and every foreign foundation registered in this state shall preserve annual reports at its principal office for three (3) years after submission to the secretary of state.

17-30-704. Fees; annual fee.

(a) The secretary of state shall collect the following fees from statutory foundations and foreign statutory foundations:

(i) Filing the original articles of formation or issuing a certificate of authority for a foreign statutory foundation, a fee of two hundred fifty dollars (\$250.00);

(ii) Filing amended articles of formation, a fee of one hundred dollars (\$100.00);

(iii) Filing the annual report required under W.S. 17-30-703, due and payable on or before the date of the annual filing, a fee of one hundred dollars (\$100.00);

(iv) A fee for other services provided by the secretary of state which is not established by this section, including other filings, service of process and copying, provided the fee shall not exceed the actual cost of the service.

ARTICLE 8

RIGHTS AND LIMITATIONS OF CREDITORS

17-30-801. Creditor claim against founder.

The property of a statutory foundation contributed by a founder, and all income, appreciation and proceeds thereof, shall not be subject to the claims of a founder's creditor, including any claims for forced heirship or legitime right.

ARTICLE 9

TERMINATION

17-30-901. Termination.

(a) A statutory foundation may be terminated, and its activities wound up, upon the occurrence of any of the following:

(i) An event or circumstance provided in the operating agreement or articles of formation of the foundation that results in or authorizes termination;

(ii) Upon consent of all adult beneficiaries, the founder and the protector, if any, agree to terminate the statutory foundation, provided that this consent is only valid to the extent that termination is not inconsistent with a material purpose of the statutory foundation;

(iii) Upon a finding of a court that the purpose of the statutory foundation can no longer be achieved.

17-30-902. Cancellation of articles of formation.

(a) The articles of formation of the statutory foundation shall be cancelled upon the completion of termination and winding up of the foundation. A certificate of cancellation shall be filed with the secretary of state and shall set forth:

(i) The name of the statutory foundation;

(ii) The date of filing of its articles of formation; and

(iii) Any other information the board of directors determines is necessary or advisable for inclusion.

(b) The certificate of cancellation shall be effective as of the filing date.

17-30-903. Claims against terminated statutory foundation.

(a) A terminated statutory foundation may publish notice of termination and, in the notice, request persons with claims against the foundation to present them in accordance with the notice.

(b) The notice authorized by subsection (a) of this section shall:

(i) Be published at least once in a newspaper of general circulation in the county of this state in which the principal office of the terminated statutory foundation was located or, if the foundation does not have a principal office in this state, in the county in which the designated office of the foundation is or was last located;

(ii) Describe the information required to be contained in a claim and provide a mailing address to which a claim may be sent; and

(iii) State that a claim against the foundation is barred one hundred twenty (120) days after the date of first publication of the notice.

(c) A creditor may file a claim against the assets of a terminated statutory foundation within the earlier of:

(i) One hundred twenty (120) days after the termination of the statutory foundation;

(ii) If the terminated statutory foundation publishes a notice under subsection (a) of this section, one hundred twenty (120) days after the first publication of a notice complying with subsection (b) of this section; or

(iii) One hundred twenty (120) days after a known creditor has been mailed notice, by certified mail return receipt requested. As part of notice under this paragraph, notice shall inform a known creditor:

(A) Of the information required to be included in a claim;

(B) Of the name of the terminated statutory foundation and the mailing address to which a claim may be sent; and

(C) Of the deadline for the known creditor to make a claim, one hundred twenty (120) days after a notice is mailed by certified mail return receipt requested.

(d) A creditor failing to file a claim within the times set forth in this section is prohibited from making a claim against the assets of a terminated statutory foundation.

17-30-904. Administrative forfeiture of authority and articles of formation.

(a) If the registered agent of the statutory foundation has filed its resignation with the secretary of state and the foundation has not replaced its registered agent, or the statutory foundation is without a registered agent or registered office in this state for any reason, the foundation shall be deemed to be operating in this state without authority and to have forfeited any rights or privileges acquired under the laws of this state.

(b) A forfeiture under subsection (a) of this section shall be made effective as follows:

(i) The secretary of state shall mail by first class mail, or submit by electronic means if the statutory foundation has consented to receive notices electronically, a notice of the failure of the statutory foundation to comply with subsection (a) of this section; and

(ii) Unless compliance is made within sixty (60) days of mailing or electronic submission, the statutory foundation shall be deemed defunct and to have forfeited its articles of formation filed in this state.

(c) A statutory foundation, at any time within two (2) years after a forfeiture under subsection (a) or (b) of this section, may 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). A reinstatement fee under this subsection shall not exceed the costs of providing the reinstatement service. The foundation shall retain its registered name during the two (2) year reinstatement period under this section.

(d) If a statutory foundation has failed to pay any fee required by the secretary of state under W.S. 17-30-704 or any penalties imposed under W.S. 17-28-109, the statutory foundation shall be deemed to be operating within this state without authority and to have forfeited any rights or privileges acquired under the laws of this state.

(e) A forfeiture under subsection (d) of this section shall be made effective as follows:

(i) The secretary of state shall provide notice to the statutory foundation at its last known mailing address by first class mail, or submit by electronic means if the statutory foundation has consented to receive notices electronically, a notice of the failure of the statutory foundation to comply; and

(ii) Unless compliance is made within sixty (60) days of the date of mailing of the notice, the statutory foundation shall be deemed defunct and to have forfeited its articles of formation filed in this state.

(f) A statutory foundation, at any time within two (2) years after a forfeiture under subsection (d) of this section, may be revived and reinstated by paying the delinquent fees.

(g) Upon reinstatement of a statutory foundation under this section, the reinstatement shall relate back to and take effect as of the date the forfeiture was made effective under this section and the statutory foundation may resume carrying on operations as if the forfeiture was never effective.

(h) A statutory foundation shall be deemed to be operating within this state without authority, to have forfeited any rights or privileges acquired under the laws of this state and shall be deemed to have forfeited its articles of formation filed in this state if:

(i) An organizer, founder or any other person authorized to act on behalf of the foundation signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing;

(ii) The statutory foundation has failed to respond to a valid subpoena; or

(iii) The public interest is served by forfeiture and the statutory foundation, its founder or any other person authorized to act on behalf of the statutory foundation:

(A) Failed to provide records to the registered agent as required by this act;

(B) Provided fraudulent information or failed to correct false information upon request of the secretary of state on any filing under this act;

(C) Cannot be served by either the registered agent or by the secretary of state using mail and acting as the agent for process.

(j) The secretary of state may classify a statutory foundation as delinquent

and as awaiting forfeiture of its articles of formation at the time the secretary of state mails any notice required under this section to the foundation.

17-30-905. Appeal from rejection of reinstatement.

Appeals from decisions of the secretary of state made under this act shall occur as provided in W.S. 17-16-1423.

17-30-906. Distribution upon termination.

Upon the occurrence of an event terminating a statutory foundation, including forfeiture under this section, the board of directors shall proceed expeditiously to distribute the property of the foundation as provided in the articles of formation or the operating agreement of the foundation.

ARTICLE 10
JUDICIAL PROCEEDINGS

17-30-1001. Role of court in administration.

(a) The court may intervene in the administration of a statutory foundation only to the extent its jurisdiction is invoked as provided in this act or as otherwise provided by law.

(b) A statutory foundation is not subject to continuing judicial supervision unless ordered by a court.

(c) A civil proceeding to approve or disapprove a proposed decision or transaction of a statutory foundation may be commenced by the board of directors of the foundation.

17-30-1002. Power of court to give directions.

(a) Upon application to the court by a founder, protector or statutory foundation, the court may issue a declaratory judgment regarding the following:

(i) The meaning and effect of a provision in the articles of formation or operating agreement of the foundation;

(ii) The administration of the property or purpose of the foundation;

(iii) The function of the board of directors of the foundation;

(iv) Such other matters as determined by the court to be relevant to the statutory foundation and its purpose.

(b) If there is no express power to amend the purpose of a statutory foundation in the articles of formation of the foundation, then a founder or the protector may apply to a court for an order to amend the purpose stated in the articles in accordance with the probable intent of the founder, based on one (1) of the following grounds:

(i) The purpose stated in the articles of formation has been fulfilled;

(ii) The purpose stated in the articles of formation cannot be carried out in accordance with the intent of the founder;

(iii) The purpose stated in the articles of formation provides a use for only part of the property of the foundation;

(iv) The purpose stated in the articles of formation cannot be completed or no longer exists.

17-30-1003. Sealing and availability of documents.

Except for information that is otherwise publicly available, the privacy of persons who have organized a statutory foundation shall be protected in any judicial proceeding. A filed document or court order issued concerning a statutory foundation shall be sealed and shall not be made a part of the public record of the proceeding except as otherwise required by law. A filed document or court order issued shall be available to the court, a founder, the board of directors, a protector, the attorney of any of the persons specified in this section and any other interested person as the court may order upon a showing of need.

ARTICLE 11

CONTINUANCE AND TRANSFER

17-30-1101. Continuance.

(a) Consistent with subsection (d) of this section, a foreign foundation organized under the laws of a foreign jurisdiction may apply to the secretary of state for registration under this act, upon acknowledgement by the foreign jurisdiction that the domicile of the foreign foundation in that jurisdiction has terminated.

(b) The secretary of state may issue a certificate of registration upon receipt of an application supported by articles of continuance specified by subsection (e) of this section together with the other statements, information and documents required by this section.

(c) Upon issuance of a certificate of registration by the secretary of state, the foreign foundation shall continue to operate under the laws of this state as if the foreign foundation had been organized as a statutory foundation in this state. The secretary of state may impose limitations or conditions on a certificate of registration as appropriate.

(d) The secretary of state shall cause notice of issuance of a certificate of registration to be given to the proper officer of the foreign jurisdiction in which the foreign foundation was previously organized.

(e) Articles of continuance filed with the secretary of state by a foreign foundation under this section shall contain:

(i) A certified copy of the original articles of formation of the foundation, including any amendments thereto, or its equivalent basic charter or other authorization;

(ii) The name of the foreign foundation and the foreign jurisdiction in

which the foundation was lawfully organized;

(iii) The date of organization of the foreign foundation in the foreign jurisdiction;

(iv) The principal mailing address of the foreign foundation;

(v) The name and address of the proposed registered agent in this state;

(vi) Any additional information specified for articles of formation under W.S. 17-30-303.

(f) An application for articles of continuance shall be executed by any member of the board of directors of the foreign foundation or any officer authorized to execute the application on behalf of the foundation.

(g) The provisions of the articles of continuance may vary from the provisions of the articles of formation of the foreign foundation, the equivalent basic charter or other authorization in the foreign jurisdiction only if those variations could be lawfully effectuated by amending articles of formation as otherwise provided under this act.

(h) Upon issuance of a certificate of registration by the secretary of state, the articles of continuance shall be deemed to be the articles of formation of the foreign foundation. The foreign foundation may elect to incorporate by reference in its articles of continuance the basic charter or other authorization adopted in the foreign jurisdiction in which the foreign foundation was formed, for the purpose of continuing to act under the charter or other authorization, provided that the basic charter or other authorization shall be deemed amended to the extent necessary to make the charter or authorization conform to this act and other provisions of law.

(j) The existence of a foreign foundation that is issued a certificate of continuation under this act shall be deemed to have commenced on the date the foreign foundation commenced its existence in the foreign jurisdiction in which it was first formed, organized or otherwise came into being. The laws of this state shall apply to a foreign foundation continuing under this act to the same extent as if it had been organized under the laws of this state from and after the issuance of a certificate of continuation under this act by the secretary of state. If a foreign foundation is continued under this act, the continuance shall not affect the ownership of its property or its liability for any existing obligations, causes of action, claims, pending or threatened prosecutions or civil or administrative actions, or other convictions, rulings, orders or judgments.

17-30-1102. Transfer of a statutory foundation to another jurisdiction.

(a) A statutory foundation formed or continued under this act may, if authorized under subsection (f) of this section and by the laws of the foreign jurisdiction, apply to the proper officer of the foreign jurisdiction for a certificate of registration and to the secretary of state of this state for a certificate of transfer.

The application for a certificate of transfer shall set forth the following:

(i) The name of the statutory foundation immediately before the transfer, and if that name is unavailable for use in the foreign jurisdiction or, if the foundation desires to change its name in connection with the transfer, the name by which the foundation will be known in the foreign jurisdiction;

(ii) The name of the foreign jurisdiction to which the foundation is to be transferred;

(iii) Acknowledgement that the foundation shall surrender its articles of formation under this act upon transfer to the foreign jurisdiction; and

(iv) A statement that the transfer was duly approved by the board of directors in the manner required by subsection (f) of this section.

(b) The secretary of state shall require that a statutory foundation transferred under this section maintain an agent for service of process within this state for at least one (1) year after the transfer is complete and may impose any conditions the secretary of state considers appropriate for the protection of creditors, including the provision of notice to the public of the application described in subsection (a) of this section, the provision of a bond or a deposit of funds in an appropriate bank located in Wyoming and subject to the jurisdiction of the courts of Wyoming. If any conditions imposed under this subsection are not met, the secretary of state may refuse to issue a certificate of transfer.

(c) The secretary of state shall, upon compliance by the applicant with subsections (a) and (b) of this section and receipt of payment under subsection (e) of this section, immediately transmit a notice of issuance of a certificate of transfer to the proper officer of the foreign jurisdiction to which the statutory foundation is transferred.

(d) For the purposes of the laws of this state, upon issuance of a certificate of transfer, the statutory foundation shall be continued as if it had been organized under the laws of the foreign jurisdiction and shall become a statutory foundation under the laws of the foreign jurisdiction, upon issuance by such foreign jurisdiction of a certificate of registration.

(e) In addition to all other fees and impositions, a statutory foundation organized or continued under the laws of this state shall pay to the secretary of state a special fee established by rule before receiving a certificate of transfer pursuant to subsection (c) of this section.

(f) A resolution to transfer the statutory foundation to a foreign jurisdiction shall be adopted by the board of directors unless the operating agreement of the foundation provides otherwise.

(g) The statutory foundation may represent to the proper officer of the foreign jurisdiction to which the statutory foundation is transferred that the laws of this state permit such transfer, and may describe the authorization extended

by this section as permitting the continuance or other transfer of domicile as may be required by the laws of the foreign jurisdiction, in order for the statutory foundation to be accepted in that foreign jurisdiction, provided that the statutory foundation may not misrepresent the requirements or effects of this section.

Section 2. W.S. 17-16-401(b), 17-24-101(a)(intro) and 17-28-101(b) are amended to read:

17-16-401. Corporate name.

(b) Except as authorized by subsections (c) and (d) of this section, a corporate name shall not be the same as, or deceptively similar to any trademark or service mark registered in this state and shall be distinguishable upon the records of the secretary of state from the name of any profit or nonprofit corporation, trade name, limited liability company, statutory trust company, statutory foundation, limited partnership or other business entity organized, continued or domesticated under the laws of this state or licensed or registered as a foreign profit or nonprofit corporation, foreign limited partnership, foreign joint stock company, foreign statutory trust company, foreign foundation, foreign limited liability company or other foreign business entity in this state or any fictitious or reserved name.

17-24-101. Business entity name; limited rights.

(a) The authorization granted under this title by the secretary of state to file articles of incorporation, a certificate of limited partnership, articles of organization, articles of formation, a certificate of trust or other similar document authorizing the transaction of business in this state under a corporate, limited partnership, limited liability company, statutory trust, statutory foundation or other business entity name or to reserve a name does not:

17-28-101. Registered office and registered agent.

(b) For purposes of this chapter, “business entity” means a corporation, nonprofit corporation, limited liability company, limited partnership, cooperative marketing association, statutory trust, statutory foundation or registered limited liability partnership, whether foreign or domestic.

Section 3. There is appropriated fifty-seven thousand four hundred eighty dollars (\$57,480.00) from the general fund to the secretary of state. This appropriation shall be for the period beginning on the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for the purpose of implementing the provisions 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 July 1, 2020. This amount shall not be included in the secretary of state’s standard biennial budget request.

Section 4. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 191**REMOTE EDUCATION AGREEMENTS****Original House Bill No. 199**

AN ACT relating to virtual education; creating an exception to virtual education requirements; authorizing remote education agreements between school districts; providing requirements for the remote education; and providing for an effective date.

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

Section 1. W.S. 21-2-202(a)(xxx)(intro) and 21-13-330 by creating a new subsection (m) are amended to read:

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xxx) 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 virtual education. Courses taught pursuant to an agreement entered into under W.S. 21-13-330(m) shall not be subject to this paragraph. The rules and regulations promulgated pursuant to this paragraph shall meet the requirements of this paragraph by:

21-13-330. Virtual education; program content; agreements between districts authorized; remote education agreements and requirements.

(m) Two (2) school districts may enter into an agreement to allow a teacher in one (1) school district to remotely instruct a student in another school district. A course taught pursuant to an agreement entered into under this subsection shall not be considered virtual education for purposes of determining if a student is receiving part-time virtual education or full-time virtual education. An agreement to provide remote education pursuant to this subsection shall require that the teacher who teaches the course does so in-person, in a physical classroom setting in the district of employment and provides interactive delivery of content to the remote student. The school district providing the remotely taught courses shall:

(i) Complete a tuition agreement with the school district in which the student is enrolled. The agreement shall identify the services, courses 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 remote education prorated to reflect the number of remotely taught courses attended by the student;

(ii) Monitor the participating student's academic progress in the remotely taught courses and provide any necessary academic information to the school district in which the student is enrolled;

(iii) Facilitate necessary instructional support for the remotely taught courses taken by the student and notify and assist any student not performing satisfactorily;

(iv) Maintain the student's record for the remotely taught courses taken by the student and, as necessary, share educational information with the district in which the student is enrolled;

(v) Verify the remotely taught 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 that the program otherwise meets program standards agreed upon by the district in which the student is enrolled and the district providing the remotely taught courses.

Section 2. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 192

NATIONAL BOARD TEACHER CERTIFICATION

Original House Bill No. 24

AN ACT relating to educators; modifying national board teacher certification incentive programs; repealing obsolete provisions; and providing for an effective date.

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

Section 1. W.S. 21-7-501(a)(intro), (ii), by creating a new paragraph (iv), (c), (f)(intro), (i), (ii), (iv), (v) and by creating a new subsection (g) is amended to read:

21-7-501. National certification program; program limits and requirements; appropriations requirements; certified teacher pay incentive reimbursement.

(a) The professional teaching standards board shall by rule department of education may enter into an agreement with a nonprofit entity to establish a program under which school districts shall reimburse no more than fifty (50) the department or the nonprofit entity will administer a program to assist teachers in earning national board teacher certification. The agreement between the department and the nonprofit entity shall require annual reporting by the nonprofit entity to the department. The program may provide professional development and mentoring specific to national board teacher certification, along with other activities related to national certification. Additionally, on behalf of teachers and certified or licensed service providers employed by Wyoming school districts the program may make payments directly to an organization that provides national board teacher certification for not more

~~than fifty percent (50%) of the actual cost of receiving fees to receive national certification, not to exceed the national certification fee as established by the national board for professional teaching standards, for the applicable year certification was received, provided~~ The program shall only make payments if:

~~(ii) The teacher or service provider, as applicable, was successful in receiving his national certification timely pays the teacher's portion of the certification fees and timely completes progress toward certification as required by the program;~~ and

~~(iv) The teacher agrees to reimburse the program for any certification fee payments the program makes on behalf of the teacher in the event the teacher fails to formally withdraw from the process or to submit an entry that can be scored, as determined by the program.~~

~~(c) A school district~~ The legislature may apply for an innovative program grant under W.S. 21-22-106(a)(iii) to recover amounts reimbursed to teachers and service providers under subsection (b) of this section appropriate funds to the department to implement subsection (a) of this section. No funds appropriated by the legislature shall be distributed to the program if the nonprofit entity with whom the department has entered into an agreement under subsection (a) of this section does not contribute to the program an amount equal to the amount that will be distributed from funds appropriated by the legislature. The department shall ensure that state funds and funds the nonprofit entity provides to the program shall be accounted for separately.

~~(f) In addition to reimbursement of the cost of national board certification the program established under subsection (b) (a) of this section, and to promote employment of national board certified teachers by school districts, each district employing a national board certified teacher shall be reimbursed for payments to these teachers subject to the following:~~

~~(i) For each year the certificate is valid, the district provides each teacher employed by the district and holding certification by the national board for professional teaching standards a lump sum payment of four thousand dollars (\$4,000.00) which is in addition to the teacher's annual salary as determined by the board, and which is paid to each certified teacher between December 1 and December 31 of the school year for which application is made;~~ under paragraph (ii) of this subsection;

~~(ii) Effective school year 2007-2008 and each school year thereafter, The teacher holding certification shall be employed by the district full-time full time as a teacher;~~ For purposes of this subsection, "teacher" shall include employees of the district holding certification and employed full-time as instructional facilitators, certified tutors, librarians or counselors;

~~(iv) 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 February 15 of the applicable school year, together with the district's foundation payment under W.S. 21-13-313(c), if applicable. The department shall not provide reimbursement to a school district for a lump sum payment made in accordance with paragraph (i) of this subsection to a teacher who earned initial national board teacher certification on or after January 1, 2021 and has received fifteen (15) lump sum payments under this subsection;

(v) ~~Not later than December 31, 2007, and each December 31 thereafter~~ January 31 of each year, the department shall report to the joint education interim committee on district reports submitted under paragraph (iii) of this subsection and estimated distributions under this subsection to eligible districts for the applicable reporting period.

(g) For purposes of this section, "teacher" means a school district employee who is employed full time as a teacher, instructional facilitator, certified tutor, librarian, speech-language therapist or counselor.

Section 2. W.S. 21-7-501(a)(iii), (b) and (d) is repealed.

Section 3. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 193

NEW OPPORTUNITIES FOR WYOMING COAL FIRED GENERATION

Original Senate File No. 159

AN ACT relating to public utilities; limiting the recovery of costs for the retirement of coal fired electric generation facilities; providing a process for the sale of an otherwise retiring coal fired electric generation facility; exempting a person purchasing an otherwise retiring coal fired electric generation facility from regulation as a public utility; requiring purchase of electricity generated from purchased retiring coal fired electric generation facility as specified; and providing for an effective date.

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

Section 1. W.S. 37-2-133 and 37-3-116 are created to read:

37-2-133. Exemption for purchase of coal fired generation facilities that would otherwise have been retired; public utility purchase requirements; conditions for exemption.

(a) The provisions of this chapter and chapters 1 and 3 of this title shall not apply to a person who operates a coal fired electric generation facility purchased under an agreement approved by the commission under W.S. 37-3-116.

(b) Electric public utilities, other than cooperative electric utilities, shall be obligated to purchase electricity generated from a coal fired electric generation facility purchased under agreement approved by the commission under W.S.

37-3-116 provided that:

(i) The person purchasing the otherwise retiring coal fired electric generation facility offers to sell some or all of the electricity from the facility to an electric public utility;

(ii) The electricity is sold at a price that is no greater than the purchasing electric utility's avoided cost as may be determined by the commission;

(iii) The electricity is sold under a power purchase agreement with a specified term length and such other terms and conditions as may be approved by the commission; and

(iv) The commission approves a one hundred percent (100%) cost recovery in rates for the cost of the power purchase agreement and the agreement is one hundred percent (100%) allocated to the public utility's Wyoming customers unless otherwise agreed to by the public utility.

(c) In determining an electric public utility's avoided costs under this section, the commission may consider:

(i) The value of the electric energy and capacity generated from the facility;

(ii) The value of any reliability benefits associated with the operation of the facility; and

(iii) Any other factor deemed appropriate by the commission.

(d) The commission may elect to set the avoided cost price and other terms and conditions for the purchase of electricity from an otherwise retiring coal fired electric generation facility in advance of the facility's proposed retirement date to permit potential purchasers to know the avoided cost price and other terms and conditions for sales from that facility prior to entering into an agreement to purchase the facility.

(e) As used in this section, "avoided cost" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the otherwise retiring coal fired electric generation facility, the utility would generate itself or incur in a purchase from another source. As may be determined by the commission, avoided costs may change over the course of an approved power purchase agreement at specified intervals set forth in the power purchase agreement.

37-3-116. Limitation for recovery of costs associated with electric generation built to replace retiring coal fired generation facility.

(a) Notwithstanding any other provision of this chapter, the rates charged by an electric public utility, other than a cooperative electric utility, shall not include any recovery of or earnings on the capital costs associated with new electric generation facilities built, in whole or in part, to replace the electricity generated from one (1) or more coal fired electric generating facilities located

in Wyoming and retired on or after January 1, 2022, unless the commission has determined that the public utility that owned the retired coal fired electric generation facility made a good faith effort to sell the facility to another person prior to its retirement and that the public utility did not refuse a reasonable offer to purchase the facility or the commission determines that, if a reasonable offer was received, the sale was not completed for a reason beyond the reasonable control of the public utility.

(b) In determining whether the public utility made a good faith effort to sell the retired coal fired electric generation facility under this section the commission shall consider:

(i) Whether the public utility provided sufficient time prior to the facility's retirement for potential purchasers to evaluate purchasing the facility;

(ii) Whether the public utility used reasonable efforts to make potential purchasers aware of the opportunity to purchase the facility;

(iii) Whether the public utility reasonably evaluated any offers received by the public utility for the purchase of the facility; and

(iv) Any other factor deemed appropriate by the commission.

(c) In determining whether an offer to purchase a coal fired electric generation facility under this section was reasonable the commission shall consider:

(i) Whether accepting the offer to purchase the retired facility would have reduced costs to the public utility's customers as compared to retiring the facility;

(ii) Whether accepting the offer to purchase the retired facility would have reduced risks to the public utility's customers as compared to retiring the facility including any diminished environmental remediation risks; and

(iii) Whether accepting the offer to purchase the retired facility would have been in the public interest.

(d) Upon application by a public utility, the commission may approve procedures for the solicitation and review of offers to purchase an otherwise retiring electric generation facility in advance of a proposed retirement. If the public utility follows the procedures approved by the commission to solicit and review offers to purchase an otherwise retiring electric generation facility under this subsection, there shall be no limitation under this section for recovery of costs or earnings associated with electric generation built to replace a retired coal fired electric generation facility.

(e) Any agreement between a public utility and another person for the sale of an otherwise retiring coal fired electric generation facility shall not be effective until approved by the commission. In reviewing the agreement the commission shall consider:

(i) Whether the proposed purchaser has, or has contracted for, financial, technical and managerial abilities sufficient to reasonably operate and maintain the facility;

(ii) Whether the proposed purchaser has, or has contracted for, financial, technical and managerial abilities sufficient to reasonably decommission and retire the facility if and to the extent the facility is decommissioned and retired;

(iii) Whether the proposed purchaser has, or has contracted for, financial, technical and managerial abilities sufficient to reasonably satisfy any environmental obligations associated with the operation, maintenance or potential retirement of the facility;

(iv) If the coal fired electric generation facility is comprised of one (1) or more generation units at a larger power plant where the public utility will continue to own and operate one (1) or more generation units, whether the proposed purchaser and the public utility have made reasonable contractual arrangements for the sharing of the costs associated with any joint or common facilities at the plant;

(v) Whether the proposed purchaser has agreed to reasonable terms and conditions for environmental remediation;

(vi) Whether the proposed purchase agreement contains a provision allowing the public utility, with commission approval, to revoke the sale in the event the purchaser is unable to timely obtain all necessary local, state and federal permits;

(vii) Whether the proposed purchase agreement contains a provision to allow the public utility, with commission approval, to revoke the sale in the event the purchaser is unable to timely enter into any necessary operational and labor agreements;

(viii) Whether the proposed purchaser has agreed in the purchase agreement to obtain commission approval prior to transferring, in whole or in part, the facility to any other person so that the commission may ensure that the proposed new purchaser and the new purchase agreement meet the requirements of this section; and

(ix) Any other factor deemed appropriate by the commission.

Section 2. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 194**MOTOR VEHICLES-TITLES AND BILLS OF SALE****Original House Bill No. 15**

AN ACT relating to motor vehicles; revising notarization requirements for certificates of title and bills of sale for motor vehicles be notarized; specifying the manner in which interest is held in motor vehicles; modifying the form for bills of sale; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 31-2-101, 31-2-103(a)(intro), (i), (ix) and (d), 31-2-104(a), (h)(i), (ii) and by creating a new subsection (m), 31-2-112(b)(intro) and (i), 31-2-201(a)(ii)(C), 31-2-503(a)(intro), (i) and (d) and 31-2-504(a) are amended to read:

31-2-101. Required application.

(a) Except as provided by W.S. 31-2-102 and pursuant to W.S. 31-1-101(a)(xxi)(A) through (G), ~~every~~any owner of a vehicle for which no Wyoming certificate of title has been issued to the owner or the transferee upon transfer of ownership of a vehicle for which a Wyoming certificate of title is required, shall apply for a certificate of title at the office of a county clerk, or if available, electronically, within the same time periods as required by W.S. 31-2-201(a)(ii) and (iii).

(b) ~~Every~~Any owner, ~~owner's agent~~ or transferee upon transfer of ownership of any vehicle that has an identifying number pursuant to W.S. 31-1-101(a)(ix), including off-road recreational or multipurpose vehicles and, for the purpose of titling under this section, including snowmobiles and watercraft, shall apply for a certificate of title at the office of a county clerk.

31-2-103. Contents of application; signature; vehicle identification number; issuance of certificate.

(a) Applications for paper certificates of title or electronic certificates of title, if available, shall ~~be under oath and~~ contain or be accompanied by:

(i) The name and address of the owner, ~~the manner in which the ownership interest in the vehicle is to be held~~ and the person to whom the certificate of title is to be delivered;

(ix) Such other information as required by the department or county clerk which may include ~~but not be limited to~~ a vehicle bill of sale ~~or similar document that substantially conforms with the form provided in W.S. 31-2-104(h)(ii), and~~ any other documentation necessary to verify proof of ownership including an affidavit for proof of ownership or any surety bond required by this act. Any affidavit for proof of ownership shall be prescribed pursuant to W.S. 31-1-201(d) and shall be utilized by each county of this state;

(d) Upon receipt of an application and payment of fees any county clerk

shall, if satisfied that the applicant is the owner of the vehicle for which application for certificate of title is made, issue a paper certificate of title or electronic certificate of title, if available, upon a form or electronic format, approved by and provided at cost to the county clerk by the department in the name of the owner bearing the signature and seal of the county clerk's office. The county clerk shall not deliver a certificate of title issued under this section until presentation of a receipt for payment of sales or use tax pursuant to W.S. 39-15-107(b) or 39-16-107(b). If a lien is filed with respect to the vehicle, the county clerk shall, within three (3) business days, deliver a copy of the filed lien and a copy of the issued title to the financial institution and if available, such delivery may be made electronically. Each paper certificate of title or electronic version, shall bear a document control number with county designation and certificate of title number. The title shall be completely filled out giving a description of the vehicle including factory price in a manner prescribed by the department, indicate all encumbrances or liens on the vehicle and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of the seller's signature for a sale or transfer of title. Certificates of title are valid for the vehicle so long as the vehicle is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the vehicle for which the certificate was issued.

31-2-104. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a vehicle who sells or transfers his interest in a vehicle for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the vehicle with a statement of all liens and encumbrances thereon, which assignment, warranty and statement shall be ~~subscribed~~ signed and dated by the owner before a notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the vehicle. Except as provided in subsection (b) of this section, the transferee shall present the certificate to a county clerk and apply for a new certificate of title within the same time periods as required by W.S. 31-2-201(a)(ii).

(h) The requirement under subsection (a) of this section to deliver a certificate of title to a transferee at the time the vehicle is delivered does not apply to a transferor if:

(i) The certificate of title is being held by a bank or other financial institution on the date the vehicle is delivered. The transferor shall then deliver to the transferee a dealer's invoice or a signed, ~~notarized~~ bill of sale, in substantially the form specified in paragraph (ii) of this subsection, and the certificate of title shall be delivered to the transferee within thirty (30) days

from the date of the sale; or

(ii) The transferor is an auctioneer of vehicles and transfers the vehicle in the course of his business as an auctioneer of vehicles or through an auctioneer of vehicles. The transferor or auctioneer shall then deliver the certificate of title to the transferee within thirty (30) days of the date of sale and shall deliver to the transferee at the time the vehicle is delivered a signed, ~~notarized~~ bill of sale in substantially the following form:

VEHICLE BILL OF SALE

I, (PRINTED NAME OF TRANSFEROR OR AUCTIONEER), on (date), hereby sell and convey all (my interest the interest of (name of current owner)) in the following described vehicle: (COLOR, YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION NUMBER) to (PRINTED NAME OF TRANSFeree) in exchange for: (sales price). I hereby state that the certificate of title for the above described vehicle is held by (PRINTED NAME OF TRANSFEROR-VEHICLE AUCTIONEER, BANK OR OTHER FINANCIAL INSTITUTION) and that within thirty (30) days, (PRINTED NAME OF TRANSFeree) will be provided a properly executed title free of all liens for the vehicle unless otherwise specified in this bill of sale. I certify (or declare) under penalty of perjury under the laws of the State of Wyoming that the contents of this document are true and correct.

DATE: _____

(TRANSFEROR’S OR AUCTIONEER’S SIGNATURE)

(TRANSFEROR’S OR AUCTIONEER’S ADDRESS, PHONE NUMBER AND DRIVER’S LICENSE, IDENTIFICATION OR DEALER NUMBER)

(BILL OF SALE MUST BE NOTARIZED)

(m) If a motor vehicle is held by two (2) or more persons, any person identified as an owner on the certificate of title shall have the right to transfer all interest in the vehicle without the signature of any other owner on the title unless:

(i) The title states the vehicle is held in joint tenancy with right of survivorship or tenancy by the entirety;

(ii) The title states the vehicle is held by coowners in the conjunctive, by the use of the word “and” or other similar language, in which event transfer shall require the signature of each coowner;

(iii) A transfer of all interests in the vehicle by an owner without the signature of any other owner is otherwise prohibited by law.

31-2-112. Glider kit vehicle certificate of title.

(b) Applications for a glider kit vehicle certificate of title shall ~~be under oath and~~ contain or be accompanied by:

(i) The name and address of the owner, the manner in which the ownership interest in the vehicle is to be held and the person to whom the certificate of title is to be delivered;

31-2-201. Registration required; timelines.

(a) Except as provided in W.S. 31-2-224 and subsection (q) of this section, every owner, or if applicable, operator or lessee, of a vehicle which will be operated or driven upon any highway in Wyoming, shall be required to obtain registration at the following times:

(ii) Upon transfer of ownership of a vehicle:

(C) Within sixty (60) days if transferred under the provisions of W.S. 31-2-104(h). Vehicles may be operated by the transferee during this sixty (60) day period when accompanied by a ~~notarized~~-signed bill of sale that substantially conforms with the form provided in W.S. 31-2-104(h)(ii);

31-2-503. Applications; contents; effect.

(a) Applications for certificates of title shall ~~be under oath and~~ contain or be accompanied by:

(i) The name and address of the owner, the manner in which the ownership interest in the mobile home is to be held and the person to whom the certificate of title is to be transferred;

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the mobile home for which application for certificate of title is made, issue a certificate of title, upon a form approved by and provided at cost to the county clerk by the department of transportation, in the name of the owner bearing the signature and seal of the county clerk's office. Each certificate of title shall bear a distinct serial number. The title shall be completely filled out giving a description of the mobile home in a manner prescribed by the department, indicate all encumbrances or liens on the mobile home and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of the seller's signature for a sale or transfer of title. Certificates of title are valid for the mobile home so long as the mobile home is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the mobile home for which the certificate was issued.

31-2-504. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a mobile home who sells or transfers his interest in a mobile home for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the mobile home with a statement of all liens and encumbrances thereon and that all taxes due thereon have been paid, which assignment, warranty and statement shall be ~~subscribed~~ signed and dated by the owner before a notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the mobile home.

Section 2. This act applies to certificates of title and bills of sale issued on or after January 1, 2020.

Section 3. This act is effective January 1, 2020.

Approved March 8, 2019.

Chapter 195

COURT SUPERVISED TREATMENT PROGRAMS-PROSECUTOR'S CONSENT

Original House Bill No. 177

AN ACT relating to criminal procedure; removing the prosecutorial consent requirement for participation in a court supervised treatment program; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 7-13-1607(c) and (d) is amended to read:

7-13-1607. Participation in court supervised treatment program; conditions; extended probation.

(c) Participation in a program shall only be with the consent of the referring judge; and the participant, ~~and the prosecuting attorney~~, and acceptance of the participant by the program team in accordance with a written agreement between the participant and the program team. The agreement shall include the participant's consent to release of medical and other records relevant to his treatment history and assessment that meets the requirements of 42 U.S.C. 290dd-2(b), 42 C.F.R. part 2.31 or W.S. 35-2-607(c), as applicable. Prior to a participant's entry into a written agreement, the participating judge shall inform the participant that he may be subject to a term of probation that exceeds the maximum term of imprisonment established for the particular offense charged, as provided in W.S. 5-9-134 and 7-13-1614.

(d) Nothing in this act shall confer a right or an expectation of a right to participate in a program, nor does this act obligate a program team to accept any proposed participant. Neither the establishment of a program nor anything

herein contained shall be construed as limiting the discretion of a prosecuting attorney in regard to the prosecution of any criminal or juvenile case. Consent to participation in a program under subsection (c) of this section shall only be required from the referring judge and participant.

Section 2. This act applies to criminal cases filed on or after July 1, 2019.

Section 3. This act is effective July 1, 2019.

Approved March 8, 2019.

Chapter 196

COUNTY ZONING AUTHORITY-PRIVATE SCHOOLS

Original Senate File No. 49

AN ACT relating to counties; exempting private schools from county zoning authority as specified; and providing for an effective date.

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

Section 1. W.S. 18-5-201 is amended to read:

18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns; mineral resources; private schools.

(a) To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-208 shall be construed to contravene any zoning authority of any incorporated city or town, ~~and~~ ~~No zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto. No zoning resolution or plan shall regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for the use of a private school as defined in W.S. 21-4-101(a)(iii) in any manner different from a public school, provided that the private school:~~

(i) Is certified by the professional engineer or architect of record for the private school as being substantially similar to school facility commission guidelines for education buildings and siting and is designed to be constructed with appropriate materials, means and methods;

(ii) Has capacity for fifty (50) students or more; and

(iii) Is owned and operated by a not for profit entity.

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.

Became law without signature March 15, 2019.

Chapter 197

CAPITOL COMPLEX OVERSIGHT

Original Senate File No. 149

AN ACT relating to state property and buildings; specifying boundaries of the state capitol complex; providing for management and operation of state property and facilities within the state capitol building and state capitol complex; transferring duties and obligations of the state capitol building rehabilitation and restoration oversight group as specified; repealing the existing advisory task force for capitol renovation; amending authority of the state building commission; making legislative findings; repealing executed provisions; specifying legislative areas; restricting alterations of the capitol building and grounds as specified; requiring review of, adoption of and modifications to the master plan for the state capitol complex; specifying severability; and providing for effective dates.

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

Section 1. W.S. 9-5-101(b) and by creating new subsections (d) and (e), 9-5-102(a), 9-5-106(d)(i) and by creating new subsections (e) through (g) and 28-8-112 are amended to read:

9-5-101. State building commission; composition; general powers and duties; conflicts of interest.

(b) The state building commission shall promulgate rules under which the general services division has charge and control of the capitol building with respect to its occupancy, repair and maintenance and shall collect all rents arising from the occupancy of the capitol building. ~~All rents collected under this section shall be paid into the general fund. Rules with respect to the occupancy of the capitol building shall be subject to and in accordance with W.S. 9-5-112.~~ The state building commission may also promulgate rules governing occupancy of the capitol building for executive department officials.

(d) The commission shall oversee the development, creation and modification of a master plan for maintenance, preservation, restoration, rehabilitation, construction and enhancement within the capitol complex. During the development, creation or modification of the capitol complex master plan the commission may consult with members of the state capitol building rehabilitation and restoration oversight group or members of management council, as applicable. The commission shall have final approval authority of the capitol complex master plan. The commission shall review all proposals to remodel or construct a building, monument or other improvement within the capitol complex for conformance with the master plan. The commission shall notify the management council of the legislature of any proposed adoption of

or modifications to the master plan for the capitol complex not less than sixty (60) days prior to taking any action to adopt or modify the plan.

(e) As used in this article:

(i) “Capitol complex” means all state owned grounds and facilities within the area bounded by 26th Street to the north, Pioneer Avenue to the west, 22nd Street to the south, and Warren Avenue to the east, the Pioneer building on Pioneer Avenue and the historic Wyoming governor’s mansion and grounds located at the corner of House and 21st streets, all within the city of Cheyenne, Wyoming;

(ii) “Commission” means the state building commission.

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

(a) In order to obtain building sites for additional office space and state uses and to insure the proper keeping of valuable state records and provide for the expansion of functions of the state, the general services division, with the approval of the state building commission, may buy, take options to buy and lease property to be used for building sites for future state office buildings. The general services division, with the approval of the commission may lease acquired property until it is needed. The general services division, with the approval of the state building commission, in cooperation with the department of workforce services, may acquire lands and buildings in the name of the state of Wyoming by purchase, lease agreement, gift or devise to provide suitable quarters for the administration of the Wyoming Employment Security Law and to develop improvements, maintain and repair the lands and buildings. The commission shall not approve the exercise of any authority under this section for any property which is or would be within the boundaries of the capitol complex which is inconsistent with the master plan for the capitol complex without providing at least sixty (60) days’ notice of the proposed action to the management council of the legislature.

9-5-106. State building commission; powers relative to use of state buildings; rules authorized; exceptions.

(d) No rule promulgated under W.S. 9-5-101 through 9-5-108 shall apply to facilities occupied by:

(i) The legislature or the members thereof unless the legislative management council has specifically concurred therein. For purposes of this paragraph “facilities occupied by the legislature” shall include those rooms and areas specified in W.S. 28-8-112(a)(i) through (vi) and other facilities specified by law; or

(e) No architectural or structural alteration to the capitol building or its grounds shall be made without approval of the state building commission. Except for

emergency maintenance as provided for in this subsection, the state building commission shall not approve of any architectural or structural alteration to the capitol building or grounds without providing notice to the management council of the legislature and without a legislative session convening and adjourning after notice was provided to the management council. Routine maintenance and repair necessary to keep the capitol building in safe and good working order, including janitorial, grounds keeping and maintenance tasks done on a routine basis, shall be conducted in a manner not to alter the capitol building structurally or architecturally to the extent practicable. Major maintenance and repair shall also be conducted in a manner not to alter the capitol building structurally or architecturally to the extent practicable. Emergency maintenance which would structurally or architecturally alter the capitol building shall only be undertaken prior to a legislative session convening and adjourning after notification under this subsection if the maintenance is immediately necessary to keep the capitol building in good working order or to prevent harm to the building. The state building commission shall provide prior notification to the management council of the legislature of any planned major maintenance activity and shall immediately notify the management council of any emergency major maintenance activity.

(f) In managing areas of the capitol building and grounds and the extension from the capitol building to and under the Herschler building, the state building commission and the management council of the legislature shall enter into memoranda of understanding and other agreements as they determine appropriate to provide effective, comprehensive and coordinated visitor, civic education and other services to the public. The agreements shall also provide for:

(i) Maintenance and preservation of the capitol building and grounds and the extension by the general services division subject to direction by the commission;

(ii) Management of meeting rooms and common spaces with a goal of maximizing authorized uses. An elected statewide official's request to schedule a meeting room under control of the legislature shall be accommodated so long as the meeting room was not previously scheduled for use by the legislature or a committee of the legislature;

(iii) Coordination of programs for exhibits, artwork, art collections, statuary and furnishings to reflect and maintain the historic aspects of the capitol building.

(g) The following definitions shall apply to this section, subject to further definition by rule of the commission, provided the rules shall not be less restrictive than the following:

(i) "Architectural alteration" of a building means a material modification

to the finish or architectural details of a floor, wall or ceiling, including casing, trim and other attachments thereto, and excluding repair or replacement which attempts to retain existing finishes and architectural details;

(ii) "Structural alteration" of a building means any change in the supporting members of a building, such as bearing walls, columns, beams and girders, or a material change in the dimensions or configurations of a floor, ceiling or wall;

(iii) "Architectural or structural alteration" of grounds shall include material modification of contours or placement or removal of pathways or statues.

28-8-112. Space in state capitol building and annexation.

(a) Adequate space ~~The following areas in the state capitol building, including the extension from the capitol building to and under the Herschler building and within the Herschler building, shall be rooms and halls provided for the conduct of activities of the legislature, its committees, the legislative service office and necessary legislative staff, and the management council; subject to and in accordance with W.S. 9-5-112.~~

(i) On the garden level of the capitol building, rooms in the west half of the capitol building and the room on the northwest corner of the east half of the garden level;

(ii) On the first floor of the capitol building:

(A) The two (2) meeting rooms adjacent to the west wall of the building and the hospitality room contiguous to the north meeting room;

(B) The room on the southeast corner of the west half of the first floor.

(iii) The second and third floors of the capitol building, inclusive of hallways and stairways on those floors;

(iv) Within the extension from the capitol building to and under the Herschler building, the six (6) meeting rooms, three (3) rooms in the east wing under the Herschler building, dedicated to a learning center, media room and visitor center, and the room designated as a "leg. copy" room on page 34 of the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, which presentation is on file with the legislative service office;

(v) That area on the first floor, west wing of the Herschler building designated as "legislature" on page 35 (bearing the label "Herschler First Floor - Proposed assignments), of the presentation to the capitol building rehabilitation and restoration oversight group on March 9, 2016, and as subsequently reduced on the north side by action of the state capitol building rehabilitation and restoration oversight group on August 22, 2018, as reflected in the minutes of the meeting on file with the legislative service office;

(vi) During legislative sessions, the presiding officers of the house and senate shall have the regulation of passageways on the second and third floors of the capitol building and passageways adjacent to or contiguous with the meeting rooms specified in subparagraph (ii)(A) and paragraph (iv) of this subsection;

(vii) All areas devoted to mechanical systems within the areas specified in paragraphs (i) through (vi) of this subsection shall not be considered areas for the conduct of activities of the legislature and shall be managed by the state building commission.

Section 2. W.S. 9-5-109(k) through (r), 9-5-110(a)(i) and (iii), 9-5-111, 9-5-112(b), (d) and (e) and 9-5-113(a)(iii) are repealed.

Section 3. On January 1, 2020, the duties and powers of the state capitol building oversight group under W.S. 9-5-109 through 9-5-113 as to the state capitol building and Herschler state office rehabilitation, restoration and renovation project described in W.S. 9-5-112, shall be assumed by the state building commission. On January 1, 2020 all appropriations, property, contracts, agreements, obligations and authority of the state capitol building oversight group shall be transferred to the state building commission. To the extent a power or duty previously within the authority of the oversight group is required to be exercised after December 31, 2019, the power or duty shall be exercised by the state building commission in accordance with provisions of law governing the project.

Section 4. As the state capitol building and Herschler state office building rehabilitation, restoration and renovation project described in W.S. 9-5-112 is completed, the Legislature finds that investment of state funds should be safeguarded to the fullest extent possible. The first act of the first Legislature of the state of Wyoming conferred upon the presiding officers of the House and Senate the power to regulate “such parts of the capitol and its passages as are or may be set apart for the use of the Senate [and House] and its officers.”

At the time of enactment of this 1890 statute, “passage” was defined as an avenue leading to the various divisions of a building; “a gallery or corridor or hall”. The Century Dictionary, 4314 (1889). The word “hall” at that time was defined as a building, large room or compartment of a building devoted to some public or common use. The 1890 law, enacted contemporaneously with the Wyoming Constitution makes clear the authority of the Legislature to oversee common areas of the capitol building connecting its meeting rooms. This is consistent with Wyoming Constitution, Article 3, section 12, which states that the Legislature “shall have all other powers necessary to the legislature of a free state.”

The legislature occupies more than half of the state capitol building, the underground extension to the capitol building and a portion of the Herschler

building. In the renovation of the capitol building, historic legislative meeting rooms were enlarged to accommodate the public. All but two (2) legislative meeting rooms were removed from the second and third floors of the capitol building to the underground extension and to the first floor of the capitol building. Having appropriated millions of dollars to the project and occupying significant portions of the project for legislative chambers, passages and committee meeting rooms, the legislature has great interest in ensuring that the project area is maintained and utilized to the greatest extent possible and the investment protected. At the same time, since territorial days, the legislature has by law authorized a capitol building commission, comprised of appointed members and later of specified elected officials, to have charge of the capitol building. Concomitantly with that delegation of authority the legislature mandated by law for rooms to be occupied within the capitol building for various officials, often non-elected. In addition to their duties as members of the state building commission, the governor and other statewide elected officials occupy significant portions of the capitol building and other spaces within the project area and have resultant interests in those areas.

All elected officials and other occupants are, however, but tenants in the “people’s house” and no individual or body representing one (1) branch of government should have the ability to modify the historic nature of the capitol building and other components of the capitol building. Maintenance and potential changes to the capitol building are appropriately overseen by joint action of executive and legislative representatives. With this enactment the legislature intends to ensure that all legitimate interests in the capitol complex are protected, and most significantly safeguard the overarching interest in the preservation of the historic capitol building.

Nothing in this act shall be construed to limit the authority of the governor and treasurer under article 3, section 31 of the Wyoming constitution.

Section 5. If any provision or clause of this act or its application is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. It is the legislative intent that the provisions of this section shall be liberally construed.

Section 6.

(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) The provisions of W.S. 9-5-106(e) and (g), as created by section 1 of this act, and the repeal of W.S. 9-5-110(a)(iii), 9-5-111 and 9-5-112(b) under Section 2 of this act are effective January 1, 2020.

Became law without signature March 15, 2019.

Chapter 198**MEDICAL DIGITAL INNOVATION SANDBOX**

Original Senate File No. 156

AN ACT relating to trade and commerce; creating the medical digital innovation sandbox; authorizing innovative medical digital assessment products and services as specified; authorizing limited waivers from specified statutes and rules under certain conditions; establishing standards and procedures for sandbox applications and operations; requiring criminal history background checks; creating an account; requiring a consumer protection bond; requiring the adoption of rules; and providing for an effective date.

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

Section 1. W.S. 33-1-119 and 40-28-101 through 40-28-108 are created to read:

33-1-119. Applicability of Medical Digital Innovation Sandbox Act.

The Medical Digital Innovation Sandbox Act shall apply to the chapters within this title listed in W.S. 40-28-102(a).

CHAPTER 28

MEDICAL DIGITAL INNOVATION SANDBOX ACT

40-28-101. Short title; definitions.

(a) This act may be cited as the “Medical Digital Innovation Sandbox Act”.

(b) As used in this act:

(i) “Department” means the department of health;

(ii) “Sandbox” means a time limited test environment or program in which innovative technologies, products or services may be developed or explored and made available to consumers prior to general authorized use or deployment;

(iii) “Sandbox period” means the period of time, initially not longer than twenty-four (24) months, in which the department or the appropriate licensing board or authority has authorized an innovative medical digital assessment product or service to be made available to consumers. The sandbox period shall also encompass any extension granted under W.S. 40-28-107;

(iv) “This act” means W.S. 40-28-101 through 40-28-108.

40-28-102. Medical digital innovation sandbox waiver; applicability of criminal statutes; referrals; civil liability.

(a) Notwithstanding any other provision of law, a person who makes an innovative medical digital assessment product or service available to consumers in the medical digital innovation sandbox may be granted a waiver from specified requirements imposed by statute or rule, or portions thereof, if these statutes or rules do not currently permit the product or service to be made available to consumers. A waiver under this subsection shall be no

broader than necessary to accomplish the purposes and standards set forth in this act, as determined by the department or the appropriate licensing board or authority under the chapters listed in this subsection. The statutes within the following chapters of title 33 of the Wyoming statutes, and the rules adopted under them, or portions thereof, may be waived by the department and the appropriate licensing boards or authorities, upon receipt and approval of an application made to the department pursuant to W.S. 40-28-103:

- (i) Chapter 1, licensing generally;
- (ii) Chapter 9, podiatrists;
- (iii) Chapter 10, chiropractors;
- (iv) Chapter 15, dentists and dental hygienists;
- (v) Chapter 21, nurses;
- (vi) Chapter 23, optometrists;
- (vii) Chapter 25, physical therapists;
- (viii) Chapter 26, physicians and surgeons;
- (ix) Chapter 27, psychologists;
- (x) Chapter 32, eye care practitioners;
- (xi) Chapter 33, speech language pathologists and audiologists;
- (xii) Chapter 34, clinical laboratories and blood banks;
- (xiii) Chapter 35, hearing aid specialists;
- (xiv) Chapter 36, emergency medical services;
- (xv) Chapter 37, radiologic technologists;
- (xvi) Chapter 40, occupational therapy;
- (xvii) Chapter 43, respiratory care practitioners;
- (xviii) Chapter 46, midwives;
- (xix) Chapter 47, dietetics.

(b) A person who makes an innovative medical digital assessment product or service available to consumers in the medical digital innovation sandbox is:

(i) Not immune from civil damages for acts and omissions relating to this act; and

(ii) Subject to all criminal laws.

(c) The department may refer suspected violations of law relating to this act to appropriate state or federal agencies for investigation, prosecution, civil penalties and other appropriate enforcement actions.

40-28-103. Medical digital innovation sandbox application; standards for approval; consumer protection bond.

(a) A person shall apply to the department to make an innovative medical digital assessment product or service available to consumers in the medical digital innovation sandbox, based on the licensing board or authority that administers the statute or rule, or portion thereof, for which a waiver is sought. If an application is filed with a licensing board or authority that does not administer the statute or rule for which a waiver is sought, the receiving board or authority shall forward the application to the correct board or authority. The person shall specify in an application the statutory or rule requirements for which a waiver is sought and the reasons why these requirements prohibit the innovative medical digital assessment product or service from being made available to consumers. The application shall also contain the elements required for authorization which are set forth in subsection (f) of this section. The department shall, by rule, prescribe a method of application.

(b) A business entity making an application under this section shall be a domestic corporation or other organized domestic entity with a physical presence, other than that of a registered office or agent, in Wyoming.

(c) Before an employee applies on behalf of an institution, firm or other entity intending to make an innovative medical digital assessment product or service available through the medical digital innovation sandbox, the employee shall obtain the consent of the institution, firm or entity before filing an application under this section.

(d) The individual filing an application under this section and the individuals who are substantially involved in the development, operation or management of the innovative medical digital assessment product or service shall, if requested by the department as a condition of the application, submit to a criminal history background check pursuant to W.S. 7-19-201.

(e) An application made under this section shall be accompanied by a fee of five hundred dollars (\$500.00). The fee shall be deposited into the medical digital innovation account as provided in W.S. 40-28-104.

(f) The department shall authorize or deny a medical digital innovation sandbox application in writing within ninety (90) days of receiving the application. The department and the person who has made an application may jointly agree to extend the time beyond ninety (90) days. The department may impose conditions on any authorization, consistent with this act. In deciding to authorize or deny an application under this subsection, the department shall consider each of the following:

(i) The nature of the innovative medical digital assessment product or service proposed to be made available to consumers in the sandbox, including all relevant technical details;

(ii) The potential risk to consumers and methods which will be used to protect consumers and resolve complaints during the sandbox period;

(iii) A prototyping, use case or scaling plan proposed by the person, including a statement of arranged capital;

(iv) Whether the person has the necessary personnel, adequate medical digital and technical expertise and a sufficient plan to test, monitor and assess the innovative medical digital assessment product or service;

(v) Whether any person substantially involved in the development, operation or management of the innovative medical digital assessment product or service has:

(A) Been convicted of or is currently under investigation for federal or state crimes;

(B) Had any professional license revoked or suspended.

(g) If an application is authorized under subsection (f) of this section, the department shall specify the statutory or rule requirements, or portions thereof, for which a waiver is granted and the length of the initial sandbox period. The department shall also post notice of the approval of a sandbox application under this subsection, a summary of the innovative medical digital assessment product or service and the contact information of the person making the product or service available through the sandbox on the internet website of the department.

(h) A person authorized under subsection (f) of this section to enter into the medical digital innovation sandbox shall post a consumer protection bond with the department as security for potential losses suffered by consumers who use an innovative medical digital assessment product or service offered by the person. The bond amount shall be determined by the department in an amount not less than ten thousand dollars (\$10,000.00) and shall be commensurate with the risk profile of the innovative medical digital assessment product or service. The department may require that a bond under this subsection be increased or decreased at any time based on risk profile. Unless a bond is enforced under W.S. 40-28-108(b)(ii), the department shall cancel or allow the bond to expire two (2) years after the date of the conclusion of the sandbox period.

(j) Authorization under subsection (f) of this section shall not be construed to create a property right.

40-28-104. Medical digital innovation account.

(a) There is created the medical digital innovation account. 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) Subject to legislative appropriation, application fees remitted to the account pursuant to W.S. 40-28-103(e), and any additional funds appropriated by the legislature, shall be used by the department only for the purposes of

administering this act, including processing of sandbox applications and monitoring, examination and enforcement activities relating to this act.

40-28-105. Operation of medical digital innovation sandbox.

(a) Except as otherwise provided by W.S. 40-28-107, a person authorized under W.S. 40-28-103(f) to enter into the medical digital innovation sandbox may make an innovative medical digital assessment product or service available to consumers during the sandbox period.

(b) Before a consumer purchases or enters into an agreement to receive an innovative medical digital assessment product or service through the medical digital innovation sandbox, the person making the product or service available shall provide a written statement of the following to the consumer:

(i) The name and contact information of the person making the product or service available to consumers;

(ii) That the product or service has been authorized to be made available to consumers for a temporary period by the department and the appropriate licensing board or authority, as applicable, under the laws of Wyoming;

(iii) That the state of Wyoming does not endorse the product or service and is not subject to liability for losses or damages caused by the product or service;

(iv) That the product or service is undergoing testing, may not function as intended and may entail medical assessment risk;

(v) That the person making the product or service available to consumers is not immune from civil liability for any losses or damages caused by the product or service;

(vi) The expected end date of the sandbox period;

(vii) The name and contact information of the department and board or authority, as applicable, and notification that suspected legal violations, complaints or other comments related to the product or service may be submitted to the department;

(viii) Any other statements or disclosures required by rule of the department which are necessary to further the purposes of this act.

(c) A person authorized to make an innovative medical digital assessment product or service available to consumers in the medical digital innovation sandbox shall maintain comprehensive records relating to the innovative medical digital assessment product or service. The person shall keep these records for not less than five (5) years after the conclusion of the sandbox period. The department may specify further records requirements under this subsection by rule.

(d) The department or licensing board or authority, as applicable, may examine

the records maintained under subsection (c) of this section at any time, with or without notice. All direct and indirect costs of an examination conducted under this subsection shall be paid by the person making the innovative medical digital assessment product or service available in the medical digital innovation sandbox. Records made available under this subsection shall be confidential and shall not be subject to disclosure under the Wyoming Public Records Act but may be released to appropriate state and federal agencies for the purposes of investigation.

(e) Unless granted an extension pursuant to W.S. 40-28-107, not less than thirty (30) days before the conclusion of the sandbox period, a person who makes an innovative medical digital assessment product or service available in the medical digital innovation sandbox shall provide written notification to consumers regarding the conclusion of the sandbox period and shall not make the product or service available to any new consumers after the conclusion of the sandbox period until legal authority outside of the sandbox exists to make the product or service available to consumers. The person shall wind down operations with existing consumers within sixty (60) days after the conclusion of the sandbox period, except that, after the sixtieth day, the person may:

(i) Collect and receive money owed to the person, based on agreements with consumers made before the conclusion of the sandbox period;

(ii) Take necessary legal action; and

(iii) Take other actions authorized by the department by rule which are not inconsistent with this subsection.

(f) The department may enter into agreements with state, federal or foreign regulatory agencies to allow persons who make an innovative medical digital assessment product or service available in Wyoming through the medical digital innovation sandbox to make their products or services available in other jurisdictions and to allow persons operating in similar medical digital innovation sandboxes in other jurisdictions to make innovative medical digital assessment products and services available in Wyoming under the standards of this act.

40-28-106. Revocation or suspension of medical digital innovation sandbox authorization.

(a) The department may, by order, revoke or suspend authorization granted to a person under W.S. 40-28-103(f) if:

(i) The person has violated or refused to comply with this act or any lawful rule, order or decision adopted by the department;

(ii) A fact or condition exists that, if it had existed or become known at the time of the medical digital innovation sandbox application, would have warranted denial of the application or the imposition of material conditions;

(iii) A material error, false statement, misrepresentation or material omission was made in the medical digital innovation sandbox application; or

(iv) After consultation with the person, continued testing of the innovative medical digital assessment product or service would:

(A) Be likely to harm consumers; or

(B) No longer serve the purposes of this act because of the medical digital or operational failure of the product or service.

(b) Written notification of a revocation or suspension order made under subsection (a) of this section shall be served using any means authorized by law, and if the notice relates to a suspension, include any conditions or remedial action which shall be completed before the suspension will be lifted by the department.

40-28-107. Extension of sandbox period.

(a) A person granted authorization under W.S. 40-28-103(f) may apply for an extension of the initial sandbox period for not more than twelve (12) additional months. An application for an extension shall be made not later than sixty (60) days before the conclusion of the initial sandbox period specified by the department. The department shall approve or deny the application for extension in writing not later than thirty-five (35) days before the conclusion of the initial sandbox period. An application for extension by a person shall cite one (1) of the following reasons as the basis for the application and provide all relevant supporting information that:

(i) Statutory or rule amendments are necessary to conduct business in Wyoming on a permanent basis;

(ii) An application for a license or other authorization required to conduct business in Wyoming on a permanent basis has been filed with the appropriate office and approval is currently pending.

40-28-108. Rules and orders; enforcement of bond; restitution; applicability of Wyoming Administrative Procedure Act.

(a) The department shall adopt rules to implement this act.

(b) The department may issue:

(i) All necessary orders to enforce this act, including ordering the payment of restitution, and enforce these orders in any court of competent jurisdiction;

(ii) An order under paragraph (i) of this subsection to enforce the bond posted under W.S. 40-28-103(h), or a portion of this bond, and use proceeds from the bond to offset losses suffered by consumers as a result of an innovative medical digital assessment product or service.

(c) All actions of the department under this act shall be subject to the Wyoming Administrative Procedure Act.

Section 2. W.S. 7-19-106(a) by creating a new paragraph (xxx) and 7-19-201(a) by creating a new paragraph (xxvi) 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:

(xxx) The department of health for purposes of obtaining background information on persons specified in W.S. 40-28-103(d) as part of a medical digital innovation sandbox application.

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:

(xxvi) If requested by the department of health, persons specified in W.S. 40-28-103(d) as part of a medical digital innovation sandbox application.

Section 3. Consistent with W.S. 40-28-108(a), the department shall adopt rules to implement this act on or before January 1, 2020, provided these rules shall not take effect until January 1, 2020.

Section 4. The department of health shall issue a report on the implementation and operation of the medical digital innovation sandbox to the joint labor, health and social services interim committee not later than October 1 of each year.

Section 5.

(a) Except as otherwise provided by subsection (b) of this section, this act is effective January 1, 2020.

(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 March 15, 2019.

Chapter 199

COMMUNITY COLLEGES-BACHELOR OF APPLIED SCIENCE PROGRAMS

Original Senate File No. 111

AN ACT relating to postsecondary education; amending authorized academic programs at the community colleges; providing for community college commission approval of the baccalaureate degree programs; conforming Hathaway scholarship statutes; requiring reports; and providing for an effective date.

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

Section 1. W.S. 21-16-1303(f)(iv), 21-16-1304(b), 21-16-1305(a)(iii), 21-18-102(a)(i), 21-18-202(d)(i) and (h)(ii) and 21-18-303(a)(xvi) are amended to read:

21-16-1303. Hathaway scholarship program; eligibility requirements.

(f) Students meeting the requirements of this subsection shall not be subject to the six (6) academic year limitation on scholarships under this article, the satisfactory academic progress requirements of W.S. 21-16-1304(c)(i) and 21-16-1305(b)(i) or the continuous enrollment requirements of W.S. 21-16-1304(c)(ii) and 21-16-1305(b)(ii), but shall be subject to the following:

(iv) Within the earlier of eight (8) years of initial Hathaway scholarship eligibility or four (4) years of last attending an eligible institution while receiving a Hathaway scholarship, have enrolled at the University of Wyoming or a Wyoming community college to complete a baccalaureate of applied science degree and have applied for reinstatement of the student's Hathaway scholarship;

21-16-1304. Hathaway opportunity, performance and honor scholarships.

(b) Scholarships under this section shall be for a maximum of the equivalent of eight (8) full-time semesters. ~~Except as specified under subsection (g) of this section,~~ A scholarship under this section shall be available for attendance at a Wyoming community college for not more than a maximum of the equivalent of four (4) full-time semesters; ~~except as follows:~~

(i) As specified under subsection (g) of this section; or

(ii) A scholarship for a student enrolled in a baccalaureate degree program at a Wyoming community college shall be for a maximum of the equivalent of eight (8) full-time semesters.

21-16-1305. Hathaway provisional opportunity scholarships.

(a) Any student who meets the criteria under W.S. 21-16-1303 is eligible to receive a Hathaway provisional opportunity scholarship to pursue a certificate or degree as follows:

(iii) A student who receives a scholarship under paragraph (i) of this subsection and who earns a certificate from the community college with a minimum cumulative GPA of 2.25 may extend the provisional opportunity scholarship to pursue either a certificate or a degree at a Wyoming community college or if the student earns a degree from the community college with a minimum GPA of 2.25, may extend the scholarship to pursue a degree at the University of Wyoming if the student maintains a minimum cumulative GPA of 2.25 and otherwise remains eligible for a scholarship under this article. A student who receives a scholarship under paragraph (i) of this subsection, is enrolled in a community college applied baccalaureate program and has received a minimum cumulative GPA of 2.25 after four (4) full-time semesters

may extend the provisional opportunity scholarship for an additional four (4) full-time semesters to complete the baccalaureate degree if the student maintains a minimum cumulative GPA of 2.25 and otherwise remains eligible for a scholarship under this article. The scholarship under this paragraph shall be for the same amounts and subject to the same limitations as provided for scholarships under paragraph (a)(i) of this section, except that the student may continue a baccalaureate program or pursue either an additional certificate or a degree and the student may use this scholarship while attending a Wyoming community college or the University of Wyoming.

21-18-102. Definitions.

(a) As used in this act:

(i) “Academic program” means those programs approved by the commission which provide credits;

(A) Resulting in a two (2) year associate degree;

(B) Resulting in an applied baccalaureate degree;

(C) Resulting in a credit bearing credential such as a certificate; or

(D) Which may be transferred to an accredited four (4) year college or university;

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

(d) The commission shall perform the following approval functions:

(i) Approve all new academic programs, including applied baccalaureate degree programs, qualifying for state funding pursuant to the statewide community college strategic plan developed under subsection (h) of this section;

(h) The commission shall prior to the beginning of each biennial budget period, review, update and modify the statewide college system strategic plan. The plan shall clearly prescribe the components of the educational program and attach program components to statewide system priorities. This plan shall serve as the basis for state operational and capital construction budget requests and funding of the statewide college system for the applicable biennial budget period. In developing, reviewing and updating the strategic plan, the commission shall:

(ii) Include mechanisms within the planning process which adhere to the state’s interests in establishing a statewide college system identified as assuring statewide access to;

(A) Academic programs, including applied baccalaureate degree programs;

(B) Career-technical education and training programs;

(C) Dual and concurrent enrollment programs; and

(D) Remedial and continuing education programs responding to needs of students, employers and the state workforce, including program access through outreach or coordinated electronic system technology;

21-18-303. District board generally; powers; board approved additional mill levy.

(a) The community college district board may:

(xvi) Confer degrees and certificates, including applied baccalaureate degrees approved by the commission, and grant diplomas as are usual for community colleges and authorized under its accreditation by the regional accrediting agency;

Section 2.

(a) The community college commission shall report to the joint education interim committee and the joint appropriations committee on the status of the applied baccalaureate programs implemented or planned to be implemented under this act by November 1 of each year.

(b) The community college commission, in consultation with the Wyoming community colleges, shall evaluate the financial impacts of this act to the community colleges and the state. The evaluation shall separately consider near-term and long-term financial impacts to initiate and sustain applied baccalaureate programs at the community colleges, including facilities requirements for the programs, personnel costs and student enrollment impacts on state funding requirements. The evaluation shall, at a minimum, identify financial impacts for the 2021-2022 biennium and for the 2023-2024 biennium. The commission shall report its evaluation to the joint education interim committee and the joint appropriations committee not later than November 1, 2019.

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

Approved March 15, 2019.

Chapter 200

WYOMING CHANCERY COURT

Original Senate File No. 104

AN ACT relating to courts; creating a chancery court; providing for jurisdiction; providing for funding of the chancery court; providing for adoption of rules for the chancery court; providing for the terms and appointment of chancery court judges; providing for the salary and expenses of chancery court personnel; authorizing positions; providing appropriations; and providing for an effective date.

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

Section 1. W.S. 5-13-101 through 5-13-116 and 5-13-201 through 5-13-203 are created to read:

CHAPTER 13
CHANCERY COURTS
ARTICLE 1
GENERAL PROVISIONS

5-13-101. Chancery court established.

Pursuant to the provisions of article 5, section 1 of the Wyoming Constitution, the chancery court of the state of Wyoming is hereby established for the state of Wyoming.

5-13-102. Chancery court fund account created; purposes.

(a) There is created an account entitled “the chancery court account”. The account shall receive all filing fees received by the chancery court. Any interest accruing to the account shall be retained in the account and may be expended for the purposes provided in this section. No funds shall be expended from the account until the legislature appropriates the funds. Funds within the account shall be used for the purpose of funding operation of the chancery courts, including judicial salaries, staff salaries, supplies, operating costs and other expenses of the chancery court.

(b) The judicial salaries, staff salaries, supplies, operating costs and other expenses of the chancery court may be appropriated by the legislature from the general fund, or other fund, to the extent sufficient funds are not available in the chancery court account.

5-13-103. Number of judges; location of chambers; concurrent jurisdiction.

(a) The chancery court of the state of Wyoming shall consist of no more than three (3) judges. The location of chambers and assignment of cases shall be prescribed by rules promulgated by the supreme court.

(b) All chancery court judges in the state shall have concurrent jurisdiction throughout the state as provided in W.S. 5-13-115(d).

5-13-104. Supreme court to adopt rules; fees and court costs; rules of procedure to govern courts; place for holding court; inherent powers; appeals.

(a) The Wyoming supreme court is hereby vested with management and supervisory powers, including financial auditing authority, over the chancery court of the state of Wyoming. The Wyoming supreme court shall establish procedures and regulations for the effective and expeditious resolution of disputes between parties and the administration of the business of the chancery

court, including the Wyoming Rules of Civil Procedure for the Chancery Courts and procedures for:

- (i) The filing of an action with the chancery court;
 - (ii) The removal of an existing case from another court to the chancery court;
 - (iii) The removal, by the non-filing party, of a case filed with the chancery court to another court;
 - (iv) Trial without a jury;
 - (v) The ordering of mediation;
 - (vi) Referrals to a special master;
 - (vii) The streamlined and expeditious completion of discovery.
- (b) The Wyoming supreme court shall establish fees and charges for the chancery court, provided:
- (i) The fees and charges are established to, as nearly as practicable, fund the operation of the chancery court; and
 - (ii) The original filing fee is set at not less than five hundred dollars (\$500.00). The fee shall apply to original actions commenced, actions removed or transferred to the chancery court from another court and to actions that are reopened after a final decree previously has been entered.
- (c) The Wyoming Rules of Civil Procedure for Chancery Courts and the Wyoming Rules of Evidence, as amended or supplemented from time to time, shall govern the chancery court.
- (d) The judges of the chancery court may hold court for each other and shall do so when required by law. A judge of the chancery court may hold court in any county where venue is appropriate.
- (e) When no special provision is otherwise made by law, the chancery court shall be vested with all inherent powers that are possessed by courts of record in this state.
- (f) Opinions of the chancery court shall be published by the clerk of the chancery court in a searchable electronic database.
- (g) An appeal from a judgment or other appealable order of the chancery court shall be to the Wyoming supreme court in accordance with the Wyoming Rules of Appellate Procedure.
- (h) As used in subsection (a) of this section, “effective and expeditious resolution of disputes between parties” means the resolution of a majority of the actions filed in the chancery court within one hundred fifty (150) days of the filing of the action.

5-13-105. Name of court; presider.

The chancery court shall be called the “Chancery Court of the State of Wyoming” which shall be a court of record with a seal and the judge and clerk thereof have power to administer oaths and affirmations. The chancery court shall be presided over by a chancery court judge.

5-13-106. Term of chancery court judges.

The terms of chancery court judges shall be six (6) years. Each chancery court judge selected under the provisions of article 5, section 4 of the Wyoming Constitution shall serve for one (1) year after his appointment and until the first Monday in January following the next general election after the expiration of the year. At the general election, he shall stand for retention in office throughout the state as provided in article 5, section 4 of the Wyoming Constitution.

5-13-107. Judges to be nonpartisan; nomination and appointment.

Judges of the chancery court shall be nonpartisan, shall be nominated and appointed and retained as provided by article 5, section 4 of the Wyoming Constitution.

5-13-108. Qualifications for appointment.

(a) To be eligible for appointment to the office of judge of the chancery court, a person shall be:

- (i) A qualified elector of the state;
- (ii) Authorized to practice law in Wyoming; and
- (iii) Experienced or knowledgeable in the subject matter jurisdiction of the chancery court.

5-13-109. Temporary assignment to fill vacancies; appointments to fill vacancies in office.

(a) Prior to the appointment of a chancery court judge under subsection (b) of this section or in the event a chancery court judge appointed under W.S. 5-13-107 dies, becomes unable or unwilling to perform the duties of his office, the supreme court may temporarily assign the duties of chancery court judge to be performed by a person who meets the qualifications set forth in W.S. 5-13-108. Any assignment shall be made to:

- (i) A retired supreme court justice;
- (ii) A retired district court justice; or
- (iii) A member of a panel of up to five (5) active district court judges selected by the supreme court to serve as chancery court judge on ad hoc basis.

(b) Beginning March 1, 2022, the office of judge of the chancery court and any vacancies therein shall be filled as provided by W.S. 5-13-107.

5-13-110. Delivery of official records and papers to successor in office.

If the office of judge of the chancery court becomes vacant by reason of death,

removal from office or otherwise, the senior chancery court judge, or if there is none, the clerk of the chancery court, shall take charge of the official records and papers of the judge and deliver them to the successor in office of that judge.

5-13-111. Jurisdiction of successor is same as that of predecessor in office.

A judge of the chancery court with whom the records of his predecessor have been deposited has the same jurisdiction over all actions and proceedings entered in the records as if they were originally commenced before him.

5-13-112. Salaries of judges; traveling expenses.

Chancery court judges shall receive the annual salary provided by W.S. 5-1-110(a)(iv). When a new salary is effective for any judge of the chancery court upon new appointment or the commencement of a new term, it shall be effective for all judges of the chancery court. In addition to salary, a judge of the chancery court shall be reimbursed for traveling expenses actually incurred when the business of the chancery court requires his attendance more than five (5) miles from the place where he regularly holds court.

5-13-113. Oath.

Before assuming the duties of his office, a judge of the chancery court shall take and subscribe before a supreme court justice the oath of office prescribed by the constitution of Wyoming.

5-13-114. Process extends throughout state.

The process of the chancery court shall extend throughout the state.

5-13-115. Purpose and jurisdiction.

(a) The chancery court shall be a court of limited jurisdiction established for the expeditious resolution of disputes involving commercial, business, trust and similar issues. The chancery court shall employ nonjury trials, alternative dispute resolution methods and limited motions practice and shall have broad authority to shape and expedite discovery as provided in the rules adopted by the supreme court to govern chancery courts.

(b) The chancery court shall have jurisdiction to hear and decide actions for equitable or declaratory relief and for actions where the prayer for money recovery is an amount exceeding fifty thousand dollars (\$50,000.00), exclusive of claims for punitive or exemplary damages, prejudgment or post judgment interest, costs and attorney fees provided the cause of action arises from at least one (1) of the following:

- (i) Breach of contract;
- (ii) Breach of fiduciary duty;
- (iii) Fraud;
- (iv) Misrepresentation;

- (v) A statutory or common law violation involving:
 - (A) The sale of assets or securities;
 - (B) A corporate restructuring;
 - (C) A partnership, shareholder, joint venture or other business agreement;
 - (D) Trade secrets; or
 - (E) Employment agreements not including claims that principally involve alleged discriminatory practices.
 - (vi) Transactions governed by the Uniform Commercial Code;
 - (vii) Shareholder derivative actions. The monetary threshold in subsection (b) of this section shall not apply to action brought under this paragraph;
 - (viii) Commercial class actions;
 - (ix) Business transactions involving or arising out of dealings with commercial banks and other financial institutions;
 - (x) A dispute concerning the internal affairs of business organizations;
 - (xi) A dispute concerning environmental insurance coverage;
 - (xii) A dispute concerning commercial insurance coverage;
 - (xiii) Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships, joint ventures, banks and trust companies. The monetary threshold of subsection (b) of this section shall not apply to action brought under this paragraph;
 - (xiv) Transactions governed by the Wyoming Uniform Trust Code; or
 - (xv) Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief or appeals pursuant to W.S. 1-21-801 through 1-21-804 or 1-36-101 through 1-36-119, involving any of the foregoing enumerated issues. Where any applicable arbitration agreement provides for an arbitration to be heard outside the United States, the monetary threshold set forth in this subsection shall not apply.
- (c) The chancery court shall have no supplemental ancillary jurisdiction over any cause of action not listed in subsection (b) of this section.
- (d) All chancery court judges throughout the state shall have concurrent jurisdiction with all district court judges throughout the state only as to the causes of action enumerated in subsection (b) of this section.
- (e) A chancery judge may submit to arbitration any matter pending in chancery court, upon agreement of the parties as provided by W.S. 1-21-801 through 1-21-804, or upon application of either party showing an arbitration agreement and refusal of the opposing party to arbitrate as provided by W.S.

1-36-101 through 1-36-119.

(f) A chancery judge may order mediation in any matter pending in chancery court.

5-13-116. Powers generally.

(a) In exercising the jurisdiction granted under W.S. 5-13-115, the chancery court may:

(i) Preserve and enforce order in its immediate presence and in the proceedings before it according to the Wyoming Rules of Civil Procedure for Chancery Courts;

(ii) Compel obedience to its judgments, orders and processes;

(iii) Except as otherwise provided, control the conduct of its ministerial officers and of all other persons in any manner connected with judicial proceedings before it;

(iv) Issue summonses, subpoenas or other process in chancery court cases;

(v) Administer oaths and affirmations and take acknowledgments, affidavits and depositions;

(vi) Amend and control its process and orders to make them conformable to law and justice;

(vii) Proceed to nonjury trial, render judgment and grant writs of execution to carry into effect any order or judgment of the court; and

(viii) Punish for contempt in the same manner as district court.

ARTICLE 2

CLERK

5-13-201. Office created; salary; deputies.

(a) There shall be a clerk of the chancery court for the state of Wyoming. The clerk shall be selected by a majority of justices of the supreme court and shall be an employee of the supreme court. The clerk shall receive an annual salary to be determined by the supreme court which shall be paid in monthly installments in the same manner as other state salaries are paid. The clerk shall perform the duties prescribed by law and the rules adopted by the supreme court.

(b) The clerk of the chancery court may, with the consent of a majority of the justices of the supreme court, appoint a deputy clerk. The deputy may perform all the duties of the office in the name of the clerk and the attestation of the deputy to all decrees, orders and processes, shall have the same effect and force as if issued by the clerk. The deputy clerk shall receive an annual salary to be determined by the supreme court which shall be paid in monthly installments in the same manner as other state salaries are paid.

5-13-202. Collection of fees.

The clerk of the chancery court shall collect all fees and charges as required and set by the supreme court under W.S. 5-13-104(b). At the time of the original filing, the clerk also shall collect a court automation fee in the amount of 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.

5-13-203. Duties generally.

The clerk shall receive all cases filed with the court and maintain the records of the court. The clerk shall receive, account for and pay over all money that may come into the possession of the court according to law or by rule or order of court. The clerk shall be responsible for publishing the opinions of the court as provided in W.S. 5-13-104(f) and as may be provided for by rule.

Section 2. W.S. 4-10-203, 5-1-110(a) by creating a new paragraph (iv), 5-2-120(d)(ii), 9-3-702(a)(v) and (vi) and 9-3-706(a)(intro) are amended to read:

4-10-203. Subject matter jurisdiction.

(a) The district court ~~has and the chancery court, to the extent not inconsistent with W.S. 5-13-115, have~~ exclusive jurisdiction of proceedings in this state brought by a trustee, trust protector, trust advisor or beneficiary concerning the administration of a trust.

(b) The district court ~~has and the chancery court, to the extent not inconsistent with W.S. 5-13-115, have~~ concurrent jurisdiction with other courts of this state in other proceedings involving a trust.

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, chancery 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:

(iv) Chancery court judges shall receive an annual salary equal to the judges of the district courts.

5-2-120. Judicial systems automation account created; purposes; court information technology equipment.

(d) As used in this section:

(ii) "State court facility" includes circuit, chancery and district courtrooms, circuit and district court jury rooms, circuit, chancery and district court judges' chambers and the offices of circuit and chancery court clerks.

9-3-702. Definitions.

(a) As used in this act:

(v) "Employee" means any justice of the supreme court, district judge, ~~appointed chancery court judge~~ or circuit court judge appointed to any of those offices on or after July 1, 1998, and with no prior service as a justice of the supreme court or district judge at the time of the appointment. "Employee" also includes any justice or judge who elects to participate in the judicial retirement program under this act in accordance with W.S. 9-3-713;

(vi) "Employer" means the Wyoming supreme court, ~~both~~ for justices, chancery court judges and circuit court judges, or a district court;

9-3-706. Age of retirement.

(a) An employee is eligible for retirement under this act when he has served as a judge of the supreme court, a district court, a chancery court judge, a circuit court or service in any combination of those positions after July 1, 1998, if:

Section 3. The supreme court shall promulgate rules and regulations necessary to implement this act by January 1, 2020.

Section 4.

(a) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) from the general fund to the supreme court for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for salaries, benefits, necessary travel expenses, chambers, courtroom, office equipment, computer hardware and software, supplies and fees necessary to implement and maintain the office of the chancery court authorized in section 1 of this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose. Any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

(b) Two (2) at-will employee contract positions are authorized to the supreme court for chancery court personnel to implement this act. These positions shall be authorized for the period beginning with the effective date of this act and ending June 30, 2020.

(c) To enable the initiation of the chancery court, three (3) full-time equivalent positions are authorized to the supreme court for information technology and other positions as determined by the court necessary to implement the provisions of this act. These positions are authorized beginning with the effective date of this act and ending June 30, 2020.

(d) From the funds appropriated in subsection (a) of this section, not more than seven hundred thousand dollars (\$700,000.00) shall be expended for salaries and benefits for the positions authorized in this section.

(e) The positions authorized in this section and the funding provided in this section shall be included in the supreme court's standard 2021-2022 biennial budget. The supreme court may include in an exception budget request for the 2021-2022 biennium such funds and positions as it determines necessary to support the chancery court provided by this act.

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 15, 2019.

Chapter 201

SPENDING POLICY AMENDMENTS

Original Senate File No. 131

AN ACT relating to public funds; amending spending policy amounts for state funds as specified; amending amounts available for transfer to ensure certain maximum distributions are available; amending distribution of specified funds; creating an 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. 9-4-219 by creating a new subsection (c), 9-4-220(b)(ii) and 9-4-719(b), (d)(v) through (vii) and (h)(v) through (vii) are amended to read:

9-4-219. Legislative stabilization reserve account created; purposes; legislative deficit control account.

(c) There is created the legislative deficit control account within the legislative stabilization reserve account. Funds within the account shall only be expended by legislative appropriation. All funds within the account shall be invested by the state treasurer as authorized under W.S. 9-4-715(a), (d) and (e) and all investment earnings from the account shall be credited to the general fund. W.S. 9-4-715(q) shall not apply to the investment of this account. For purposes of accounting and investing only, the legislative deficit control account shall be treated as a separate account from the legislative stabilization reserve account.

9-4-220. Strategic investments and projects account created; purposes.

(b) For fiscal year 2021 and in each fiscal year thereafter unencumbered and unobligated funds available for expenditure in the strategic investments and projects account shall be expended for the following purposes and subject to the following:

(ii) After making transfers to the Wyoming state penitentiary capital construction account under W.S. 9-4-220.1, on June 30, 2021 for fiscal year 2021 and June 30 of each fiscal year thereafter sixty-five percent (65%) of the funds in excess of the amount calculated under paragraph (i) of this subsection

shall be credited to the legislative deficit control account within the legislative stabilization reserve account. The remainder may be expended as appropriated by the legislature.

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, 2017, after making any transfer required pursuant to paragraph (i) of this subsection, revenues in this account in excess of 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. For fiscal year ~~2021~~ 2020 and for each fiscal year thereafter:

(i) As soon as practicable after the end of the fiscal year, after making any other transfers provided by law from the permanent Wyoming mineral trust fund reserve account, but prior to calculating the balance of the account under this subsection, the state treasurer shall transfer from the account an amount equal to the difference between the ~~full maximum amount to which may be credited to the school major maintenance subaccount pursuant to W.S. 9-4-220(b)(i) strategic investments and project account pursuant to subsection (q) of this section~~ and the amount actually credited to that ~~subaccount account~~ in the applicable fiscal year.

(d) The annual spending policy for the permanent Wyoming mineral trust fund is as follows for each fiscal year (FY):

(v) ~~FY 2018, 2019 and 2020~~ and each fiscal year through 2022 - 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 2021-2023~~ - 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 2022-2024~~ 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.

(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 2018, 2019 and 2020~~ and each fiscal year through 2024 - 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~~-2025 - 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~~-2026 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.

Section 2. This act is effective July 1, 2019.

Approved March 15, 2019.

Chapter 202

STATE OFFICES-CONTRACT TRANSPARENCY

Original House Bill No. 148

AN ACT relating to government ethics; requiring elected officials and members of the legislature to disclose information on contracts with 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. 9-13-108(a)(intro), by creating a new paragraph (iii) and (c) is amended to read:

9-13-108. Disclosure required.

(a) Not later than January 31 annually, each of the state's five (5) elected officials and each member of the Wyoming legislature shall file a financial disclosure form with the secretary of state. The form shall be signed by the elected official or legislator filing it and under a certification that it is accurate. Except as otherwise provided in this subsection, the financial disclosure form shall contain the following information current as of January 15 of that year:

(iii) A list of all state entities the person, or the person's business enterprise in which the person owns ten percent (10%) or more interest, has a contract with for services and supplies in an amount greater than five thousand dollars (\$5,000.00). The list shall include all contracts subject to this paragraph entered into by the elected official or legislator on and after January 15 of the prior year. For each contract, this list shall include the name and address of the business enterprise, if applicable, and state entity, the type and description of the contract and the effective date and term of the contract. For purposes of this paragraph "state entity" as defined in W.S. 9-13-102(a)(xv) shall include a court or an agency in the judicial branch.

(c) The disclosure form shall be as prescribed by the secretary of state but in substantially the following form:

“State Elected Official Financial Disclosure Form

Name of Official:

Office held:

Business address:

Business phone number:

Home address:

Home phone number:

I. Offices, directorships and employment

a. Offices held in business enterprises (includes partnerships)

Office Name and address of business enterprise

b. Directorships held in business enterprises

 Name and address of business enterprise

c. Salaried employment

Job Title Name and address of business enterprise

II. Sources of income

a. Employment

Name and address of Employer

b. Business interests

Name and address of all business entities but excluding interests if less than ten percent (10%) of the entity is owned, or sole proprietorship from which income is earned, or describe generally

c. Investments

Income earned

Yes No

i. Any security or interest earnings

_____ _____

ii. Real estate, leases, royalties

_____ _____

d. Other (Describe generally)

III. Contracts

a. Name and address of business enterprise, if applicable

b. Name and address of state entity

c. Type, description, date and term of contract”.

Section 2. This act is effective July 1, 2019.

Approved March 15, 2019.

Chapter 203

PARI-MUTUEL COMMISSION-DISTRIBUTIONS

Original House Bill No. 279

AN ACT relating to pari-mutuel wagering; amending fees; providing for distribution of fees as specified; providing for regular transfers from the pari-mutuel account to the legislative stabilization reserve account as specified; providing for one-time transfers from the pari-mutuel account as specified; and providing for an effective date.

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

Section 1. W.S. 11-25-105(b)(ii), (iii), by creating a new paragraph (iv) and (d) is amended to read:

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

(b) Every Wednesday following any pari-mutuel event, the permittee shall:

(ii) Pay an amount equal to ~~one-half percent (1/2%)~~ one-quarter percent (1/4%) of the total amount wagered attributable to historic pari-mutuel events and one and one-half percent (1 1/2%) of the total amount wagered attributable to live pari-mutuel events, shown by the report to the commission, to be credited by the state treasurer to a separate account, in the manner indicated in subsection (d) of this section; ~~and~~

(iii) Pay an amount equal to one percent (1%) of the total amount wagered attributable to historic pari-mutuel events, shown by the report to the commission, to be transferred by the commission to the county and the city or town in which the permittee is located, in equal shares, or to the county alone if the permittee is not located within the boundaries of a city or town; ~~and~~

(iv) Pay an amount equal to one-quarter percent (1/4%) of the total amount wagered attributable to historic pari-mutuel events, shown by the report to the commission, to be credited to the legislative stabilization reserve account.

(d) All sums paid to the commission under this act except contributions from permittees to the breeder award fund, amounts paid under ~~paragraph~~ paragraphs (b)(iii) and (iv) of this section, fines and penalties shall be credited to the pari-mutuel account which shall be used by the commission for the payment of all expenses incurred in enforcing this act. On a quarterly basis, the commission shall transfer amounts within the account in excess of one million five hundred thousand dollars (\$1,500,000.00) to the state treasurer for credit to the legislative stabilization reserve account. All fines and penalties collected under this act shall be paid to the state treasurer and credited as provided in W.S. 8-1-109. The state treasurer shall pay out of the account all warrants drawn by the state auditor, upon vouchers issued and signed by the president, vice-president or executive secretary of the commission. The commission shall keep

an accurate and true account of all funds received and all vouchers issued by the commission. All funds received and all vouchers issued by the commission shall be audited at least biennially by the director of the state department of audit or his designee and a copy of the audit shall be delivered within thirty (30) days after completion to the governor and the commission. The costs of the audit shall be borne by the commission. The members of the commission shall receive per diem and mileage as provided in W.S. 33-1-302(a)(vii), and compensation of fifty dollars (\$50.00) for each day during which they are actually engaged in the discharge of their duties. The total expenses incurred by the commission shall not exceed the total amount in the pari-mutuel account.

Section 2.

(a) On the effective date of this act, there is appropriated two hundred thousand dollars (\$200,000.00) from the Wyoming pari-mutuel account to the animal damage management account created by W.S. 11-6-306. These funds are further appropriated from the animal damage management account for the period beginning with the effective date of this act and ending June 30, 2020 for the purpose of the Wyoming animal damage management program administered by the department of agriculture. This appropriation shall not be included in the department's 2020-2021 standard biennial budget request.

(b) On the effective date of this act and after the transfer under subsection (a) of this section, the state auditor shall transfer:

(i) Two million dollars (\$2,000,000.00) or as much thereof as is available from unexpended and unobligated funds from the Wyoming pari-mutuel account to the state fair endowment account created by W.S. 11-10-118;

(ii) After the transfer under paragraph (i) of this subsection, two million three hundred thousand dollars (\$2,300,000.00) or as much thereof as is available from unexpended and unobligated funds from the Wyoming pari-mutuel account to the legislative stabilization reserve account.

Section 3. This act is effective July 1, 2019.

Approved March 15, 2019.

Chapter 204

MODERNIZING AND BALANCING WYOMING'S SCHOOL FUNDING STREAMS

Original House Bill No. 308

AN ACT relating to school finance; modifying provisions of the state's public school funding system; amending provisions regarding state lands mineral royalties and related bonding provisions; creating an account; amending reimbursement provisions for transportation services within the education resource block grant model; repealing conflicting provisions; requiring rulemaking; providing applicability; and providing for effective dates.

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

Section 1. W.S. 9-4-224 is created to read:

9-4-224. School lands mineral royalties account.

The school lands mineral royalties account is created. Funds within the account shall only be expended upon legislative appropriation. All funds within the account shall be invested by the state treasurer as authorized by law and all investment earnings from the account shall be credited to the school lands mineral royalties account.

Section 2. W.S. 9-4-203(a)(xiii) and 21-13-320(b)(intro), (f), (g)(intro), (ii), (iii)(intro), (v)(A), (B), by creating a new paragraph (vi), (h)(ii) and (m) are amended to read:

9-4-203. Definitions.

(a) As used in this act:

(xiii) "This act" means W.S. 9-4-201 through ~~9-4-220~~ 9-4-224.

21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.

(b) There shall be an amount computed for each school district equal to ~~the assigned percentage of~~ the base price amount for bus purchase and lease payment expenditures made by the district during the previous school year pursuant to subsection (g) of this section, ~~one hundred percent (100%) of the amount actually expended by the district during the previous school year under subsection (c) of this section and for~~ the amount actually expended by the district during the previous school year for:

(f) The department of education shall adopt necessary rules and regulations to implement and enforce state standards established under this section and to administer this section. District expenditures computed under subsection (b) of this section shall not include expenditures for employee contributions to the Wyoming retirement system exceeding five and fifty-seven hundredths percent (5.57%) of any member employee's salary. In addition, the department shall, in accordance with procedures prescribed by department rule and regulation, establish a base price for each school bus type or other student transportation vehicle type for the applicable fiscal period that complies with minimum state standards for vehicle specifications and equipment. The department shall also establish a process including competitive bidding which guarantees the acquisition of school buses and other student transportation vehicles approved for reimbursement and complying with state minimum standards and district fleet size restrictions at the established base price for the applicable fiscal year. ~~In addition and for purposes of reimbursement under subsection (g) of this section, the department shall in consultation with the~~

~~pupil transportation committee, establish a minimum, average and optimal replacement schedule for each school bus type or other student transportation vehicle type~~ Department rules shall establish appropriate restrictions on how and under which conditions a school district may procure a school bus or other student transportation vehicle, either through purchase or lease, to ensure that the procurement method used is the most cost effective. School districts shall notify the department of school bus and other student transportation vehicle needs and requirements for the appropriate fiscal year in the manner and within the times prescribed by department rule and regulation, and shall report expenditures, purchases and lease arrangements for the applicable reporting period, including vehicles replaced by purchases and leases, as required by department rule and regulation. The department shall annually review and conduct audits as necessary of information submitted under this section. As authorized under W.S. 21-13-307(b), the department may correct the information reported by districts under this section as necessary to fairly and accurately reflect the data type, classification and format required to administer this section in accordance with law and department rules and regulations.

(g) In addition to subsection (b) of this section and for ~~buses purchased or leased on or after July 1, 2002,~~ purchases and leases conducted in a manner consistent with department rules, the transportation adjustment for each district under this section shall include an amount computed under this subsection for the purchase or lease of school buses and other vehicles used primarily for the transportation of students to and from school and to and from school activities. Computations of amounts reimbursed under this subsection shall be based upon the base price established by the department under subsection (f) of this section for the student transportation vehicle type. Amounts included within the adjustment under this subsection shall be subject to the following:

(ii) The number of buses and other student transportation vehicles comprising a district's fleet shall comply with fleet size standards established by rule of the department, ~~in accordance with paragraph (c)(ii) of this section, unless otherwise waived by the department for the provision of safe and efficient student transportation services which shall be established to ensure safe and efficient student transportation;~~

(iii) In consultation with the pupil transportation committee, the department shall by rule establish a replacement schedule established by the department under subsection (f) of this section for the bus or other student transportation vehicle being replaced by the authorized purchase or lease shall be assigned the following percentages for purposes of computing the adjustment amount under paragraph (g)(v) of this section: for buses and other student transportation vehicles. The replacement schedule shall establish replacement cycles for mileage and age not less than the applicable national averages for replacement of school buses and other student transportation vehicles;

(v) The adjustment for the purchase or lease of buses and other student transportation vehicles authorized under this subsection shall be equal to:

(A) One-fifth (1/5) of the base price established under subsection (f) of this section for each purchased school bus or other purchased student transportation vehicle for which reimbursement is authorized and which is made by the district during the preceding five (5) years; ~~multiplied by the percentage assigned to the bus or other vehicle being replaced by the purchase as provided under paragraph (g)(iii) of this section. For purposes of this subparagraph, any purchase made during the period beginning April 1, 2002, and ending June 30, 2002, shall not be included;~~

(B) The base price established under subsection (f) of this section for lease payments for each school bus or other student transportation vehicle for which reimbursement is authorized and which is made by the district during the prior school year, ~~multiplied by the percentage assigned to the bus or other vehicle being replaced by the leased vehicle as provided by paragraph (g)(iii) of this section,~~ plus the annual interest charges imposed under the lease arrangement. ~~For purposes of this subparagraph, any lease arrangement entered into during the period commencing April 1, 2002, and ending June 30, 2002, shall not be included.~~

(vi) Amounts included within the adjustment for purchases or leases that are fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. § 16131 et seq., or other similar program, shall be made in accordance with department rule and regulation.

(h) As used in this section:

(ii) "Pupil transportation committee" means an advisory committee comprised of school district business managers, student transportation program managers and employees, district superintendents and other district personnel organized by the state department of education to assist the department in developing and maintaining state standards for vehicle specifications and equipment, vehicle fleet regulations and vehicle replacement schedules, including the establishment of minimum, average and optimal replacement schedules, as required under this section.

(m) No district shall purchase or lease a school bus ~~on or after March 15, 2017 unless it first applies demonstrates to the department and the department determines that an emergency exists necessitating the purchase or lease of the bus, except that, beginning July 1, 2018, a district may~~ the school district has in good faith attempted to purchase or lease a bus that will be fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program, as confirmed by a letter of assurance from the state or federal government. No district shall enter into a new lease for a school bus on or after July 1, 2018.

Section 3. W.S. 9-4-305(b), 21-15-108(a) and (d)(vii) and 21-15-111(a)(i) are amended to read:

9-4-305. Disposition of state land revenue.

(b) Proceeds from the sale of state lands, mineral royalties and any money designated by the Wyoming constitution or Wyoming statutes as collected shall be transmitted to the state treasurer and credited to the proper accounts within the permanent land fund, ~~except as provided~~ As authorized by article 7, section 2 of the Wyoming constitution, thirty-three and one-third percent (33 1/3%) of the mineral royalties received from the lease of any school lands ~~but not to exceed eight million dollars (\$8,000,000.00) during any one (1) year except as provided in this section for fiscal years 2019 and 2020,~~ shall be deposited into the ~~public school capital construction account. For fiscal years 2019 and 2020, up to the amount allowed by article 7, section 2 of the Wyoming constitution shall be deposited into the public school capital construction account under this section~~ school lands mineral royalties account. To the extent constitutionally permissible and notwithstanding any other provision of law, at the end of every fiscal year, the state treasurer shall transfer to the corpus of each account within the permanent land fund, except the common school account, from the income earned on the corresponding account within the permanent land fund, to the extent available, an amount as provided by this subsection. In determining the amount to be withheld, the state treasurer shall calculate the fiscal year beginning balance and ignore any appropriations made from the account within that fiscal year. For the fiscal year 2000, he shall transfer an amount equal to five percent (5%) of the inflation rate for the previous twelve (12) month period as determined by the department of administration and information multiplied by the beginning balance of each permanent land fund account, except the common school account. At the end of each succeeding fiscal year, the state treasurer shall increase the amount to be multiplied by that year's inflation rate by five percent (5%) until such time as the multiplier reaches one hundred percent (100%) of the inflation rate, and then multiply that amount by the beginning balance of each permanent land fund account, except the common school account.

21-15-108. Revenue bonds for grants and loans; refunding revenue bonds.

(a) Before distribution to the ~~public school capital construction account~~ school lands mineral royalties account under W.S. 9-4-305(b), sufficient revenues for the purposes of this section shall be deducted therefrom and credited to a bond repayment account pursuant to the terms of the resolution, indenture or other appropriate proceeding authorizing the issuance of revenue bonds under this section. The revenues deducted shall be used as provided by this section. The balance of the revenues shall be credited to the ~~public school capital construction account~~ school lands mineral royalties account as provided under W.S. 9-4-305(b). After available revenues under W.S.

9-4-305(b) have been used, revenues under W.S. 21-13-301 shall also be credited, as necessary, to the bond repayment account and shall be used as provided by this section.

(d) Any bonds issued under this section shall:

(vii) Be additionally secured by a reserve fund created from revenues deposited within the ~~capital construction account~~ school lands mineral royalties account under W.S. 9-4-305(b) or from the proceeds of the bonds, or both, in an amount determined by the commission but not to exceed an amount equal to ten percent (10%) of the revenue bonds outstanding.

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), 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 4. W.S. 21-13-320(c), (g)(iii)(A) through (C), (iv), (j) and (k) is repealed.

Section 5.

(a) On or before July 1, 2019, the department of education shall promulgate necessary rules to implement W.S. 21-13-320, as amended by this act.

(b) Amendments made to W.S. 21-13-320, as contained in this act, shall apply prospectively. School district purchases and leases of school buses and other student transportation vehicles made or entered into before July 1, 2019 shall be governed by W.S. 21-13-320 as it existed at the time the school district purchased or leased the applicable school bus or other student transportation vehicle.

Section 6.

(a) Except as provided in subsections (b) and (c) of this section, this act is effective July 1, 2019.

(b) Subsection 5(a) 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.

(c) Section 3 of this act is effective July 1, 2020.

Approved March 15, 2019.

Chapter 205**STATE FUNDED CAPITAL CONSTRUCTION**

Original Senate File No. 162

AN ACT relating to state funded capital construction; providing definitions; providing appropriations and increasing prior appropriations for purposes related to state funded capital construction; modifying prior appropriations; making certain appropriations subject to specified terms and conditions; providing matching funds for specified projects; authorizing legislative meeting facilities; providing an appropriation for an advisory task force related to state facilities; requiring studies and reports; and providing for 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) "Approved budget" means as defined in W.S. 9-2-1005(e);

(iii) "FF" means federal funds;

(iv) "PR" means private funding sources;

(v) "RA" means the permanent Wyoming mineral trust fund reserve account;

(vi) "SR" means an agency's account within the special revenue fund;

(vii) "S6" means the school capital construction account within the special revenue fund;

(viii) "T5" means the penitentiary permanent land fund;

(ix) "S10" means the legislative stabilization reserve account;

(x) "S13" means the strategic investments and projects account.

[AMENDMENTS-CAPITAL CONSTRUCTION]

Section 2. 2018 Wyoming Session Laws, Chapter 136, Section 4(a)(i) is amended to read:

[CAPITAL CONSTRUCTION]

Section 4.

(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, unless otherwise provided. 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 projects with state funding administered through the state construction department:

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 027. CAPITAL CONSTRUCTION PROJECTS				
PROGRAM				
SBC Contingency	9,000,000			9,000,000
NWCCD- Health Science Bldg.	385,000			385,000
LCCC- PE Building Reno			7,300,000 PR	7,300,000
NWCC- Performing Arts Ctr. ⁺	495,000		495,000 PR	990,000
	<u>294,500</u>		<u>149,500</u> PR	<u>444,000</u>
NWCC- Student Center ⁺	550,000		550,000 PR	1,100,000
	<u>282,500</u>		<u>137,500</u> PR	<u>420,000</u>
LCCC- Albany Cty Campus			1,300,000 PR	1,300,000
CC- Visual Arts Bldg. ^{1,2}	5,750,000		5,750,000 PR	11,500,000
CC- Ag & Equine Center ^{1,3}	2,000,000		2,000,000 PR	4,000,000
WWCC- Mechanical Repairs ⁴	1,071,200			1,071,200
	<u>3,131,200</u>			<u>3,131,200</u>
LCCC- Fine Arts Bldg. ¹	7,000,000		7,000,000 PR	14,000,000
Mil- Cheyenne Readiness		28,900,000		28,900,000
Mil- Guernsey Readiness		22,300,000		22,300,000
Mil- Guernsey Air Tower		17,000,000		17,000,000
DFS- Maghee Bldg. Remodel ²	2,170,000			2,170,000
	<u>2,230,000</u>			<u>2,230,000</u>
State Parks- Health/Safety			4,300,000 SR	4,300,000
State Parks- Terr. Prison			210,000 SR	210,000
State Parks- Water Fac.			770,000 SR	770,000
DOC- WSP Repairs and Contingency ^{5,6}			8,184,125 T5	8,184,125
State Facilities Const. ⁷			7,500,000 RA	
			7,500,000 S10	15,000,000
State Facilities - Casper ⁸	5,000,000			5,000,000

LCCC- Crossroads			1,200,000	PR	1,200,000
<u>OSLI- Fire Academy Lvl II</u>	<u>300,000</u>				<u>300,000</u>
<u>WDH- Veteran's Home I & II</u>	<u>600,000</u>				<u>600,000</u>
<u>NWCC- Cody Hall</u>			<u>3,000,000</u>	<u>PR</u>	<u>3,000,000</u>
<u>NWCCD- Health Science Bldg.</u>	<u>6,718,104</u>		<u>6,718,105</u>	<u>PR</u>	<u>13,436,209</u>
<u>NWCCD- Culinary Arts</u>	<u>2,181,984</u>		<u>2,181,984</u>	<u>PR</u>	<u>4,363,968</u>
<u>DOC- WSP Roof Replacement</u>	<u>4,219,973</u>				<u>4,219,973</u>
<u>DOC- Honor Farm Admin Bldg.</u>	<u>250,000</u>				<u>250,000</u>
<u>CWC- Ag & Animal Science</u>	<u>3,926,792</u>		<u>3,926,792</u>	<u>PR</u>	<u>7,853,584</u>
<u>WDH-WLRC Abatement</u> ^{10.}	<u>3,500,000</u>				<u>3,500,000</u>
<u>Capitol Contingency & Enhancements</u> ^{11.}			<u>3,000,000</u>	<u>S13</u>	<u>3,000,000</u>
TOTALS	<u>33,421,200</u>	<u>68,200,000</u>	<u>54,059,125</u>		<u>155,680,325</u>
	<u>56,770,053</u>		<u>72,128,006</u>		<u>197,098,059</u>

1. As a condition of this general fund appropriation, the community college to which the funds are appropriated shall expend the entire appropriation of other funds prior to the release of any general funds appropriated for purposes of the authorized capital construction project.

2. Casper College shall complete requirements specified in footnotes 1 and 3 of this section for the Casper College-Agriculture and Equine Center appropriation before release of the general fund appropriation for the Casper College-Visual Arts Building.

3. For the Casper College-Agriculture and Equine Center, any funds expended pursuant to 2014 Wyoming Session Laws, Chapter 26, Section 3, Section 006, footnote 5, up to seven hundred fifty thousand dollars (\$750,000.00), shall be considered expenditures of other funds for purposes of footnote 1 of this section if the Casper College-Agriculture and Equine Center is constructed on the property acquired from that expenditure.

4. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended upon a determination by the governor, in consultation with Western Wyoming Community College and the state construction department, that insufficient appropriations are available to address emergency repair needs related to building system failures at the college.

5. Of this other funds appropriation, three million one hundred eighty-four thousand one hundred twenty-five dollars (\$3,184,125.00)T5, or as much

thereof as is available, is effective immediately and shall be expended on water mitigation projects, maintenance and repairs at the Wyoming state penitentiary recommended pursuant to the penal facility peer review study conducted under 2017 Wyoming Session Laws, Chapter 120, Section 332 and on file with the legislative service office.

6. Of this other funds appropriation, five million dollars (\$5,000,000.00)T5, or as much thereof as is available, shall be expended for operations, major maintenance, capital construction, repairs or inmate relocation in the event hazardous conditions resulting from subsurface movement or other building failure at any correctional facility of the department of corrections warrants an immediate response. Expenditures of the appropriation subject to this footnote shall be made only upon the approval of the governor after consultation with the joint appropriations committee. The department of corrections shall report quarterly to the joint appropriations committee on expenditures made from this appropriation subject to this footnote. Any unexpended, unobligated funds remaining from the appropriation subject to this footnote shall revert as provided by law on June 30, 2020.

7. Funds from this appropriation shall be deposited in the state facilities construction account. This appropriation shall be effective immediately.

8. Funds from this appropriation shall be deposited to the Casper state facilities account created in W.S. 9-4-223.

9. Of this general fund appropriation, sixty thousand dollars (\$60,000.00) shall only be expended for costs of abatement associated with the remodel of the Maghee building in Fremont County.

10. Funds from this appropriation shall be deposited into the state facilities construction account. In addition to amounts appropriated in 2017 Wyoming Session Laws, Chapter 78 and 2018 Wyoming Session Laws, Chapter 136 for the Wyoming state hospital and Wyoming life resource center, up to three million five hundred thousand dollars (\$3,500,000.00) from the state facilities construction account is appropriated for abatement activities at the Wyoming life resource center.

11. Of this other funds appropriation, three million dollars (\$3,000,000.00)S13 shall only be expended for contingencies for the capitol building rehabilitation and restoration project. If any unexpended, unobligated funds remain after addressing all contingencies for the capitol building rehabilitation and restoration project, this other funds appropriation shall only be expended for completing the unfinished legislative spaces in the capitol building and the capitol extension.

[HEALTH FACILITIES TASK FORCE]

Section 3. There is appropriated forty thousand dollars (\$40,000.00) 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 joint legislative and executive task force on department of health facilities as constituted in 2017 Wyoming Session Laws, Chapter 78. 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.

[AMENDMENTS - CASPER STATE OFFICE BUILDING - LEGISLATIVE MEETING FACILITIES]

Section 4. 2018 Wyoming Session Laws, Chapter 136, Section 6(d)(v), by creating a new paragraph (vi) and by creating new subsections (k) and (m) is amended to read:

[CASPER STATE OFFICE BUILDING –
APPROPRIATION AND ADVISORY TASK FORCE]

Section 6.

(d) The task force shall serve in an advisory role and provide recommendations to the executive branch of government for the procurement of professional services and completion of a level II feasibility study, as described in W.S. 9-5-108(a)(ii), level III construction and operation plans, as described in W.S. 9-5-108(a)(iii), and construction of the Casper state office building project. While serving in an advisory role, the task force shall:

(v) Include in each interim report **the status of the [legislative] meeting rooms and facilities authorized by subsection (k) of this section and** any recommendations for legislative action that should be considered during the legislative session immediately following the report as necessary to continue or complete the Casper state office building project;

(vi) Closely monitor and make recommendations to the state construction department and any entity procured for professional services on all aspects of the **[legislative] meeting rooms and facilities authorized by subsection (k) of this section.**

(k) As part of the level III design, construction and operation plans of the Casper state office building project, there shall be located within the building **[legislative] meeting rooms and facilities.** The meeting rooms and facilities shall consist

of two (2) meeting rooms with all necessary components to accommodate meetings of joint interim committees of the legislature and such additional areas and facilities as necessary to support the intended functions of the meeting rooms. The meeting rooms and related facilities shall be located in an area of the building that provides for ease of public access and does not unduly disrupt the intended uses of the other occupants of the building. ~~[The meeting rooms and facilities shall be under the jurisdiction and control of the legislative service office.]~~ Legislative use of the meeting rooms and facilities shall be given first priority, but the rooms and facilities shall be open for use by the executive branch occupants of the building and compatible use by the public. Subject to legislative prioritization, these spaces shall be managed to maximize use for all authorized users and purposes as provided in this subsection. The meeting rooms and facilities shall be designed, constructed, finished, furnished and equipped to provide: [BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 15, 2019.]

(i) Necessary committee dais space for at least fourteen (14) committee members and necessary staff;

(ii) Appropriate accommodations for witnesses and seating for between thirty-five (35) and one hundred (100) members of the public;

(iii) Appropriate information technology and audio-visual infrastructure and equipment necessary to provide speech reinforcement, video monitor presentation capability, audio conferencing capability, audio streaming and raceway for future video camera locations to livestream committee meetings from the room;

(iv) All other appropriate space, areas, facilities, infrastructure, furnishings and equipment necessary to support the intended functions of the meeting rooms.

(m) All necessary expenditures for the meeting rooms and facilities authorized by subsection (k) of this section shall be funded from the appropriation authorized in subsection (j) of this section. If the state construction department and any entity procured for professional services find that additional funds are necessary to complete the meeting rooms and facilities, and the task force recommends the expenditure of additional funds, the task force may include requests for an

additional appropriation in its interim reports.

[CAPITOL COMPLEX]

Section 5.

(a) The state loan and investment board shall consult with the city of Cheyenne to identify the most efficient means to construct a stormwater interceptor to protect the capitol building and Herschler building from surface and subsurface stormwater runoff. Upon agreement between the board and the city on the most efficient means to construct the interceptor and after the city's presentation to the board of plans to undertake necessary construction, the board may grant the city not more than three million dollars (\$3,000,000.00) to construct the stormwater interceptor. The project may provide protection for other facilities or residences in the city but shall be designed primarily to provide protection to the capitol building, Herschler building and other state facilities. Of the unobligated, unencumbered balance in the construction management flex contingency account, most recently appropriated to in 2015 Wyoming Session Laws, Chapter 142, Section 345, there is appropriated three million dollars (\$3,000,000.00) to the state loan and investment board. This appropriation shall only be expended for purposes of this subsection. 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.

~~[(b) The state building commission shall consult with the city of Cheyenne and the state capitol building rehabilitation and restoration oversight group to provide a long range plan for the capitol building and grounds and the immediately surrounding area. The plan shall be designed to contribute to the historic integrity of the capitol building and its grounds and surrounding neighborhoods while also recognizing and accommodating security measures necessary to protect the capitol building as a working capitol building. The plan shall:~~

~~(i) Provide for traffic control on roads and streets by providing limited or restricted motor vehicle access to roads and streets as determined appropriate by application of best security practices;~~

~~(ii) Provide for safety of tourists, students, other visitors and workers crossing roads and streets to the capitol building, Herschler building, supreme court building and other state buildings adjacent to these buildings;~~

~~(iii) Make accommodation for tour and school buses and other vehicles of visitors to the capitol building;~~

~~(c) To the extent the state building commission adopts a master plan for the capitol complex as provided in 2019 Senate File 0149, as enacted into law, the long range plan recommended under this section shall be incorporated into that master plan.]~~

[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 15, 2019.]

(d) The state building commission and the city of Cheyenne may enter into memoranda of understanding to modify, reroute or otherwise limit access to streets within the capitol complex as defined in 2019 Senate File 0149, as enacted into law, to further the purposes of the long range plan specified in this section. The commission shall promptly report all memoranda of understanding entered into under this subsection to the legislature.

(e) For purposes of this section, “streets” means as defined in W.S. 15-6-101(a)(v).

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 15, 2019.

Chapter 206

UW STUDENT HOUSING

Original House Bill No. 293

AN ACT relating to the University of Wyoming; providing for phase 1 and phase 2 of the University of Wyoming student housing project; providing for project parameters and requirements; amending the university supplemental bond program; providing legislative findings; providing a loan to defease existing outstanding University of Wyoming bonds; providing a line of credit for initial costs of construction; creating an account; providing an appropriation to the state loan and investment board for grants to the city of Laramie for a traffic study; providing an appropriation for legislative members of the task force; redirecting federal mineral royalties and requiring a corresponding reduction in the university standard budget request; continuing and providing additional duties to the University of Wyoming task force on housing; modifying membership of the task force; removing a moratorium on construction and construction related activities at the University of Wyoming; and providing for an effective date.

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

Section 1.

(a) The legislature of the state of Wyoming finds that:

(i) As the only university in the state, the University of Wyoming is the cornerstone of higher education in Wyoming, a primary driver of economic development and diversification in Wyoming and critical for the retention of Wyoming youth within the state and the recruitment of talented young people from the region, the nation and the world;

(ii) Critical to the success of the University of Wyoming’s mission is appropriate, functional and attractive student housing;

(iii) The legislature, the citizens of Wyoming and alumni and friends of the University of Wyoming have invested hundreds of millions of dollars in capital

construction and renovations at the University of Wyoming. The benefits of these improvements can only be fully realized if students are provided a student life environment on campus which keeps pace with the academic and athletic facilities at the University of Wyoming;

(iv) Given that the current housing is dilapidated and more than fifty (50) years old, it is the one fundamental element of the university that now poses the greatest threat to the future growth of the university;

(v) Given the charge in Article 7, Section 16 of the Wyoming Constitution that instruction at the University of Wyoming be “as nearly free as possible”, it is in the interest of the state to provide financial support to the University of Wyoming to develop and construct student housing to enhance the core functions of the university.

Section 2. W.S. 9-4-601(d)(iv) and by creating a new paragraph (ix) and 9-4-1003(a) and (b)(intro) are amended to read:

9-4-601. Distribution and use; funds, accounts, cities and towns benefited; exception for bonus payments.

(d) Except as provided in subsection (k) of this section, any revenue received under subsection (a) of this section in excess of two hundred million dollars (\$200,000,000.00) shall be distributed as follows:

(iv) Subject to ~~paragraph paragraphs~~ (vii) and (ix) of this subsection, two-thirds (2/3) to the budget reserve account;

(ix) For the period beginning July 1, 2019 and ending June 30, 2049, from the amounts that would otherwise be distributed to the budget reserve account under paragraph (iv) of this subsection, the first eight million dollars (\$8,000,000.00) shall be distributed to a separate account for the University of Wyoming. These funds are continuously appropriated to the university upon deposit to the account. The University of Wyoming shall reduce its standard budget request for the 2021-2022 biennium by an amount equal to the maximum amount of funds authorized to be deposited under this paragraph. The University of Wyoming shall acknowledge this reduction of its 2021-2022 budget request pursuant to this paragraph in each standard budget request submitted to the governor’s office through June 30, 2048.

9-4-1003. Supplemental coverage program for university revenue bonds.

(a) The state loan and investment board shall administer a university revenue bond supplemental coverage program in accordance with this section and may promulgate rules to implement it. This program applies to bonds issued by the University of Wyoming under W.S. 21-17-402 through 21-17-450, ~~on or before November 1, 2015, only.~~ The program is intended to benefit the university by providing supplemental coverage for payment of bonded indebtedness of the university thereby reducing the interest rate at which the bonds may be issued.

(b) If the university seeks supplemental coverage for its revenue bonds under this program, the university shall apply to the board on forms prescribed by the board following legislative authorization of the university to issue revenue bonds. In no case shall the board approve supplemental coverage for bonds if the sale of the bonds would reduce the ratio of university pledged revenue that is available for debt servicing to the cost of interest and principal payments to a level of less than ~~two and five tenths (2.5)~~ one (1) to one (1). The board shall review the application and determine whether to approve the application based upon:

Section 3.

(a) There is created the University of Wyoming student housing project. The project shall be completed in phases, as follows:

(i) Phase 1 of the project shall be intended to replace existing dormitory rooms on the University of Wyoming Laramie campus. Phase 1 of the student housing project shall:

(A) Provide housing for approximately two thousand (2,000) students. Dormitory buildings shall be constructed to accommodate between three hundred (300) and six hundred (600) students each and shall not exceed six (6) stories of above grade, usable, occupiable space. The dormitory buildings may include classroom space, retail space and all necessary student services recommended by the task force on University of Wyoming housing and approved by the trustees;

(B) The dormitory buildings and supporting dining services and other student life facilities shall be constructed on the University of Wyoming campus within the following bounded areas: beginning at the southeast corner of the Wyoming Union, thence northeast to the southeast corner of Half Acre Gymnasium, thence north to the east side of McWinnie Hall, following the east side of McWinnie Hall to the southeast corner of the parking lot north of McWinnie Hall, thence west along said south edge of the parking lot to the west edge of the parking lot, thence north along the west edge of the parking lot to the south boundary of Lewis Street, thence west to the intersection of Lewis Street and 13th Street, thence north along 13th Street to Bradley Street, thence east along Bradley Street to the west side of 15th Street, thence south to Sorority Row, thence west to the point of beginning; and the block bounded by Grand Avenue, 14th Street, Iverson Avenue and 15th Street. Dining services shall be provided within the new dormitory buildings, a new dining facility, and in a renovated Wyoming Union extending to the east of that building as determined by the trustees. The area east of the Wyoming Union shall be a common space that accentuates the history, climate and outdoor nature of Wyoming;

(C) Support structures for the student housing project and the university, including, but not limited to, parking garages, campus security and

utility stations shall be located north of Lewis Street and south of Flint Street as determined by the trustees. Additional parking garages included in the project may be located on the south side of campus as determined by the trustees. Parking added during the project shall result in a net increase in parking spaces available for use by the university community;

(D) Phase 1 shall include appropriate landscaping and other outdoor amenities to enhance the student living environment, including outdoor recreational activities for students to engage in throughout the entire calendar year;

(E) In addition, all buildings constructed or renovated in phase 1 shall be constructed in accordance with the report of the task force on University of Wyoming housing submitted on November 1, 2018 to the University of Wyoming board of trustees, the management council and the joint appropriations committee. The report is on file with the legislative service office.

(ii) Phase 2 of the project shall include demolition and renovation of specified buildings and sites within the existing student housing complex north of Grand Avenue, east of 15th Street, west of 19th Street and south of King Row (Ivinson Avenue). All existing buildings in this specified area shall be demolished or otherwise no longer used for student housing when dormitories in phase 1 are ready for occupancy if recommended by the task force and approved by the board of trustees. The task force may recommend, and the board of trustees may determine that some existing buildings in this area be retained, renovated and repurposed to be used as classroom space, office space, reduced dining facility services and student housing alternatives to student housing completed in phase 1 of the project.

(b) All student housing constructed during the project shall:

(i) Strive to create, enhance and sustain living and learning communities on the University of Wyoming campus. The student housing should achieve these goals by providing the appropriate percentage of room types, living spaces and communities, with flexibility for fit and varying price points;

(ii) Conform to the board of trustees' historic preservation plan, be recommended by the task force on University of Wyoming student housing, be reviewed by the board of trustees' exterior design committee and be approved by the full board of trustees;

(iii) Include the planning and construction of all necessary components for the new student housing, including:

(A) Construction of appropriate dining facilities to support the new housing and the overall mission of the university;

(B) Demolition or renovation of existing student housing;

(C) Adequate and appropriate parking;

(D) Adequate and appropriate infrastructure;

(E) A traffic plan focusing primarily on pedestrian traffic first and with secondary provisions for emergency vehicle and delivery traffic to accommodate the project.

(iv) Be built in a construction method consistent with an expected useful life span that is appropriate for the mission of the student housing and is similar to the useful life expectancy of the campus buildings in proximity to the new student housing on the university campus.

Section 4. There is created the University of Wyoming student housing account. Funds from the account shall be expended for the University of Wyoming student housing project as provided in this act. The treasurer shall disburse funds from the account upon request of the University of Wyoming board of trustees. Funds in the account appropriated under Section 7(b) of this act may only be expended by the trustees of the university for the payment of principal and interest on any outstanding securities issued by the university as of March 1, 2019 and funds appropriated under Section 7(a) of this act may only be expended by the trustees of the university for other initial costs of construction for phase 1 and phase 2 of the student housing project. Funds in the account shall be invested by the state treasurer's office. Notwithstanding W.S. 9-2-1008 and 9-4-207, any earnings from the account shall be credited to the legislative stabilization reserve account. The University of Wyoming shall repay on a twenty (20) year accrual schedule all funds expended by the university from the account at an annually adjusted interest rate of one-quarter of one percent (.25%) higher than the return received by the state in the immediately preceding fiscal year on the portion of the legislative stabilization reserve account that is not invested in equities. The interest rate shall be capped at a maximum rate of four and one-half percent (4.5%) per annum. ~~**[The aggregate sum of all outstanding loans made from this account shall not exceed fifteen million dollars (\$15,000,000.00), and shall only be expended as provided in this section.]**~~ All interest and principal payments made by the university in repayment of monies expended from the account shall be credited to the legislative stabilization reserve account. The University of Wyoming board of trustees may dedicate any available funds to repay funds expended from this account. Repayment of funds under this section shall commence on July 1 of the year following the year in which the funds were expended. Notwithstanding any other provision of law, all unobligated and unencumbered funds in the account on June 30, 2029 shall revert to the legislative stabilization reserve account. ~~**[BRACKETED LANGUAGE SHOWN IN BOLD AND AS STRICKEN WAS VETOED BY GOVERNOR MARCH 15, 2019.]**~~

Section 5. 2018 Wyoming Session Laws Chapter 136, Section 13(a), (e), (g) and by creating a new subsection (j) is amended to read:

[TASK FORCE ON UNIVERSITY OF WYOMING
HOUSING]

Section 13.

(a) There is created a task force on University of Wyoming housing comprised of the following members, appointed not later than March 31, 2018:

(i) [~~Two (2) members~~ ~~One (1) member~~] of the senate, appointed by the president of the senate; [BRACKETED LANGUAGE REINSERTED AND SHOWN AS STRICKEN AS A RESULT OF THE GOVERNOR'S MARCH 15, 2019 VETO.]

(ii) [~~Two (2) members~~ ~~One (1) member~~] of the house of representatives, appointed by the speaker of the house; [BRACKETED LANGUAGE REINSERTED AND SHOWN AS STRICKEN AS A RESULT OF THE GOVERNOR'S MARCH 15, 2019 VETO.]

~~[(iii) One (1)]~~ employee or elected official of the executive branch appointed by the governor to serve as his designee [~~member of the legislature, appointed by the management council~~]; [BRACKETED LANGUAGE SHOWN AS STRICKEN AS A RESULT OF THE GOVERNOR'S MARCH 15, 2019 VETO.]

~~(iv) One (1) member~~ appointed by the treasurer who shall be informed of state funding options, state investment goals and public purpose investments;

(v) Two (2) members of the board of trustees of the University of Wyoming appointed by the University of Wyoming board of trustees;

~~(vi) One (1) member~~ Two (2) members appointed by the president of the University of Wyoming;

~~(v)~~ [(vii)] One (1) member appointed by the governor with experience in providing large scale private student housing in Laramie; [BRACKETED LANGUAGE REINSERTED AS A RESULT OF THE GOVERNOR'S MARCH 15, 2019 VETO.]

~~(vi)~~ [(viii)] ~~One (1) member~~ appointed by the governor from the University of Wyoming foundation with experience in public and private finance:

~~(vii)~~ One (1) member representing the Laramie Community appointed by the mayor;

~~(viii)] The Laramie city mayor or a member of the Laramie city council chosen by the mayor. [BRACKETED LANGUAGE SHOWN AS STRICKEN AS A RESULT OF THE GOVERNOR'S MARCH 15, 2019 VETO.]~~

NOTE: Pursuant to W.S. 28-8-105(a)(v) and as a result of the Governor's vetoes, this subsection is revised and renumbered to read as follows:

(a) There is created a task force on University of Wyoming housing comprised of the following members, appointed not later than March 31, 2018:

(i) Two (2) members of the senate, appointed by the president of the senate;

(ii) Two (2) members of the house of representatives, appointed by the speaker of the house;

(iii) Repealed by Laws 2019, Ch. 206, § 5.

(iv) Repealed by Laws 2019, Ch. 206, § 5.

(v) Two (2) members of the board of trustees of the University of Wyoming appointed by the University of Wyoming board of trustees;

(vi) Two (2) members appointed by the president of the University of Wyoming;

(vii) One (1) member appointed by the governor;

(viii) Repealed by Laws 2019, Ch. 206, § 5.

(ix) The Laramie city mayor or a member of the Laramie city council chosen by the mayor.

~~(e) The task force shall be staffed by the legislative service office. The University of Wyoming shall serve in an advisory capacity to the task force and shall provide technical and other relevant information as requested.~~

~~(g) Members of the task force who are government employees or public officials shall be considered on official business of their agency or of the legislature when performing duties as members of the task force. There is appropriated sixteen thousand dollars (\$16,000.00) from the general fund to the legislative service office. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2019. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the task force for attendance at meetings 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, 2019:~~

~~(j) After March 1, 2019 the task force shall:~~

~~(i) Serve in an advisory role and provide recommendations to the University of Wyoming board of trustees for the development, planning and construction of phase 1 and phase 2 of the student housing project;~~

~~(ii) While serving in an advisory role, the task force shall:~~

~~(A) Receive and, when necessary, request information from the University of Wyoming facilities construction management department, student affairs office and other relevant and necessary university personnel to stay informed on all aspects of the student housing project;~~

~~(B) Closely monitor the procurement of professional services and progress on the planning and design of the student housing project;~~

~~(C) When necessary or prudent, make recommendations to the University of Wyoming board of trustees and the University of Wyoming administration regarding any aspect of the student housing project;~~

~~(D) Provide interim reports on the activities of the task force to the joint education interim committee not later than October 1 of each year that the task force is in existence;~~

~~(E) Include in each interim report any recommendations for legislative action that should be considered during the legislative session immediately following the report as necessary to continue, complete or modify any aspect of the student housing project.~~

Section 6. 2018 Wyoming Session Laws Chapter 136, Section 13(f) and (h) is repealed.

Section 7.

(a) There is continuously appropriated not more than fifteen million dollars (\$15,000,000.00) at any one (1) time, except as otherwise provided in this section from the legislative stabilization reserve account to the University of Wyoming student housing account created by this act. Funds from this appropriation may only be expended by the trustees of the university for initial costs of construction for phase 1 and phase 2 of the student housing project.

(b) There is appropriated thirty-four million dollars (\$34,000,000.00) from the legislative stabilization reserve account to the University of Wyoming student housing account created by this act. Funds from this appropriation may only be expended by the trustees of the University of Wyoming for the payment of principal and interest on any outstanding securities issued by the university as of March 1, 2019.

(c) There is appropriated three hundred thousand dollars (\$300,000.00) from the general fund to the state loan and investment board to provide grants to the city of Laramie to conduct a traffic study to improve traffic efficiency on 9th Street between Iverson Avenue and Flint Street and 22nd Street between Grand Avenue and Willett Drive. Funds shall be released under this section by the state loan and investment board to the city of Laramie upon submittal of a traffic study proposal.

(d) There is appropriated forty-four thousand (\$44,000.00) from the general fund to the legislative service office for payment of salary, per diem and mileage for the legislative members of the University of Wyoming student housing task force. Notwithstanding any other provision of law, funds in this account shall revert on June 30, 2020.

Section 8.

(a) The University of Wyoming shall reduce its standard budget request for the 2021-2022 biennium by an amount equal to the maximum amount of funds authorized to be deposited to the account for the University of Wyoming under W.S. 9-4-601(d)(ix) during the biennium.

(b) Not later than September 30, 2020, the University of Wyoming shall transfer to the state treasurer for deposit into the general fund an amount equal to the funds deposited to the account for the University of Wyoming under W.S. 9-4-601(d)(ix) for fiscal year 2020.

Section 9. 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 15, 2019.

Original House Joint Resolution No. 2

A JOINT RESOLUTION proposing to amend the Wyoming Constitution to remove the specific limit on the amount of debt a municipality can incur for a sewer project and to allow the legislature to prescribe by law the debt limit for municipal sewer projects; and to provide a ballot statement.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING, two-thirds of all the members of the two houses, voting separately, concurring therein:

Section 1. The following proposal to amend Wyoming Constitution, Article 16, Section 5 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 5. Limitation on municipal, county or school district debt.

No city or town shall in any manner create any indebtedness exceeding four per cent (4%) of the assessed value of the taxable property therein, except that ~~an additional indebtedness of four per cent (4%) of the assessed value of the taxable property therein~~ may be created for sewage disposal systems as the legislature may by law prescribe. Indebtedness created for supplying water to cities or towns is excepted from the limitation herein.

No county shall in any manner create any indebtedness exceeding two per cent (2%) of the taxable property therein.

No school district shall in any manner create any indebtedness exceeding ten per cent (10%) on the assessed value of the taxable property therein for the purpose of acquiring land, erection, enlarging and equipping of school buildings.

All limitations herein shall refer to the last preceding general assessment.

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:

This amendment will remove the constitutionally specified limit on the amount of debt a municipality can create for sewer projects and would allow the legislature to prescribe by law the debt limit for municipal sewer projects.

Approved February 26, 2019.

Original Senate Joint Resolution No. 3

A JOINT RESOLUTION recognizing December 10, 2019 as Wyoming Women's Suffrage Day.

WHEREAS, Wyoming is often referred to as the "Cowboy State," its more apt sobriquet is the "Equality State"; and

WHEREAS, women, like all persons, have always inherently held the right to vote and participate in their government; and

WHEREAS, Wyoming was the first government to explicitly acknowledge and affirm women's inherent right to vote and to hold office; and

WHEREAS, this inherent right, at the founding of the United States, was inhibited; and

WHEREAS, women, at the founding of the United States, were also prevented from holding office; and

WHEREAS, women's suffrage — the basic enfranchisement of women — began to burgeon in the United States in the 1840s and continued to gain momentum over the next decades, despite the oppressive atmosphere in which women were not allowed to divorce their husbands or show their booted ankles without risk of public scandal or worse; and

WHEREAS, during the 1850s, activism to support women's suffrage gathered steam, but lost momentum when the Civil War began; and

WHEREAS, in the fall of 1868, three (3) years after the American Civil War had ended, Union Army General Ulysses S. Grant was elected President, and chose John Campbell to serve as Governor of the Wyoming Territory; and

WHEREAS, Joseph A. Carey, who was thereafter appointed to serve as Attorney General of the Wyoming Territory, issued a formal legal opinion that no one in Wyoming could be denied the right to vote based on race; and

WHEREAS, the first Wyoming Territorial Legislature, comprised entirely of men, required consistent and persistent inveigling to warm to the notion of suffrage; and

WHEREAS, abolitionist and woman suffrage activist, Esther Hobart Morris, was born in Tioga County, New York, on August 8, 1812, and later became a successful milliner and businesswoman; and

WHEREAS, Esther Hobart Morris, widowed in 1843, moved to Peru, Illinois, to settle the property in her late husband's estate and experienced the legal hardships faced by women in Illinois and New York; and

WHEREAS, Esther Hobart Morris married John Morris, a prosperous merchant, and in 1869 moved to the gold rush camp at South Pass City, a small valley situated along the banks of Willow Creek on the southeastern end of the Wind River Mountains in the Wyoming Territory just north of the Oregon Trail; and

WHEREAS, William Bright, a saloonkeeper, also from the once bustling frontier mining town South Pass City, was elected to serve in the Territorial Legislature and was elected as president of the Territorial Council; and

WHEREAS, the Territorial Legislature met in 1869 in Cheyenne and passed

bills and resolutions formally enabling women to vote and hold property and formally assuring equal pay for teachers; and

WHEREAS, William Bright introduced a bill to recognize the right of Wyoming women to vote; and

WHEREAS, no records were kept of the debate between Wyoming territorial lawmakers, although individuals likely asserted a myriad of motivations and intentions in supporting women's suffrage; and

WHEREAS, the Wyoming Territory population at the time consisted of six adult men for every adult woman, some lawmakers perchance hoped suffrage would entice more women to the state; and

WHEREAS, some lawmakers may have believed that women's suffrage was consistent with the goals articulated in post-Civil War Amendment XV to the United States Constitution guaranteeing the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude"; and

WHEREAS, some lawmakers inherently knew that guaranteeing the right of women to vote was, simply, the right thing to do; and

WHEREAS, the Territorial Legislature advanced a suffrage bill stating, "That every woman of the age of twenty-one years, residing in this territory, may, at every election to be holden under the laws thereof, cast her vote. And her rights to the elective franchise and to hold office shall be the same under the election laws of the territory, as those of electors" and that "This act shall take effect and be in force from and after its passage"; and

WHEREAS, when invited to join the Union, demanding that women's suffrage be revoked, the Wyoming Legislature said, "We will remain out of the Union one hundred years rather than come in without the women"; and

WHEREAS, in July 1890, Esther Hobart Morris presented the new Wyoming state flag to Governor Francis E. Warren during the statehood celebration, making Wyoming the 44th state to enter the Union and the first with its women holding the right to vote and serve in elected office; and

WHEREAS, the United States did not endorse women's suffrage until 1920 with the ratification of the 19th Amendment to the U.S. Constitution; and

WHEREAS, despite the passage of the 19th Amendment, women of color continued to face barriers with exercising their right to vote, as American Indian men and women were not recognized as United States citizens permitted to vote until the passage of the Indian Citizenship Act of 1924, and ongoing racial discrimination required the passage and implementation of the Voting Rights Act of 1965; and

WHEREAS, achieving voting rights for all women required firm and continuing resolve to overcome reluctance, and even fervent opposition, toward this

rightful enfranchisement; and

WHEREAS, Wyoming, the first to recognize women's suffrage, blazed a trail of other noteworthy milestones, such as Louisa Swain, of Laramie, casting the first ballot by a woman voter in 1870; and

WHEREAS, in 1870 the first jury to include women was in Wyoming and was sworn in on March 7 in Laramie; and

WHEREAS, Esther Hobart Morris was appointed to serve as justice of the peace in February 1870, making her the first woman to serve as a judge in the United States; and

WHEREAS, Wyoming women become the first women to vote in a presidential election in 1892; and

WHEREAS, in 1894 Wyoming elected Estelle Reel to serve as the state superintendent of public instruction, making her one of the first women in the United States elected to serve in a statewide office; and

WHEREAS, the residents of the town of Jackson in 1920 elected a city council composed entirely of women — dubbed the “petticoat government” by the press — making it the first all-women government in the United States; and

WHEREAS, in 1924 Wyoming elected Nellie Tayloe Ross to serve as governor of the great state of Wyoming, making her the first woman to be sworn in as governor in these United States; and

WHEREAS, all these milestones illuminate and strengthen Wyoming's heritage as the “Equality State”; and

WHEREAS, December 10, 2019 marks the 150th anniversary of the date women's suffrage became law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the Wyoming legislature commemorates 2019 as a year to celebrate the one hundred fiftieth (150th) anniversary of the passage of women's suffrage.

Section 2. That the Wyoming legislature is proud of its heritage as the first state to recognize the right of women to vote and hold office, hereby affirming its legacy as the “Equality State.”

Section 3. That the Secretary of State of Wyoming transmit a copy of this resolution to the National Women's Hall of Fame in support of Esther Hobart Morris' induction into the Women of the Hall.

Section 4. That the Wyoming legislature encourages its citizens and invites its visitors to learn about the women and men who made women's suffrage in Wyoming a reality, thereby blazing a trail for other states, and eventually the federal government, to recognize the inherent right of men and women alike to elect their leaders and hold office.

Approved February 13, 2019.

Original House Joint Resolution No. 1

A JOINT RESOLUTION requesting the swift delisting under the Endangered Species Act of the Greater Yellowstone Ecosystem grizzly bear population; requesting a return of the species management to local control; and requesting full federal funding of species management until delisting occurs.

WHEREAS, the grizzly bear population in the Greater Yellowstone Ecosystem (GYE) has been recovered for more than a decade; and

WHEREAS, it is estimated that seven hundred (700) grizzly bears roam the GYE, up from one hundred thirty-six (136) in 1975; and

WHEREAS, the GYE grizzly bear population recovery and conservation success can be directly attributed to the support and efforts of the state of Wyoming and its citizens; and

WHEREAS, in June 2017, the United States Secretary of the Interior confirmed that the GYE grizzly bear population was recovered and announced that the overall management should be returned to the states and tribes as applicable; and

WHEREAS, the United States Fish and Wildlife Service by rule delisted the GYE grizzly bear under the Endangered Species Act effective July 31, 2017; and

WHEREAS, in September 2018, the United States District Court for the District of Montana vacated the June 2017 Final Rule of the United States Fish and Wildlife Service delisting the GYE grizzly bear population; and

WHEREAS, the listing of the recovered population of GYE grizzly bears causes great burden and expense to the state of Wyoming; and

WHEREAS, the state of Wyoming and Wyoming sportsmen combined have, on average, contributed more than two million dollars (\$2,000,000.00) annually since 2009 to monitor, research and manage grizzly bears; and

WHEREAS, the state of Wyoming, on average, spent more than one million dollars (\$1,000,000.00) annually from 1990 to 2009 to monitor, research and manage grizzly bears; and

WHEREAS, the state of Wyoming has spent more than forty-five million dollars (\$45,000,000.00) from 1990 until 2018 on the management of grizzly bears; and

WHEREAS, the state of Wyoming has received approximately one million dollars (\$1,000,000.00) in federal funding related to grizzly bear management since 2009; and

WHEREAS, the state of Wyoming has spent approximately nineteen million six hundred thousand dollars (\$19,600,000.00) on grizzly bear management since 2009; and

WHEREAS, in 2016 Wyoming citizens lost approximately one hundred thirty-six (136) calves, yearlings and cows to grizzly bears. Additionally, twenty-four (24) lambs, five (5) ewes, forty-six (46) chickens, thirteen (13) turkeys, three (3) pigs, three (3) ducks and one (1) dog were killed by grizzly bears; and

WHEREAS, in 2016 the state of Wyoming paid approximately four hundred fifty-five thousand dollars (\$455,000.00) for damage related to grizzly bears; and

WHEREAS, in 2017 Wyoming citizens lost approximately one hundred fifteen (115) calves, yearlings, cows and a bull to grizzly bears. Additionally, fifteen (15) lambs, eight (8) ewes, two (2) goats, and seventy-eight (78) chickens were killed by grizzly bears; and

WHEREAS, in 2017 the state of Wyoming paid approximately two hundred seventy thousand dollars (\$270,000.00) for damage related to grizzly bears; and

WHEREAS, in 2018 Wyoming citizens lost approximately one hundred fifty (150) calves, yearlings and cows to grizzly bears. Additionally, sixty-four (64) lambs, ten (10) ewes, seven (7) chickens, two (2) turkeys, and two (2) ducks were killed or injured by grizzly bears; and

WHEREAS, in 2018 the state of Wyoming paid approximately three hundred eighty thousand dollars (\$380,000.00) for damage related to grizzly bears; and

WHEREAS, in 2018 three (3) people were injured in grizzly bear attacks; and

WHEREAS, in 2018, a hunting guide was killed by a grizzly bear at the site of an elk harvest; and

WHEREAS, in 2018 Wyoming sportsmen indicated an overall increase in interactions with grizzly bears; and

WHEREAS, since 2009, thirty-one (31) people have been injured by grizzly bears; and

WHEREAS, since 2009 three (3) people have been killed by grizzly bears in the state of Wyoming; and

WHEREAS, since 2009 sixty-eight (68) grizzly bears have been removed due to livestock related conflicts; and

WHEREAS, since 2009, eighty (80) grizzly bears have been removed for reasons such as human safety or property damage; and

WHEREAS, in 2017 the Wyoming game and fish department captured thirty (30) grizzly bears to prevent or resolve conflicts. Of these, in twelve (12) instances, grizzly bears were killing livestock, six (6) were damaging fruit trees, eating pet food or livestock food, and eleven (11) were frequenting developed sites or livestock production areas; and

WHEREAS, after the 2017 delisting of the GYE grizzly bear the state of Wyoming received more than seven thousand (7,000) applications for a grizzly bear hunting license; and

WHEREAS, the state of Wyoming granted only twelve (12) licenses from the seven thousand (7,000) applicants; and

WHEREAS, the ruling of the United States District Court for the District of Montana forced the state of Wyoming to cancel the carefully planned and much anticipated grizzly bear hunt that would have positively contributed to the state's management of the GYE grizzly bear population; and

WHEREAS, the state of Wyoming bears the cost of grizzly bear management but again lacks any authority to make decisions related to management, conflict resolution or citizen safety related to grizzly bears.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the Wyoming legislature respectfully requests congressional action to swiftly delist the GYE grizzly bear population to return the management of this recovered species to state and tribal control as provided by the Endangered Species Act.

Section 2. That pending the delisting of the GYE grizzly bear population, the Wyoming legislature requests that the federal government fully fund the cost of management of the species.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the United States Secretary of the Interior, the United States Fish and Wildlife Service and to the Wyoming Congressional Delegation.

Approved February 19, 2019.

Original Senate Joint Resolution No. 9

A JOINT RESOLUTION designating United States Highway 20 as the Medal of Honor Highway.

WHEREAS, the Medal of Honor is our nation's highest award for valor presented to veterans of the Armed Forces of the United States for acting with conspicuous gallantry and intrepidity above and beyond the call of duty at the

risk of one's life during combat with an enemy of the United States; and

WHEREAS, the Medal of Honor is widely respected by the military and public alike; and

WHEREAS, Wyoming has been home to seventeen (17) Medal of Honor recipients from the United States Army, United States Navy and United States Marine Corps who served in five (5) wars from the Civil War to the Vietnam War, over a period of one hundred seven (107) years; and

WHEREAS, the following Medal of Honor recipients are connected with Wyoming: William Doolen, Civil War; Thomas Harding, Civil War; Allen Thompson, Civil War; Francis Warren, Civil War; Charles Bessey, Indian War Campaigns; William Bryan, Indian War Campaigns; Thomas Forsyth, Indian War Campaigns; William Lewis, Indian War Campaigns; John McLennon, Indian War Campaigns; John Merrill, Indian War Campaigns; Patrick Rogan, Indian War Campaigns; Edward Baker Jr., Spanish American War; Charles Roberts, Spanish American War; Vernon Baker, WWII; Charles Carey Jr., WWII; Donald Ruhl, WWII and William Adams, Vietnam War; and

WHEREAS, Wyoming's seventeen (17) Medal of Honor recipients resided in, entered service from, or were laid to rest in seven (7) Wyoming cities including Casper, Cheyenne, Greybull, Laramie, Powder River and Rock Springs; and

WHEREAS, during 2017 the nonprofit Bend Heroes Foundation and the Oregon Legislature created a law designating all four hundred fifty-one (451) miles of the border to border U.S. Highway 20 in Oregon as the Oregon Medal of Honor Highway, a first in our nation to honor all of a state's Medal of Honor recipients; and

WHEREAS, the Oregon Medal of Honor Highway with twelve (12) signs already installed is located on U.S. Highway 20, the longest highway in our nation between the Pacific and Atlantic Oceans and which crosses twelve (12) states including Wyoming; and

WHEREAS, the Oregon law suggested a first ever national Medal of Honor Highway would be created if all twelve (12) states through which U.S. Highway 20 traverses designate border to border Medal of Honor Highways in their states; and

WHEREAS, Wyoming has not dedicated a border to border highway to honor all of Wyoming's Medal of Honor recipients or other veterans; and

WHEREAS, a five hundred thirty-two (532) mile border to border Wyoming Medal of Honor Highway on U.S. Highway 20 would honor Wyoming's current and future Medal of Honor recipients and also facilitate a National Medal of Honor Highway across America honoring nearly sixty percent (60%) of all three thousand five hundred five (3,505) recipients of the Medal of Honor since it was created by the U.S. Congress and President Abraham Lincoln one hundred fifty-six (156) years ago; and

WHEREAS, Wyoming deeply appreciates the service and sacrifice of its Medal of Honor recipients and the positive roles they have played in their communities for more than one hundred (100) years; and

WHEREAS, Wyoming's veterans have offered to pay the cost to create and install the "Wyoming Medal of Honor Highway" signs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. The entire portion of U.S. Highway 20 beginning at the Montana/Wyoming border and ending at the Wyoming/Nebraska border shall also be known as the Wyoming Medal of Honor Highway, honoring current and future Medal of Honor recipients.

Section 2. The Wyoming Department of Transportation shall place and maintain suitable markers, including display of the three (3) versions of Medal of Honor medal along U.S. Highway 20 that designate the highway as the Wyoming Medal of Honor Highway.

Section 3. The Wyoming Department of Transportation may accept monies from and may enter into agreements with veterans and other groups to create, install and maintain the signs.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the Wyoming Department of Transportation, the Wyoming Veterans' Commission, the Federal Highway Administration and the Purple Heart Foundation.

Approved February 26, 2019.

Original Senate Joint Resolution No. 10

A JOINT RESOLUTION requesting Congress to take action relating to management of federal lands to promote multiple uses of public lands and state involvement in federal resource management.

WHEREAS, state and federal lands comprise a significant portion of the state of Wyoming; and

WHEREAS, the administration and management of federal lands within the state of Wyoming affects the lives and livelihoods of most residents of the state; and

WHEREAS, Wyoming's abundant natural resources are vital in supporting the state and local economy; and

WHEREAS, responsible grazing, mining, oil and gas development and recreation on public lands help sustain the state and local economy; and

WHEREAS, forests in Wyoming have suffered from decay and insect and

invasive species infestations, leaving those lands prone to forest fires that have had devastating effects on forest land, natural resources, surrounding ecosystems, air quality and water quality in Wyoming; and

WHEREAS, increasing industry use of forests in Wyoming would maintain and improve forest health and reduce the risk of widespread forest fires; and

WHEREAS, multiple-use management is designed to produce and provide the watersheds, food, fiber and minerals necessary to meet future economic growth needs, community expansion and meet the outdoor recreational needs without permanent impairment of the productivity of the land; and

WHEREAS, the citizens of the state are best served by the application of multiple-use principles when local, state and federal agencies make decisions concerning the management and use of federal and state lands.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1.

(a) That the United States Congress pass legislation that promotes maximum recognition of state and local interest in the federal land use management process and that supports multiple use of federal lands, taking into account the long-term needs for renewable and nonrenewable resources and the need for coordinated management when developing resources without permanently impairing the productivity of the land or the quality of the environment.

(b) That federal agencies involved in the management of federal lands should cooperate fully with state and local governments to develop, implement and update management plans to facilitate land and natural resource use allocation supporting multiple use of federal lands, taking into account the long-term needs for renewable and nonrenewable resources and the need for coordinated management when developing resources without permanently impairing the productivity of the land or the quality of the environment.

(c) That state agencies, under the direction of the governor, should vigorously and substantively participate in the development, implementation and update of plans, policies, programs and processes that support maximum recognition of state and local interest in the federal land use management process and that support multiple use of federal land in Wyoming.

(d) That state agencies, under the direction of the governor, should take into consideration and provide appropriate comments to federal agencies regarding plans, policies, programs and processes that support maximum recognition of state and local interest in the federal land use management process and that support multiple use of federal land in Wyoming.

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, the Secretary of the Interior of the United States, the Secretary of Agriculture of the United States, the Wyoming Congressional Delegation and the Governor of the State of Wyoming.

Approved February 26, 2019.

Original Senate Joint Resolution No. 6

A JOINT RESOLUTION creating awareness of Tardive Dyskinesia and designating the first full week of May as Tardive Dyskinesia Awareness Week.

WHEREAS, many people with serious, chronic mental illnesses including schizophrenia and other schizoaffective disorders, bipolar disorder or severe depression require treatment with medications that work as dopamine receptor blocking agents (DRBAs), including antipsychotics; and

WHEREAS, while ongoing treatment with these medications can be helpful and lifesaving for many people it can also lead to Tardive Dyskinesia (TD); and

WHEREAS, many people who have gastrointestinal disorders including gastroparesis, nausea and vomiting also require treatment with DRBAs; and

WHEREAS, treatment of gastrointestinal disorders with DRBAs can be helpful but can also lead to TD; and

WHEREAS, TD is a movement disorder that is characterized by random, involuntary and uncontrolled movements of different muscles in the face, trunk and extremities; and

WHEREAS, in some cases, people with TD may experience involuntary and uncontrolled movement of the arms, legs, fingers, toes, tongue, lips, jaw, swaying movements of the trunk or hips or impacts to the muscles associated with walking, speech, eating and breathing; and

WHEREAS, TD can develop months, years or decades after a person starts taking DRBAs and even after they have discontinued use of those medications; and

WHEREAS, not everyone who takes a DRBA develops TD but if it develops it is often permanent; and

WHEREAS, common risk factors for TD include advanced age, alcoholism, substance abuse disorders, postmenopausal women and people with a mood disorder; and

WHEREAS, a person is at higher risk for TD the longer the person is on DRBAs; and

WHEREAS, studies suggest that the overall risk of developing TD following prolonged exposure to DRBAs is nearly thirty percent (30%); and

WHEREAS, it is estimated that over five hundred thousand (500,000) individuals in the United States suffer from TD; and

WHEREAS, years of challenging research have resulted in scientific breakthroughs in the last year, with two (2) new treatments for TD approved by the United States Food and Drug Administration; and

WHEREAS, TD is often unrecognized and patients suffering from the illness are commonly misdiagnosed. Regular screening for TD in patients taking DRBA medications is recommended by the American Psychiatric Association (APA); and

WHEREAS, a patient taking a DRBA should see his or her healthcare provider for regular evaluations to ensure that any signs of TD are recognized. Healthcare providers should use a rating scale recommended by the APA; and

WHEREAS, patients suffering from TD often suffer embarrassment due to abnormal and involuntary movements, which leads them to withdraw from society and increasingly isolate themselves as the disease progresses; and

WHEREAS, the caregivers of patients with TD face many challenges and are often responsible for the overall care of the TD patient.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. The Wyoming Legislature proclaims the first full week of May as Tardive Dyskinesia Awareness Week to raise awareness of this potentially debilitating disease, and to encourage individuals not afflicted with TD to consider the effects of TD on individuals and society and to encourage Wyomingites to contribute to charities supporting TD research and awareness.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the National Organization for Rare Diseases, the National Alliance on Mental Illness, the American Academy of Neurology, the American Psychiatric Association, the American Medical Association, the Wyoming Medical Society and the Wyoming Congressional Delegation.

Approved February 27, 2019.

Original House Joint Resolution No. 10

A JOINT RESOLUTION to designate cities and communities in the state of Wyoming as Medal of Honor cities or communities to honor the Medal of Honor recipients connected with the cities or communities.

WHEREAS, the Medal of Honor is our nation's highest award for valor

presented to veterans of the Armed Forces of the United States for acting with conspicuous gallantry and intrepidity above and beyond the call of duty at the risk of one's life during combat with an enemy of the United States; and

WHEREAS, the Medal of Honor medal is widely respected by the military and public alike; and

WHEREAS, Wyoming has been home to seventeen (17) Medal of Honor recipients from the United States Army, United States Navy and United States Marine Corps who served in five (5) wars, from the Civil War to the Vietnam War, over a period of one hundred seven (107) years; and

WHEREAS, seventeen (17) recipients who earned Medals of Honor, were born in, or laid to rest in six (6) cities and three (3) unincorporated areas in the state of Wyoming; and

WHEREAS, Wyoming's Medal of Honor recipients are not presently honored by Medal of Honor markers in their cities or other communities with which they were associated; and

WHEREAS, "Medal of Honor City or Community" markers in public places across Wyoming will preserve the legacy of service and sacrifices of Wyoming's recipients; and

WHEREAS, Wyoming deeply appreciates the service and sacrifice of its Medal of Honor recipients and the positive roles they have played in their communities for more than one hundred (100) years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. The Wyoming legislature hereby designates Casper, Greybull, Cheyenne, Laramie, Powder River, Rock Springs and three (3) unincorporated areas, Platte River, Elkhorn Creek and Bluff Station as "Medal of Honor" cities and communities and encourages the creation of Medal of Honor markers in public places in the designated cities and communities.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the governing body of each Medal of Honor city or community, the Governor of the State of Wyoming, the Wyoming Veteran's Commission, the Wyoming Association of Municipalities, the Wyoming County Commissioners Association and state organizations of the American Legion and Veterans of Foreign Wars.

Approved February 28, 2019.

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